

11 November 2022

Submission on Te Tai o Poutini Proposed Plan

To: Te Tai o Poutini Plan Submissions
By email: info@tppp.nz

From: Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)

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Forest & Bird could not gain an advantage in trade competition through this submission. Forest & Bird wishes to be heard in support of this submission. If others make a similar submission, Forest & Bird will consider presenting a joint case with them at the hearing.

Forest & Bird's submission relates to the whole Plan, as it deals with the following subjects:

- How the Plan Works
- Interpretation
- National Direction Instruments
- Strategic Direction
- Energy, Infrastructure and Transport
- Hazards and Risks
- Historical and Cultural Values
- Natural Environment Values
- Subdivision
- General District-Wide Matters
- Area-Specific Matters
- Schedules
- Appendices
- Maps

Forest & Bird's submission also deals with matters that relate to multiple sections across the Plan. Forest & Bird seeks that decisions address the matters raised in this submission as set out under Key Issues, and also with respect to specific sections and provisions of the Plan as set out in the table

below. Forest & Bird seeks any alternative and consequential amendments to the Plan to address these submissions.

INTRODUCTION

The Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird) is Aotearoa New Zealand's largest environmental non-government organisation. The Society, established in 1923 is almost one hundred years old. Our purpose is to take all reasonable steps within the power of the Society for the preservation and protection of the indigenous flora and fauna and the natural features of New Zealand in a climate crisis. Throughout New Zealand, Forest & Bird has approximately 80,000 supporters and over fifty regional branches who engage in many nature conservation activities including pest Plant and animal control, native habitat restoration, native fauna surveys and community advocacy for conservation.

Our West Coast Branch is active in advocacy for nature protection, and pest plant and animal control throughout the West Coast Region. Forest & Bird owns the Dick Jackson Memorial Reserve, which is home to Westland Black Petrels, Tāiko. The Dick Jackson Memorial Reserve is surrounded by Public Conservation Land (PCL), including Paparoa National Park; and adjacent to the Department of Conservation (DOC) managed Westland Black Petrel Reserve, and the Dick Jackson reserve is managed in the same way to protect the Tāiko colony and its habitat; and considering the international significance of the Paparoa Tāiko colony, we are pleased that the significant natural area (SNA) overlay has been retained for this site. However, we are unclear why it is zoned as general rural while the majority of the surrounding land that has similar values, is Natural Open Space Zone. The Dick Jackson Memorial Reserve is highly significant and should be Natural Open Space Zone.

Forest & Bird has for many years expressed a strong interest in the West Coast, particularly regarding the coastal environment (CE), the impacts of open cast mining, the preservation of old growth native forests, including in national parks and on other public conservation land, and the protection of freshwater and wetlands. Forest & Bird wishes to emphasize the importance of the indigenous ecosystems on the West Coast not only from a local and national perspective but also an international perspective, with its extensive PCL, including many national parks and reserves, and with a large tract of South Westland in particular, held as UNESCO Te Wahi Pounamu World Heritage Area.

To advance the Society's purpose, Forest & Bird regularly participates in resource management processes. Most recently on the West Coast, this included advocating for greater protection of indigenous species through direction in the West Coast Regional Policy Statement (WCRPS). Forest & Bird considers that identification of significant natural areas (SNAs) in the proposed Te Tai o Poutini One Plan (the Plan) is not only necessary for implementing the Council's functions, and to give effect to the WCRPS, it is appropriate for recognizing the values of these areas to all New Zealanders as a matter of national importance, and the shared responsibilities to protect these areas for current and future generations.

Forest & Bird is pleased to hear that the Councils have commissioned assessments and reports on the extent of potential SNAs, and the loss of indigenous vegetation and habitat for native species that has occurred under the current plans.¹ This provides useful context and a basis for changes to halt the decline of indigenous biodiversity and habitat and to provide for stronger protection of these special areas. However, in Forest & Bird's view the Plan, as currently written, has not done that.

Forest & Bird is concerned that as drafted, provisions in the Plan will result in the continued decline and loss of indigenous biodiversity on the West Coast. These provisions are inconsistent with the New Zealand Coastal Policy Statement (NZCPS) direction to protect the unique and special qualities of the coastal environment and the WCRPS direction to identify and protect SNAs. Further, the provisions in the Plan are not consistent with the exposure draft National Policy Statement for Indigenous Biodiversity (NPS-IB) and do not implement the district councils' functions to maintain indigenous biodiversity. As the Plan is written, West Coasters will have little opportunity to have a say on activities which will have lasting implications for their districts, in particular on the protection of at-risk and threatened native species and habitat. The Plan continues to facilitate the loss of natural heritage, with a focus on enabling damaging extractive industry through for example, the Buller Coalfield Zone (BCZ) and mineral extraction zones (MINZ).

Forest & Bird also submitted on the DOC's West Coast stewardship land review process, which is intended to result in stronger protections for PCL with high indigenous biodiversity and cultural values, and for public conservation land that plays an important role in climate mitigation. Given the extent of PCL on the West Coast and Forest & Bird's recommendations to that process, our submission on this Plan attempts to align with those on the stewardship land review process. This is particularly regarding the opportunities for integrated management and stronger protection of PCL with high biodiversity values and for nature-based solutions to climate change, including opportunities for ecological restoration and reinstating natural flood plains, as well as ending mining on PCL.

Forest & Bird welcomes the opportunity to provide submissions on the Plan. This submission includes submission points under the 'Key issues' headings in the following pages, and in the table that follows. It should be noted some discussions include comments on matters which are also relevant to other parts/topics of the Plan.

For clarity, when reading this submission, Forest & Bird's use of the terms Significant Natural Area(s) or SNA are intended to apply to any area meeting the significance criteria in Appendix 1 of the WCRPS and not just those listed in Schedule Four of the proposed Plan, unless context requires or stated otherwise.

Key Issues

1. The Plan is long, complex, and confusing

- 1.1. The Tai o Poutini combined district plan (the Plan) is required under the Local Government Reorganisation Scheme (West Coast) Order 2019. This Order in Council

¹ Summary of Indigenous Vegetation Losses During Operative Phases of West Coast District Plans – Effectiveness of Plan Provisions at Protecting Native Vegetation and Fauna Habitat. Lois Easton (February 2020)

followed a review of Local Government services on the West Coast, that had the support of the local community, seeking a “*more collaborative and efficient administration body... one team of highly skilled and efficient management... and a simplified and unified council administration system that could be put in place to reduce costs, sustain rates*”.

- 1.2. Forest & Bird acknowledges the challenging circumstances under which the Plan has been produced, in reconciling existing land uses, climate change impacts, and better protection of the West Coast’s extensive and unique indigenous biodiversity and its outstanding natural landscapes. However, we are concerned that the Plan as proposed, falls short of the simplified and unified administration system anticipated by the intent of the West Coast Reorganisation Scheme. The Plan is long, complex, and confusing, not unified, difficult to use, so much so that only with significant amendments will it meet the Reorganisation Scheme expectations.
- 1.3. Decision sought:
 - a. Amend the Plan to simplify, unify and comply with the expectation of the Local Government Reorganisation Scheme (West Coast) Order 2019.

2. Lacks alignment with regional and national policy direction

- 2.1. Forest & Bird is concerned that the Plan does not give effect to regional and national direction, including NZCPS Policy 1 which sets out the extent of the coastal environment (CE), and Policy 11 which sets out requirements to avoid adverse effects and/or significant adverse effects on various aspects of biodiversity in the coastal environment. In Forest & Bird’s view the CE has not been adequately mapped, this is discussed in further detail below.
- 2.2. The Plan also fails to give effect to the WCRPS requirement to identify and map SNAs in district Plans and protect them. This is also discussed below. The NPS-IB also requires the identification and protection of SNAs. Acknowledging that it is yet to be gazetted and needs only to be considered, Forest & Bird considers it would be prudent for the Plan to follow its direction. Furthermore, some of the Plan definitions lack clarity, including for significant natural areas. Decisions sought on definitions is proposed in the table below.

3. Climate Change

- 3.1. The impact of climate change is a significant global issue facing all communities.
- 3.2. In response, New Zealand passed the Climate Change Response (Zero Carbon) Amendment Act in 2019. As required under this Act, the New Zealand Government is preparing an Emissions Reduction Plan and a National Adaptation Plan. Under the Resource Management Act 1991 (RMA), local government is required to consider the effects of climate change on communities as a matter of importance, through s6(h) the management of significant risks from natural hazards; and from 1 December 2022,

councils when making and amending regional policies, and regional and district plans, must have regard to emissions reduction plans and national adaptation plans.²

- 3.3. Acknowledging that the Plan contains a Hazards and Risks chapter which mainly deals with the impact of climate change on communities and infrastructure, there appears to be an anomaly throughout the Plan regarding emissions reduction and adaptation, considering the permissive approach to extractive industries, particularly coal mining. The Plan appears to lack strategic direction for climate mitigation or adaptation.
- 3.4. Forest & Bird is unclear how the Plan has regard to the emissions reduction plan or the national adaptation plan. While the Natural Hazards and Risks chapter is rightfully focussed on protecting people and infrastructure, we are concerned that does not explicitly consider at-risk and threatened native species, or biodiversity more broadly, that may be displaced by climate change related extreme weather events or sea level rise.

Decision sought:

- a. Amend the Plan to include a strategic objective for climate mitigation and adaptation.
- b. Amend the Plan to have regard to emissions reduction plan and national adaptation plan.
- c. Amend the Plan so areas that contain threatened and at-risk native species and indigenous biodiversity more broadly are considered in the Natural Hazards and Risks chapter and provision is made for their range expansion in response to climate related displacement.

4. Identification and protection of SNAs

- 4.1. The WCRPS requires the Plan to identify SNAs wherever they exist in a regionally consistent manner, and according to the WCRPS significance criteria, and then to protect them. The proposed policies and rule framework do not provide enough certainty to achieve this. For example, in the Grey District, there is a reliance on Schedule Four suggesting it contains a complete list of SNA. However, Forest & Bird understands that the Grey District Schedule Four SNAs have not been assessed according the current WCRPS criteria and that Schedule Four is incomplete. Schedule Four is therefore inadequate, both in terms of not identifying in a regionally consistent manner and in terms of coverage. In the Buller and Westland Districts, ECO-P1(2)(iii) states that a district wide assessment will be undertaken and completed by June 2027 and at (iv) that identified areas will be added to Schedule Four through a Plan Change. In the meantime, identification, and mapping of SNAs is proposed to be undertaken through a resource consent process.
- 4.2. In Forest & Bird's view, there will be few if any, opportunities to make additions to Schedule Four Significant Natural Areas through a consent process because the thresholds for permitted indigenous vegetation clearance are too large, and subsequently

² Ministry for the Environment. Overview of changes introduced by the Resource Management Amendment Act 2020

potential SNAs not already in Schedule Four, could incrementally disappear. Relying on consenting to identify and protect SNAs is inadequate given the permitted activity rules which would result in the loss of such biodiversity. While the consent process may provide the opportunity to identify SNAs, there is no clear requirement for this in the rules. The addition of those areas to Schedule Four will rely on future plan changes and it is uncertain when or if these changes will occur.

- 4.3. Furthermore, the provisions are severely deficient on the protection of SNAs that have not yet been identified in the schedule and maps of the Plan. It is not clear that the ECO provisions, and provisions elsewhere in the Plan, are intended to protect SNAs that are not on Schedule Four. The rules make no mention of the need to identify those areas during the consenting process, nor the need to manage effects on these areas. The strong impression the rules give is that while scheduled areas are worthy of protection, there is no need to look further than those areas. Large areas of vegetation clearance are simply permitted outside Schedule Four. Clearance above the permitted thresholds become RDA under ECO R5, whereas clearance in a Schedule Four area becomes discretionary under ECO R7. This creates the impression that scheduled SNA values are more deserving of protection than SNAs that have not yet been identified. The Plan needs to be very clear that the policy direction to protect SNAs is the same, no matter whether the area is already in a schedule or not.
- 4.4. Forest & Bird understands that a Wildlands Report³ was commissioned by the West Coast Regional Council in 2021, to identify SNAs on the West Coast outside of PCL, significant wetlands already identified, and some Poutini Ngai Tahu land. This report also excluded standalone trees. The Wildlands Report was a desk top survey and included maps that demonstrate the extent of potential SNAs on land outside of these excluded areas. The report shows that there are many potential SNAs, outside of those already listed in Schedule Four. It therefore shows the extent of potential SNAs on the West Coast that are subject to clearance under the permitted indigenous vegetation clearance rules. Forest & Bird recommends that this report should be used as the basis for an immediate regionwide SNA survey.
- 4.5. The Plan also includes a confusing mix of definitions and terminology relevant to significant natural areas, both in the Interpretation section and in the ECO chapter (and other chapters). 'Significant Natural Area' should be defined as it is in the WCRPS, and that defined term should be used throughout the Plan. Where there is a need to refer to those SNAs identified in Schedule Four, this can simply be done by referred to 'SNAs identified in Schedule Four'. The Plan needs to be extremely clear that only a small portion of potential SNAs have been identified, and that protection is to be provided to all, not solely based on current identification in a schedule.
- 4.6. The policies of the ECO chapter broadly cover the same issues as those dealt with comprehensively in the WCRPS, in particular Chapter Seven (and the coastal chapter) of

³ Significant Natural Areas of the West Coast Region 2021: Land outside of the majority of the Department of Conservation Estate – Stage 1: Volume 1. Wildlands Report prepared for the West Coast Regional Council. May 2021.

the WCRPS. Those WCRPS policies should be replicated in this Plan, rather than reinventing policy direction that creates inconsistencies and confusion with giving effect to that policy direction of the WCRPS for the region.

- 4.7. In the submission table below, we have set out detailed amendments that would limit the purpose for, and extent of, clearance of indigenous vegetation at the permitted activity level, to that which would be appropriate for significant natural areas – both those that are not yet identified as well as for those that are. We have sought this because of the need to ensure the rules protect yet to be identified SNAs, which they currently do not. Where consent is required, all indigenous vegetation clearance will require an assessment applying the significance criteria of Appendix 1 of the WCRPS. Amendments have also been sought to include new rules for vegetation clearance (including exotic) within significant natural areas.
- 4.8. The provisions of the ECO chapter do not protect significant habitat of fauna, where that is found in non-indigenous vegetation, because the rules only regulate indigenous vegetation clearance. In the context of this Plan, which has largely not identified SNAs, this presents a problem – ideally, SNAs would be identified, and rules would regulate vegetation clearance (both exotic and indigenous) within those significant areas.
- 4.9. However, in the absence of identified SNAs, there needs to be a way to protect habitats of fauna in exotic vegetation. We recognise that general vegetation clearance rules capturing exotic vegetation are not ideal, however, this may be necessary. We cannot see another way to ensure that significant habitats are protected. As such, there will need to be provisions in the Plan, in the ECO chapter and potentially elsewhere, regulating exotic vegetation clearance in order to protect significant habitat for indigenous fauna. We submit that the Council still needs to make amendments to the Plan to achieve this RMA requirement. We have not been able to craft detailed amendments to achieve this; this is in part because of the lack of a comprehensive SNA schedule.
- 4.10. Decision sought:
- a. Direct the use of the Wildlands Report as the basis to immediately progress a consistent region wide SNA assessment.
 - b. Amend the Plan provisions to ensure of protection to significant habitats of indigenous fauna, including from exotic vegetation clearance.
 - c. Include a general consent requirement for all indigenous vegetation clearance to undertake an ecological assessment as part of the consent application applying the significance criteria in Appendix 1 of the WCRPS. Where Significant Natural Areas are determined, including those in Schedule Four, manage all vegetation clearance within those areas through discretionary or non-complying rules.
 - d. Use the definition of Significant Natural Area from the WCRPS, remove additional definitions and terminology, and use the defined term throughout the Plan.

- e. Include a clear explanation in the Introduction to the ECO chapter that SNAs that have not yet been identified are to be given the same protection as those already in Schedule Four. Also make this clear in the policies, and the rule framework.
- f. Ensure that all chapters in the Plan give the appropriate level of protection to SNAs, whether in Schedule Four or not.
- g. Replace the ECO policies with WCRPS Chapter Seven (and coastal biodiversity) policies or incorporate them by reference in the ECO chapter of the Plan. This Plan's ECO policies, if any remain after incorporating the WCRPS policies, must only apply to the extent that they are consistent with and give effect to the WCRPS policies.

5. Public Conservation Land

- 5.1. The rationale for the zoning of public conservation land (PCL) is unclear. On the planning maps, PCL is very difficult to distinguish from other Crown owned land or private land. The zoning also appears to be arbitrary and not consistent with the purpose for which the land is held. Some PCL is correctly zoned as Natural Open Space Zone (NOSZ), and some as Open Space Zone (OSZ), some appears to be located partially within special purpose zones including Mineral Extraction Zones (MINZ) and the Buller Coalfield Zone (BCZ), and some as General Rural Zone (GRUZ). For example, the Denniston Plateau, located within the Conservation Area Mt Rochford has very high ecological values including many threatened and at-risk native species, found only in that ecological district, appears to have been zoned partially as the BCZ and partially as OSZ.
- 5.2. The Woods Creek Amenity Area, an area held first and foremost for the protection of natural and historic resources, and the neighbouring Greenstone Ecological Area, appear to straddle MINZ and NOSZ; and while the Arthur's Pass National Park is correctly zoned as NOSZ, the vast Conservation Area - Wanganui / Otira Catchments, which shares similar characteristics to the national park, is zoned as OSZ.
- 5.3. Furthermore, DOC is undertaking a review of PCL stewardship land on the West Coast. It is likely that some stewardship land will be allocated a higher category of statutory protection under the Conservation Act, the National Parks Act or the Reserves Act, according to natural or cultural values.
- 5.4. Zoning is an important tool for implementing spatial planning and regulating land use. Zoning is also useful for protecting environmental values. Inappropriate zoning can undermine environmental protection. Forest & Bird recommends that the zoning of all West Coast PCL, be redone in a consistent way that reflects the purpose for which the land is held and its natural and cultural values. Public conservation land is held for conservation purposes so should be consistently NOSZ and nothing else.
- 5.5. Decision sought:

- a. Rezone all public conservation land to Natural Open Space Zone (NOSZ) and update the Planning maps to reflect this.
- b. Clearly identify public conservation land on the planning maps.

6. Mineral extraction on the West Coast

- 6.1. The approach to mineral extraction and ancillary activities in the Plan is too permissive.
- 6.2. The inclusion of the Buller Coalfield Zone (BCZ) and Mineral Extraction Zones (MINZ) is opposed. It is unnecessary to apply a special purpose zone for lawfully established or authorised mining activities, as those activities can rely on their consented status and the consideration given to existing activities for any future consent applications. Providing special permissive zoning for these activities is inconsistent with how other activities are provided for within and across various zones. Such zoning detracts from the broader context, changes the zone purpose, and attributes such that the management of effects and rehabilitation requirements become uncertain.
- 6.3. Further it is unclear to what extent the BCZ and the MINZ apply to areas that contain minerals for extraction but that are not currently authorised. The permissive rule framework in these zones risks further indigenous biodiversity loss.
- 6.4. The Plan anticipates that there will continue to be widespread mineral extraction outside of the MINZ which further calls into question the relevance of the special MINZ.
- 6.5. The General Rural Zone (GRUZ) approach to mining is also too permissive. However, with amendments, the GRUZ could provide a more appropriate framework in which to consider and manage the effects of new mining activities outside of PCL/high natural value land, rather than the special purpose zones BCZ and MINZ.
- 6.6. Coal, gold, and gravel extraction has adverse and often irreversible effects on indigenous vegetation and habitats of indigenous fauna, including in some cases total loss. Any new mining and ancillary mining activity, including extensions to existing mines, regardless of location, needs to be subject to a full effects assessment through a consenting process.
- 6.7. Forest & Bird seeks the deletion of the BCZ and the MINZ chapters and removal of these zones from the Planning maps. Those zones where they occur on private land should be rezoned GRUZ where the land is pasture/rural use and as NOSZ where they occur on public conservation land and other crown owned land with high natural values. Private land with high natural values may be best zoned NOSZ. In any other cases the zoning should be consistent with adjacent land zoning.
- 6.8. In the absence of a consistent region wide SNA survey, mining activities should not be a permitted activity anywhere. All mining activities, including prospecting, exploration, extraction and processing and ancillary activities should require at least a discretionary consent.

- 6.9. As submitted above, all PCL should be rezoned as Natural Open Space Zone, and mining activities should be prohibited in that zone.
- 6.10. There may need to be a lesser consenting requirement for small scale farm quarries in the GRUZ, for example restricted discretionary.
- 6.11. Schedule Nine Lawfully Established Mineral Extraction and Processing Areas could be retained. This schedule should clearly identify, and state which activities are lawfully established on public conservation land or other crown owned land. These schedules could be useful for managing risk of reverse sensitivity, however, as they relate to the MINZ and BCZ, which we seek to be deleted, consideration should be given to how the Schedule is to be utilised.
- 6.12. Decision sought
- a. Delete the Buller Coalfield Zone (BCZ) and the mineral extraction zones (MINZ) and capture areas of lawfully established mineral extraction and ancillary activities as General Rural Zone (GRUZ) where they occur on private land, NOSZ if on private land but with high natural values, and as Natural Open Space Zone (NOSZ) where they occur on public conservation land, other than where zoning consistency with adjacent land is more appropriate.
 - b. Amend rules in all zones, including GRUZ, so that all mining activities, including prospecting, exploration, extraction and processing and ancillary activities should require at least a discretionary consent.
 - c. Amend rules in NOSZ, to make all mining activities prohibited in that zone.
 - d. Include as requirement in all rules for mining activities a full assessment of effects, a significance assessment against the significant criteria in the WCRPS.
 - e. It is not clear what purpose Schedule Ten serves. Previously mined areas may now have important natural values. We also note that Schedule Ten is empty. Unless its utility is proven, we seek that it is deleted.
 - f. Amend zoning maps to remove the BCZ and MINZ and delete the MINZ and BCZ chapters.
 - g. Consequential changes throughout the Plan to delete BCZ and MINZ and replace with updated zone chapter or other reference.
 - h. Clarify and state in Schedule Nine where lawfully established mineral extraction and processing areas are, including where these areas exist on public conservation land.
 - i. Amend the Plan so that vegetation clearance for mineral extraction within any significant natural area(s) is at least a non-complying activity.

7. Management of adverse effects, and provision for biodiversity offsetting and environmental compensation

- 7.1. The Plan includes a number of different standards for adverse effects on the environment depending on the activities, chapter topic, zones and overlays which apply.
- 7.2. For example, the Energy, Transport, and Infrastructure topic chapters generally manage adverse effects on biodiversity other than where an overlay applies. The approach set out in these chapters is generally to 'minimise' adverse effects on the environment. This is a lesser standard than is required by the WCRPS (which we have submitted should be incorporated into the ECO chapter). The Plan must be made clear that ECO chapter provisions (including those beyond Schedule Four areas) would apply to these activities. This includes any biodiversity offsetting or environmental compensation measures.
- 7.3. Regardless of the chapter or subject matter, all adverse effects on natural values must be managed consistently with the WCRPS. For biodiversity, that means that the approach set out in Chapter Seven WCRPS must be applied. We seek that all provisions throughout the Plan that purport to adopt a different effects management standard be amended, and that they instead require that effects on biodiversity are managed in accordance with the ECO chapter (as amended by our submission).
- 7.4. Provisions purporting to apply a lower management standard than the WCRPS to effects on other natural values (e.g., landscape) are also opposed and should be amended to refer to the relevant Plan chapter.
- 7.5. The Plan also includes a number of different requirements and considerations for offsetting and compensation. This includes an approach in the Financial Contributions chapter, which suggests that financial contributions can be made instead of appropriately dealing with adverse environmental effects. In particular, it appears to provide for financial contributions in lieu of appropriately dealing with effects on biodiversity and landscape values:
 - a. financial contributions to offset adverse effects on the environment of infrastructure: FC - Overview
 - b. cost of offsetting adverse effects on the environment and infrastructure resources: FC – O2
 - c. providing for financial contributions to manage environmental effects, including on significant biodiversity and landscape: FC - P6
 - d. financial contribution for the following purposes of securing environmental compensation where any residual adverse effects of the subdivision, use or development that cannot be avoided, remedied, or otherwise mitigated: FC – R1
 - e. Offsetting or compensation for adverse environmental effects on outstanding natural landscape values, areas of significant indigenous vegetation or areas of significant habitat of indigenous fauna: FC - R12

- 7.6. Financial contributions are dealt with in RMA s77E, which states that a district council may make rules requiring financial contributions in certain circumstances. The rule must state the purpose for which the contribution will be required, which ‘may include the purpose of ensuring positive effect on the environment to offset any adverse effects.
- 7.7. In Forest & Bird’s submission, this does not extend to a general replacement of the requirement to manage effects appropriately by way of consent conditions. It is limited to offsetting and does not replace the requirement for a consent applicant to first avoid, remedy and mitigate effects in accordance with the Plan’s provisions.
- 7.8. Further, the ability under s77E to make such rules does not derogate from the requirement in s75(3)(c) that the district plan must give effect to the WCRPS. The WCRPS specifies how effects on biodiversity (at least) must be managed, in accordance with a specific effects management hierarchy that includes detailed requirements for any biodiversity offsetting. The district Plan cannot contain provisions that do not give effect to Chapter 7 WCRPS. That means that any provision for financial contributions in lieu of following the required WCRPS approach for biodiversity, whether in the Financial Contributions chapter or elsewhere in the Plan, are inappropriate and must be deleted.
- 7.9. Aside from effects on biodiversity, the FC chapter also provides for financial contributions as a way to offset or compensate for effects on landscape (e.g., FC R12). It is unusual to try to apply offsetting or compensation to landscape effects. To Forest & Bird’s knowledge there is no way commonly accepted to offset or compensate for landscape effects. Further, we doubt that FC R12 fulfils the requirement to set out how the financial contribution will be determined (s77E(2)(b). Reference to providing financial compensation for offsetting or compensating for landscape effects should be deleted from the Plan.
- 7.10. In Forest & Bird’s submission, the appropriate approach to financial contributions is for use in assisting the council to provide infrastructure where for example, they are required to be upgraded because of a new subdivision. They cannot be used as a replacement for the need to manage effects in accordance with the Plan and higher order documents.
- 7.11. This is distinctly different to offsetting and compensation which are an applicant’s/consent holder’s responsibility. Confusing these measures would suggest that the council becomes responsible for fulfilling conditions of a resource consent. All provisions in the Financial Contributions chapter that provide for the payment of money in lieu of managing adverse effects, in particular on biodiversity and landscape, should be deleted.
- 7.12. Further references to offsetting and compensation are made elsewhere in the Plan, that do not appear to relate to biodiversity. For example:
- a. Adverse effects on open space and recreation values and the environment are avoided, mitigated, remedied, offset, or compensated: OSRZ – P14

- b. the offset of significant adverse effects on landscape that cannot be avoided: NFL – P2
- 7.13. As noted above, we are unclear as to whether offsetting or compensation can robustly be applied as an effects management tool outside of the realm of biodiversity. The Plan provisions do not provide any direction as to what such offsetting would entail. Biodiversity offsetting has been developed over several years and has reasonably robust principles and approaches that apply to it. It is not clear how the council would be able to ensure that non-biodiversity effects would be appropriately offset or compensated for.
- 7.14. Finally, the mining chapters (BCZ and MINZ) contain a lesser standard of effects management than the WCRPS/ECO chapter for effects management. We have sought that these chapters are deleted.
- 7.15. As sought above, we seek that any provision in the Plan that deals with effects on biodiversity includes a requirement to adhere to the provisions of the ECO chapter, and that any other standard of effects management is deleted. The ECO chapter (as amended by this submission) sets out what is expected for biodiversity effects management, including biodiversity offsetting and compensation. This is in accordance with the clear requirements of the WCRPS, Chapter Seven.
- 7.16. Decision sought:
- a. All effects on biodiversity must be dealt with in accordance with Chapter Seven WCRPS, which we have submitted should be incorporated into the ECO chapter.
 - b. Where other chapters refer to biodiversity effects (e.g., ENG, INF, TRN), rather than including a different standard of effects management (e.g., 'minimising'), a specific requirement should be included to give effect to the ECO chapter provisions. Also amend the overviews of the ENG, INF, and TRN chapter to make it clear that the ECO chapter provisions apply with respect to effects on biodiversity.
 - c. All provisions in the Financial Contributions chapter that provide for financial contributions in lieu of appropriately managing adverse effects, in particular on biodiversity and landscape, should be deleted.
 - d. Use the same terminology as the WCRPS. That is using the terms biodiversity offsetting and biodiversity compensation when considering residual adverse effects on biodiversity.
 - e. Where non-biodiversity offsetting or compensation is referred to in the Plan, provide policy direction, explanation, and potentially new definitions, clearly setting out what is required or envisaged. Alternatively delete the provisions referring to non-biodiversity offsetting.

8. Incorrect mapping of the Coastal Environment

- 8.1. There are many sections along the coast where the Coastal Environment (CE) map layer, the extent landward of the Coastal Marine Area (CMA), is not identified. Urban areas appear to have been excluded from the CE map layer.
- 8.2. The Plan's definition for the CE is vague and does not explain why urban areas are excluded. This definition and exclusion do not align with Policy 1 of the NZCPS which recognises that natural features, areas at risk of coastal hazards, cultural and historic heritage as well as physical resources and built facilities, including infrastructure, located within the coastal environment, which may or may not be part of an urban area but are a part of the coastal environment.
- 8.3. The explanation of Overlays for: Outstanding Coastal Environment Area/High Coastal Natural Character Area/General Coastal Environment Area also suggest that these overlay areas would capture the full extent of CE, landward of Mean High-Water Springs (MHWS). However, within the areas that are mapped as CE, there are sections where none of these overlays are identified.
- 8.4. Decision sought:
 - a. Map the Coastal Environment again using appropriate experts to identify the extent by applying Policy 1 of the NZCPS.
 - b. Until it is mapped accurately, include a default coastal environment of 2km landward of the CMA. To support this approach, consider including policy direction that areas mapped as CE outside of Outstanding Coastal Natural Character/Natural Landscape and High Coastal Natural Character overlays, that can be determined as beyond the coastal environment through a consent process will not be subject to CE chapter provisions.

9. Maps - Online map functionality

- 9.1. Beyond urban areas there are a lot of properties for which the mapping tools say they cannot find an address. In those cases, there is no information. Even without an address the online map information for a property should be set out, including overlays and zoning which apply.
- 9.2. It is hard to tell the specific special purpose zones apart and to identify whether they overlap.
- 9.3. It would be useful to have a layer showing public conservation land. Public conservation land should be easily identifiable by the user of the map system. In addition to this Forest & Bird submits that all public conservation land should be zoned Natural Open Space (see below).
- 9.4. Decision sought:

- a. Fix the map tool information so that all property information (i.e., zones and overlays) can be identified even when an address is not available.
- b. Add functionality to the map tool to enable individual special purpose zones to be selected.

10. “Overlay Chapters,” and reference to other relevant Plan provisions

- 10.1. The approach to referencing other relevant chapters, and in particular Overlay chapters, and how they apply to matters addressed in specific topic and zone chapters is inconsistent, uncertain and in many cases inadequate. The approach to when Overlay Chapters and their provisions apply does not adequately address for s6 and s7 RMA matters, directive requirements of the NZCPS and the WCRPS.
- 10.2. The Overview statements in many chapters refer to the relevance of Overlay chapters, however this is limited to where an activity is located within an overlay area as identified on the Planning maps (e.g., TRN chapter approach). Some Plan provisions continue this approach. For example, Earthworks rules 3 – 5 include a permitted activity standards that ‘where earthworks are undertaken within an Overlay Chapter area these earthworks meet the Permitted Activity Standards for the relevant Overlay area.’
- 10.3. This means that Overlay chapter provisions which apply beyond areas mapped as overlays are not considered relevant and in many cases are not able to be considered in consent processes due to this approach. For example, the Ecosystems and Indigenous Biodiversity and Natural Character and Margins of Waterbodies contain provisions which apply beyond areas mapped as “overlays”.
- 10.4. This may also be the case with the Coastal Environment chapter; however, it is unclear whether the full extent of mapped coastal environment is an “overlay” or whether the Outstanding Coastal Natural Character and High Coastal Natural Character, and the Outstanding Natural Landscapes and Outstanding Natural feature overlays (as part of the Outstanding Coastal Environment Area) are overlays when considering activities in the coastal environment. While the mapping of the coastal environment is incomplete, there are areas mapped which are not identified as outstanding or high in terms of those other overlays. The CE chapter includes CE-P5 which applies beyond Outstanding Coastal Environment Area. Forest & Bird is also seeking the inclusion of policy to give effect to Policy 13(b) and 15(b) of the NZCPS to apply to beyond outstanding areas in the coastal environment.
- 10.5. Further, it is not clear why some Zone Overviews include reference to ‘Other relevant Te Tai o Poutini Plan Provisions’ and others don’t. There is also variation as to how other chapters are referred to. A good approach is taken in the Open Space Zone chapter. That chapter lists the relevant chapters (although it incorrectly omits reference to the ECO chapter), rather than making a high level or unclear statement about ‘other chapters’ or ‘overlay chapters’.

10.6. Decision sought:

- a. Apply a consistent approach across the whole Plan to cross-referencing or referring to other chapters. This must include reference to entire chapters, rather than giving the impression that only certain provisions apply, as is currently the case (e.g., ‘overlay’ provisions only). For chapter overviews at least, base this on the approach taken in the Open Space Zone ‘Other relevant Te Tai Poutini Plan provisions’, which lists all relevant chapters, with an explanation of their effect.
- b. Remove or amend the use of the term ‘overlay’ and ‘overlay chapters’, as those chapters contain provisions that apply more broadly than only in mapped overlays and provisions that while not specific to an overlay may also apply to an overlay. Whether the term ‘overlay chapters’ is retained or a replacement term is to be used, provide a far greater degree of clarity as to what chapters are included, and their relationship with other provisions. A Plan user currently must go to the Interpretation section to find this out - in the contents page to the Plan, there is no reference to Overlays or Overlay Chapters.
- c. In our view it would be simpler to remove reference to overlay chapters throughout the Plan, and simply refer to the relevant chapter names (as is done in the OSZ chapter). Reference can be made to schedules where necessary.
- d. Ensure that all relevant chapters include a section headed: “Other relevant Te Tai o Poutini Plan provisions.” Under that heading, list all relevant chapters that may apply. Ensure that the wording makes it abundantly clear that those chapters may apply regardless of whether a scheduled area is present:

“Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions of this chapter, a number of Part 2: District Wide chapters also contain provisions that may be relevant to activities in these zones. These chapters include provisions that apply everywhere in the district, as well as some rules that only apply within identified and/or scheduled features (or overlays). Please refer to those chapters, including:”

Then list all relevant chapters, with a brief explanation of what they do, based on the OSZ approach. Include (but not limited to) at least the ECO, NFL, NC, CE chapters.

- e. The ECO chapter (at least) should be referenced in all Plan chapters, as it contains vegetation clearance rules that will apply to a large majority of activities regulated in other chapters. Ensure that its description refers to the fact that not all SNAs are scheduled:

Ecosystems and Indigenous Biodiversity – 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 district. There are also specific rules that apply within significant natural areas, within outstanding natural features and landscapes and the coastal environment.

11. Plantation forestry

- 11.1. The Plan approach to the National Environmental Standards for Plantation Forestry (NES PF) is uncertain with respect to the protection of Significant Natural Areas. This is both because of the lack of a comprehensive SNA identification and mapping in the Plan and because the NES PF does not address vegetation clearance prior to afforestation. This means that the Plan needs to ensure that vegetation clearance is also managed where afforestation is planned. Where an assessment determines that the significance criteria in Appendix 1 of the WCRPS is met, Plantation Forestry would not be an appropriate activity.
- 11.2. In addition, in the Coastal Environment the Plan does not appear to address adverse effects of Plantation Forestry on natural character and landscape that are not identified as “outstanding,” which is inconsistent with Policies 13 and 15 of the NZCPS.
- 11.3. This creates uncertainty for effectively managing the effects of Plantation forestry in the coastal environment while ensuring the NZCPS is given effect to.
- 11.4. Plantation Forestry is not an appropriate activity within Significant Natural Areas, in High Natural Coastal Character or any Outstanding natural coastal areas and should not be anticipated to occur in these areas under the Plan. In other parts of the coastal environment a full consideration of effects is required, and such consideration must be subject to an assessment confirming the site does not include any biodiversity meeting the significance criteria in Appendix 1 of the WCRPS.
- 11.5. Decision sought:
 - a. Amend Rule CE-R20 to include areas of High natural coastal character and the rule activity status to non-complying.
 - b. Add a new Rule discretionary rule for Afforestation with Plantation Forestry in the Coastal environment outside High Coastal Natural Character and Outstanding Coastal Environment Area overlays which is subject to the condition that the area for afforestation does not include any biodiversity meeting the significance criteria in Appendix 1 of the WCRPS.

12. Natural character of waterbodies

- 12.1. The Natural Character and Margins of Waterbodies chapter will not meet the requirements of s6(a) to preserve and protect the natural character of waterbodies and their margins. It is far too permissive to achieve that.

- 12.2. It also appears to include provisions that duplicate the rules for activities in or near wetlands in the NESFM. District plans may not include provisions that are more lenient than the NESFM, however, this is what this Plan does. The chapter needs significant revision to remove the duplication. It also needs to include a much clearer statement about how the chapter and the NESFM work together.
- 12.3. We do support the Plan regulating activities in the margins of ‘wetlands’, as that is defined in the RMA, rather than only ‘natural wetlands’ as defined in the NESFM. As such, the Plan needs to include rules protecting the margins of wetlands not protected by the NESFM.
- 12.4. The activities proposed to be permitted in riparian margins are completely inappropriate. All works should be set well back from riparian margins to even consider assigning them permitted status.
- 12.5. The chapter covers vegetation clearance, earthworks, buildings, and structures in riparian margins. It appears that the intention is that the rules in other chapters, for example the vegetation clearance rules in the ECO chapter, will not apply. It appears to do this on the basis of s6(a). However, this approach does not give effect to s6(c). The proposed rules in this chapter would allow a lot of vegetation clearance, in areas that may be SNA. We seek that the rules be at least as stringent, if not more stringent than, the rules in the ECO chapter. Works in riparian margins may well need a stricter approach, given the effects that they can have. Earthworks rules may also need to mirror those, or be more stringent than, those in the EW chapter.
- 12.6. We submit that there may be merit in incorporating the rules in this chapter into other chapters, such as ECO and EW. This would avoid the risk that this chapter is overlooked by Plan users when ascertaining the rule status of a proposed activity.
- 12.7. Additionally, in other chapters of the Plan, there are often references to the fact that any vegetation clearance associated with the activity is regulated by the ECO chapter. The NC chapter is never referenced. If the approach of a separate chapter for rules in riparian margins is retained, it must be referenced throughout the Plan.
- 12.8. Decision sought:
- a. Thoroughly revise the chapter to ensure the rules either remove duplication of, or are more stringent than, the regulations in the NESFM for ‘natural wetlands’ as defined by that document.
 - b. Include rules protecting all other wetlands that meet the RMA definition. The Councils have obligations to protect these wetlands over and above the regulations in the NESFM.
 - c. Revise the objectives, policies, and rules to give effect to s6(a) requirements. Remove permitted activities from all riparian margins. Include a method to encourage restoration.

- d. The rules should be at least as, if not more, stringent than the rules governing vegetation clearance in the ECO chapter (as amended by our submission). The margins of wetlands, lakes and rivers must be protected in accordance with both s6(a) and potentially s6(c). The objectives and policies only appear to deal with s6(a) - it needs to be made clear that the objectives and policies of the ECO chapter will also apply, as these deal with s6(c) matters.
- e. In relation to the Earthworks chapter, we submitted that any vegetation clearance associated with earthworks should be managed by the ECO chapter. We make a similar submission here – all vegetation clearance associated with earthworks must be governed by rules at least as, if not more, stringent, than the ECO chapter as amended by our submission.
- f. Amendments also need to be made to the Subdivision rules to ensure that waterbodies and their margins are protected in the subdivision process, in a similar way to how SNAs are to be protected.
- g. If the approach of a separate chapter for rules in riparian margins is retained, it must be referenced throughout the Plan in all relevant provisions and chapters.

Submissions on specific provisions

Plan section	Provision	Support/ Oppose	Reasons	Decision sought
Maps		Support	It is impossible to tell the different special purpose zones apart from those with labels.	Retain and improve the labelling of Special purpose zones Consider adding patterns or functionality to better distinguish between special purpose zones
General Approach	Step 3 – Locate the relevant district wide rules	Support with amendment	The reference to an overlay being present is misleading. The so-called ‘overlay chapters’ contain rules that apply both inside of and outside of overlays. If the term ‘overlay chapters’ is to be retained, amend to make clear that those chapters contain rules the also apply outside the scheduled overlays.	Amend: “There may be several sets of district-wide rules that you need to check for your activity e.g., Subdivision rules and Earthworks rules. If there is an overlay or feature on your property you also need to check those rule sets. <u>Additionally, the ‘overlay chapters’ contain rules that apply district-wide, outside the scheduled overlays. For example, the Ecosystems and Indigenous Biodiversity chapter.</u> ”
General Approach	Step 4 - Check the relevant standards	Support with amendment	This could be interpreted incorrectly that an activity is permitted even where part of the activity requires consent.	Amend to clarify that if the works, project, or activity you are wanting to undertake requires consent for any aspect of it, a consent application is required for the whole activity. You should talk to the Council about whether any permitted activities may still apply.
General Approach	Step 5 - Apply for resource consent	Support with amendment	It is not optional whether to get a consent or not.	Amend as follows: “Decide if you <u>still</u> want to <u>undertake your activity and apply</u> for resource consent”
General Approach	Information to be submitted		The AEE requirements for Controlled and RD activities create uncertainty for whether	Delete the limitations for AEE’s with respect to controlled and restricted discretionary activities.

	with resource consents		<p>assessments would address matters set out as conditions of consent or standards which may not be matters to which control or discretion is reserved.</p> <p>It would be helpful to include a statement here that in some cases applications will be required to include an assessment applying the significance criteria in Appendix 1 of the WCRPS.</p>	<p>Include reference to the potential for an SNA assessment to be undertaken:</p> <p>“For all other types of activities, the AEE should address all relevant matters relating to the actual or potential effects of the proposed activity on the environment. <u>Note that your consent application may be required to include an assessment in accordance with Appendix 1 of the WCRPS to identify any Significant Natural Area(s).</u>”</p>
Cross Boundary Matters	Cross boundary	Support with amendment	The methods and explanation focus on things that occur outside of the Plan. It is not clear how this Plan responds to integration in areas where both councils have responsibilities such as margins of water bodies.	Add an explanation of how this Plan responds to cross boundary issues
Relationship between spatial layers	Special purpose zone Descriptions	Support with amendment	<p>Delete the “Special Purpose Zones SPZ” this grouping of all special purpose zones is not used in the Plan.</p> <p>Consequential amendments to deleting the corresponding zones, the Buller Coalfield zone, and the Mineral Extraction Zone.</p>	<p>Delete the “Special Purpose Zones SPZ”</p> <p>Consequential amendments to deleting the corresponding zones: Delete the Buller Coalfield zone Delete Mineral Extraction Zone</p>
How The Plan Works	Overlays	Support with amendment	<p>Generally, agree that it is helpful to retain a schedule of Lawfully Established Mineral Extraction and Processing Areas. However, this is not needed as an overlay.</p> <p>Forest & Bird seeks further amendments to the schedule to improve and clarify information including consent expiry.</p>	<p>Delete Schedule 9 from overlays. Retain as schedule with amendments as sought by Forest and Bird on SCHED 9 in this submission.</p> <p>Include Significant Natural Areas, but with acknowledgement that the rules apply to a wider area than Schedule 4 SNAs: <u>“Significant Natural Areas: areas of significant indigenous vegetation and significant habitats of indigenous fauna. Only some of these areas have</u></p>

			It is not clear why Schedule Four SNAs are not included in the list of Overlays. This issue is very unclear in the Plan because the Ecosystems chapter is listed as an overlay in the definition of 'Overlay Chapters', but its provisions apply both to the Schedule Four areas (arguably what would be called the overlay) and also more widely.	<u>been identified on Schedule Four. The consenting process will; be used to identify further SNAs. The rules in the Ecosystems and Indigenous Biodiversity chapter apply both to the Schedule Four areas and everywhere district wide."</u>
How The Plan Works	Development area Franz Josef/Waiiau Alma Road Westport Hokitika Racecourse Cape Foulwind/ Omau	Oppose	There is no information of what is intended for these development areas.	Delete the development areas table and amend the map tools heading as follows: "Zones and Development Areas"
Interpretation				
Interpretation	Definitions	Support with amendment	<p>When the Plan or a section of it is "printed" (using the print function on the online Plan), any identification of defined terms is lost.</p> <p>There also appear to be terms defined in the Plan text that are not captured in the interpretation list. E.g., "Environment".</p> <p>Amendments are needed to comply with the NPS 10. Format standard, Differentiating defined terms.</p>	<p>Ensure that terms defined are identifiable not only on the online version but also when "printed" in the Plan are differentiated from other text. Where terms are from legislation include the title and version.</p> <p>Ensure the Interpretation list include all terms defined in the Plan</p>

Interpretation	ACCESSWAY	Support with amendment	Clarify whether this is specific to vehicle access or includes walking access, to private property, like driveways or other situations.	Clarify and retain
Interpretation	ACTIVITY	Oppose	This definition may not be helpful and could exclude “activities” that are intended to be considered in the Plan. What about activities on the surface of lakes and rivers, residential activities, and commercial activities? The definitions do not explain what “land use activities” means	Delete
Interpretation	AGRICULTURAL, PASTORAL AND HORTICULTURAL ACTIVITIES	Support with amendment	A number of rules to permit activities within this definition. However, many of the activities are not restricted in scale or by location to protect significant, high, and outstanding values. Of particular concern is the need to manage adverse effects from sphagnum moss harvesting, wood lots and farm quarries. In the absence of comprehensive SNA identification there needs to be limits to the scale of farm quarries. This could be achieved by deleting farm quarries from the definition and having specific rules for those. Alternatively, by amending all relevant provisions that permit agricultural activities etc to ensure the effects of farm quarries are acceptable in terms of SNAs (both scheduled and otherwise).	Include the following advice notes in GRUZ – R1 and all other rules that permit these activities: a) “The NES for Freshwater includes regulations on sphagnum moss” b) “Any indigenous vegetation clearance or disturbance is subject to the relevant rules in the Ecosystems and Biodiversity Chapter.” c) “Activities in the Coastal environment are subject to the CE chapter provisions”. Delete farm quarries from this definition, given the lack of SNA identification. Alternatively, retain in definition but amend all relevant provisions in GRUZ and elsewhere to ensure SNAs adequately protected.

			<p>We note that RURZ – P20 is that farm quarries are not located on overlay areas (shed 1-8). Our concern is the protection of unidentified SNAs.</p> <p>Limits also need to be applied to give effect to the NZCPS in the coastal environment.</p>	
Interpretation	AREA OF SIGNIFICANT INDIGENOUS BIODIVERSITY	oppose	<p>Forest & Bird agrees that significant areas of indigenous biodiversity include areas that meet the criteria in Appendix 1 of the WCRPS and that this includes those in Schedule Four.</p> <p>However, it is not clear why a separate definition to “Significant Natural Area” is necessary for subdivision purposes.</p> <p>Including the process of identification by ecological assessment is also inappropriate in the definition and could exclude areas not yet assessed. While a process is helpful for ensuring identification in a regionally consistent manner, process requirements should be set out in relevant policy or rule standards and information requirements.</p> <p>This definition creates confusion with the definition of “Significant Natural Area” and is inconsistent with the definition of “Significant Natural Area or SNA” in the WCRPS.</p> <p>The definition also includes words similar to “Significant indigenous biological diversity” which is defined in the WCRPS with respect to</p>	<p>Delete this definition and rely on the definition of “Significant Natural Area or SNA” with respect to subdivision.</p> <p>Include the WCRPS definition for “Significant Natural Area, or SNA” in the Interpretation section.</p> <p>Add an explanation to the definition or within the ECO chapter overview to the effect that in this Plan, Significant Natural Area is used as a term to mean both mapped and unmapped areas meeting the criteria. For specific reference to mapped areas (i.e., in the Grey District) the wording used in the Plan and Planning maps is ‘SNA identified in Schedule Four’.</p> <p>Consider including the WCRPS definition for “Significant indigenous biological diversity” for use in the CE Chapter with respect to the coastal environment and Policy 11 of the NZCPS.</p> <p>Include policy direction in the ECO and SUB chapters, and any chapters that regulate mining activities, for Significant Natural Areas to be identified and mapped through an ecological</p>

			<p>the coastal environment and Policy 11 of the NZCPS.</p> <p>There is also confusion with terminology in the Plan where neither definition is used, and provisions refer to “areas of significant indigenous vegetation or significant habitats of indigenous fauna” or “significant indigenous biodiversity” or “Significant indigenous biodiversity including Significant Natural Areas”.</p>	<p>assessment process undertaken by an ecologist. Include corresponding conditions/standards, matters of control/discretion in relevant rules.</p> <p>Ensure that defined terms are consistently hyperlinked or otherwise identified as a defined term (including on pdf/printed versions of the Plan).</p> <p>Rationalize the terms used throughout the Plan that to refer to significant areas, fauna, and indigenous biodiversity for accuracy and to ensure consistency with defined terms.</p>
Interpretation	BUILDING PLATFORM	Support with amendment	<p>The definition is not clear. It is uncertain how the definition should be applied in rules where the matters specified in the definition are not the subject of conditions or standards.</p>	<p>Delete “having regard to ground conditions, gradient, access, natural hazards, indigenous vegetation and habitat, amenity and health and safety” from the definition and make sure these matters are included in rules which make provision for building platforms.</p> <p>In SUB-S2 include that these matters must inform the indicative building Platform location, such that effects, including for access are avoided or minimized to the greatest extent possible with respect to these matters.</p>
Interpretation	COASTAL ENVIRONMENT	Oppose	<p>The mapped area is insufficient, and inconsistency applies Policy 1 of the NZCPS. There are areas where no coastal environment is identified at all. There is no clear basis for excluding urban areas as the NZCPS:</p>	<p>Amend the definition to mean those areas described in Policy 1 of the NZCPS landward of the CMA and as shown on the Planning maps. Redo and update the mapping of the Coastal Environment using appropriate experts to identify</p>

			<ul style="list-style-type: none"> • Policy 1 specifically considers physical resources and built facilities, including infrastructure that have modified the coastal environment; • Policy 6 Activities in the environment, specifically considers coastal settlements and urban areas; • Policy 7 Strategic Planning, includes consideration for future residential settlement and urban development and for Plans to identify areas of the coastal environment where particular activities and forms of subdivision, use and development use are inappropriate or may be inappropriate. <p>To effectively give effect to the NZCPS map the Coastal Environment again using appropriate experts to identify the extent by applying Policy 1 of the NZCPS.</p> <p>Until it is mapped accurately, include a default of at least 2km landward of the CMA. To support this approach consider including policy direction that areas mapped as CE outside of Outstanding Coastal Natural Character and High Coastal Natural Character overlays, which can be determined as beyond the coastal environment through a consent process will not be further subject to CE chapter provisions.</p>	<p>the extent by applying Policy 1 of the NZCPS landward of the CMA and identifying any further areas of High natural character or Outstanding coastal environment. If this cannot be completed to include with decisions on the proposed Plan, then until it is mapped accurately, include a default minimum of 2km landward of the CMA with additional extent up river valleys and to the crest of mountain ranges as appropriate.</p>
Interpretation	Conservation Activities	Oppose	Forest & Bird supports efforts to improve public appreciation of natural resources, but this must be subject to the protection of the natural	Amend to limit the definition with respect to natural and ecological values, to activities aimed

			values. The definition is not consistent with achieving restoration outcomes or protecting significant indigenous biodiversity. This is because “enhancement” does not always retain indigenous biodiversity.	at restoration of ecosystem health and indigenous biodiversity.
Interpretation	Critical Infrastructure	Support with amendment	<p>The definition is quite broad and appears to capture infrastructure which may not in fact be critical infrastructure.</p> <p>For example, it is no clear that wastewater, beyond municipal or community services should be considered “critical infrastructure”</p> <p>The special considerations given these activities in terms of adverse environmental effects justify a considered and reasoned approach.</p> <p>It would be more appropriate to restrict this definition to infrastructure that delivers a service operated by a lifeline utility.</p>	Reword the definition so that is limited to Specific entities and infrastructure that delivers a service operated by a “lifeline utility (as defined in the Civil Defence Emergency Management Act 2002)”
Interpretation	CULTURAL HARVEST	Seek new definition	The ECO chapter provides for ‘cultural harvest’ as a permitted activity, including within areas that may be significant or are required to be protected under policy 11 NZCPS.	Include a clear definition that ensures the harvest is done in a way that biodiversity values are protected.
Interpretation	ENERGY ACTIVITY	Oppose	Clarifying this definition is critical to the scope of the “Energy Activities” chapter. The Energy Activities chapter overview sets out that these activities are recognized as regionally significant infrastructure.	<p>Delete the definition</p> <p>Alternatively amend the definition “means the use of land, buildings, and structures for the purpose of energy investigation, electricity generation, transmission and distribution. This includes all types of renewable electricity</p>

			<p>However, the definition does not appear to restrict energy activity to activities for infrastructure that is regionally significant.</p> <p>For example, it is not clear if an energy activity would include geothermal, petroleum or coal, including its investigation and distribution when unrelated to electricity generation.</p> <p>While the Energy Activities chapter focuses on renewable electricity generation and electricity distribution and supply, this definition is potentially much broader. This has implications for provisions in the Energy Activities chapter which rely on this definition.</p>	<p>generation, <u>where electricity generation meets the definition of RSI under the WCRPS.</u></p>
Interpretation	EXISTING BUILDINGS AND STRUCTURES	Oppose	<p>The definition clearly includes buildings and structures that are not existing. It is also clearer to use the term “lawfully established” so that people do not take the term existing to include unlawful activities or structures. For example, consistent with this recommendation, the definition of “reconstruction” already refers to lawfully established building as does the NH and NFL chapters.</p>	<p>Relace “existing buildings and structures” with “lawfully established” in the Plan.</p> <p>Delete this definition and combine with the “lawfully established” definition as follows:</p> <p>“Lawfully established <u>In relation to buildings and structures, means buildings, and structures that:</u></p> <ul style="list-style-type: none"> <u>a. Were lawfully established at the date of notification of the Plan; or</u> <u>b. Where resource consent has been granted at the date of notification of the Plan; or</u> <u>c. Where building consent has been granted for an activity lawfully approved under a previous District Plan.</u>

				<p><u>In relation to activities</u> means activities:</p> <p><u>a.</u> permitted through a rule in a Plan, a resource consent, <u>or</u></p> <p><u>b.</u> a national environmental standard or by an existing use right (as provided for in Section 10 of the RMA); <u>or</u></p> <p><u>c.</u> in the case of mineral extraction it also includes an activity permitted through a Coal Mining Licence issued under the Coal Mines Act (1979); <u>and</u></p> <p><u>d.</u> <u>does not include where the resource consent or licence has expired and not been renewed.</u>”</p>
Interpretation	INDIGENOUS VEGETATION CLEARANCE	Support with amendment	<p>The Plan needs to protect the significant habitats of indigenous fauna, where that is found outside indigenous vegetation. As such, the definition should not be limited to indigenous clearance.</p> <p>We have submitted below that most of the ECO rules should only apply to indigenous vegetation clearance, except within Significant Natural Areas, where the rules should regulate all vegetation clearance.</p> <p>Destruction and smothering are also forms of vegetation clearance that should be added to the definition.</p>	<p>Amend as follows:</p> <p>Indigenous vegetation clearance</p> <p>“means the clearing or removal <u>or destruction</u> of indigenous vegetation by any means, including cutting, crushing, <u>smothering</u>, cultivation, irrigation, chemical application, drainage, stopbanking, overplanting, or burning.</p> <p><u>Indigenous vegetation clearance has the same meaning as it applies to native vegetation”</u></p>
Interpretation	LAKE	Oppose	<p>The definition is inconsistent with the RMA definition.</p> <p>Under the WCRPS the district council has biodiversity responsibilities for the margins of</p>	<p>Delete the definition and rely on the interpretation in the RMA.</p>

			<p>lakes and rivers. Natural character s6(a) includes margins. RMA definition of “use” in s9 also means to enter onto or pass across the surface of water in a lake or river. The exclusion of an ephemeral pond creates uncertainties with respect to Council’s responsibilities and functions for margins and surface water.</p>	
Interpretation	LAWFULLY ESTABLISHED	Support with amendment	<p>The definition should be clear that with respect to activities for which resource consent of licence is required the activity ceases to be lawful when the consent or licence expires.</p> <p>For clarify combine with the similar definition relating to existing buildings and structures.</p>	<p>Amend and incorporate aspects from definition of existing building and structures as follows:</p> <p>“Lawfully established <u>In relation to buildings and structures, means buildings, and structures that:</u> <u>a. Were lawfully established at the date of notification of the Plan; or</u> <u>b. Where resource consent has been granted at the date of notification of the Plan; or</u> <u>c. Where building consent has been granted for an activity lawfully approved under a previous District Plan.</u></p> <p><u>In relation to activities means activities:</u> <u>a. permitted through a rule in a Plan, a resource consent; or</u> <u>b. a national environmental standard or by an existing use right (as provided for in Section 10 of the RMA); or</u> <u>c. in the case of mineral extraction it also</u></p>

				includes an activity permitted through a Coal Mining Licence issued under the Coal Mines Act (1979); and <u>d. does not include where the resource consent or licence has expired and not been renewed.”</u>
Interpretation	MAINTENANCE	Support	With respect to infrastructure and renewable electricity generation we support that the definition does not include upgrading so that this can be recognised as a specific and separate activity.	Retain
Interpretation	MĀORI PURPOSE ACTIVITIES	Support with amendment	<p>Forest & Bird supports the Plan providing for the relationship of tangata whenua with their ancestral lands and culture, in accordance with s6(e) and s8.</p> <p>We are unclear however why there are two definitions and activities used in the Plan that cover apparently very similar subject matter – this definition and ‘Poutini Ngai Tahu’ activities. The Plan (pg8) states that Poutini Ngai Tahu are recognised as mana whenua. We would like to understand what the intent of this definition is as opposed to the later more specific one.</p> <p>We are also unsure about the breadth of this definition. While the ‘Poutini Ngai Tahu Activities’ definition is limited to ‘traditional Māori activities’, this definition includes a potentially much broader category of activities, namely ‘and/or integrated Māori development’. The list is specifically not limited to the listed</p>	<p>Clarify difference between this and ‘Poutini Ngai Tahu activities’ – both in the definitions and the various Plan provisions and amalgamate if appropriate.</p> <p>Clarify the intended meaning of ‘and/or integrated Māori integrated development’ and amend if appropriate.</p>

			activities. We are concerned that the definition may incorporate much larger scale economic development activities that could have significant effects on natural values.	
Interpretation	MINERAL EXTRACTION	Oppose in part	<p>This definition includes several activities not actually part of extraction itself. For example, 'distribution' and vehicle movements may need to be managed separately, as there will be dust and noise effects.</p> <p>"landscaping and rehabilitation" should be separate from "extraction" as they require specific considerations which are critical to determining the appropriateness to the extraction activity.</p> <p>The definition should exclude the removal of overburden and activities that occur before extraction of the mineral, as the effects of these may need to be considered separately.</p> <p>It is not clear what 'ancillary sites' are, nor the implications of including them with this definition. Remove.</p>	Forest & Bird has sought amendments to all mining activity rules, including prospecting, exploration, extraction, processing, and ancillary activities. Provided those changes are made, the broad definition is probably acceptable.
Interpretation	MINERAL EXTRACTION MANAGEMENT PLAN	Oppose	<p>This definition only appears in provisions of the Buller Coalfield zone, which Forest & Bird opposes in its entirety. As such, this definition should be deleted.</p>	Delete.

Interpretation	OPEN SPACE MANAGEMENT PLAN	Support with amendments	Management Plans under other legislation do not absolve the council of its responsibilities and functions under the RMA.	Retain and limit rules and other considerations based on this definition to areas and activities outside the natural open space zone and overlays, and outside areas of significant indigenous biodiversity.
Interpretation	OVERLAY CHAPTER	Support with amendment	<p>It would be more helpful to list each chapter, rather than referring to sections of the Plan. When considering relevant provisions, it is easier to tell what chapter you are in than what section of the Plan.</p> <p>Under the current definition wording it is not clear whether the Sites and Areas of Significance to Māori chapter and Pounamu and Aotea Overlay Areas are captured in the definition.</p> <p>It would also be helpful to explain the difference between overlay chapter and overlay provisions, as the 'overlay chapters' contain provisions that apply more broadly than only to scheduled overlays.</p>	<p>Retain with amendments</p> <p>List each overlay chapter and explain the difference or relationship with overlay provisions, in particular that these chapters contain provisions that apply both within and outside of the scheduled overlays.</p>
Interpretation	POUTINI NGAI TAHU ACTIVITIES	Support with amendment	Forest & Bird supports the Plan providing for the relationship of tangata whenua with their ancestral lands and culture, in accordance with s6(e) and s8. We are unclear however why there are two definitions and activities used in the Plan that cover apparently very similar subject matter – this definition and 'Māori Purpose Activities'. The Plan (pg8) states that Poutini Ngai Tahu are recognised as mana whenua. We would like to understand what the	Clarify difference between this and 'Māori Purpose activities' – both in the definitions and the various Plan provisions and amalgamate if appropriate.

			intent of this definition is as opposed to the earlier one.	
Interpretation	RENEWABLE ELECTRICITY GENERATION ACTIVITIES	Support with amendment	<p>The meaning is firstly set out to be “of structures associated with renewable electricity generation”. However, the further inclusions appear to extend to infrastructure beyond “structures” and possibly to earthworks and Planting for site rehabilitation works. It is also unclear whether the definition includes structures specifically for renewable electricity generation rather than just associated with it.</p> <p>The inclusion of ancillary activities needs to be reconsidered and captured within this definition only where renewable electricity generation meets the definition of Regionally Significant Infrastructure (RSI) in the WCRPS.</p> <p>Limiting the definition to renewable electricity generation within the scope of the definition for RSI is appropriate given the special considerations provided for in provisions, including ECO and CE chapters for these activities in terms of adverse environmental effects.</p>	Amend the definition to clarify its application to renewable electricity generation structures and associated/ancillary infrastructure and to limit the definition to only renewable electricity generation that is also Regionally Significant Infrastructure as set out in the glossary of the WCRPS. That is, where generation is of more than 1 MW of electricity and its supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks.
Interpretation	RIPARIAN MARGIN	Oppose in part	We have submitted below on the ‘Natural Character and Margins of Waterbodies’ chapter. We are neutral on this definition; however, it may need amendment to give effect to the submission points made below (for	Amend if necessary to give effect to submission points on the NC chapter.

			example in relation to works adjacent to wetlands and the relationship with the NESFM).	
Interpretation	SIGNIFICANT NATURAL AREA	Support with amendment	<p>The definition is inconsistent with the corresponding definition in the WCRPS. Under the WCRPS definition Significant Natural Area includes areas not included as an SNA in a regional or district Plan that nevertheless meet one or more of the criteria. There is no requirement for “having been assessed” under the WCRPS definition. Process matters should be included in policy or rule requirements as relevant.</p> <p>There are only a few uses of this term “Significant Natural Area” in the Plan provisions which are not limited to Schedule Four, and it is unclear in those instances whether limiting it to Schedule Four is intended or not. This uncertainty is exacerbated by ECO chapter policies using other terminology including s6(c) wording rather than the setting direction for Significant Natural Areas.</p>	<p>Delete and replace with the WCRPS definition for “Significant Natural Area, or SNA” (adapted for use in this Plan):</p> <p><u>means an area of significant indigenous vegetation, and/or significant habitats of indigenous fauna which has been identified using the criteria listed in Appendix 1 or 2 and included in Schedule 4 or a regional Plan; or an area which although not included on Schedule 4 nevertheless meets one or more of the criteria listed in Appendix 1 or 2.</u></p> <p>Add an explanation to the definition and also within the ECO chapter overview to the effect that in this Plan, Significant Natural Area is used as a generic term to mean mapped and unmapped areas meeting the criteria.</p> <p>Where reference is specific to unmapped areas this should be stated on each occasion and for specific reference to mapped areas (i.e., in the Grey District) include specific reference to Schedule Four, i.e. “SNA identified in Schedule Four”.</p> <p>Ensure that defined terms are consistently hyperlinked or otherwise identified as a defined term.</p>

				Ensure that all relevant provisions in the ECO chapter and elsewhere in the Plan refer to this defined term.
Interpretation	TEMPORARY ACTIVITY	Support with amendment	This definition makes the application of rules uncertain. If an activity does not meet a zone standard consent processes should apply.	Amend the exclusions aspect of the definition as follows: “ Note: Temporary Activities do not include: i. Permitted Recreation Activities meeting <u>addressed within Zone rules standards</u> ; ii. Events and other types of activities meeting <u>addressed within Zone standards rules</u> in the Stadium Zone or any Open Space and Recreation Zone; or iii. Temporary military training activities.
Interpretation	URBAN ZONE	Support with amendment	It is inappropriate to include the “future urban zone” within this definition. That zone should not be considered urban until it is rezoned. There are only three uses of this term in the Plan. In two cases (FUZ-P4 and FUZ-P5) the term “Urban Zone” is used to distinguish from the FUZ. Therefore, the inclusion of “future urban zone” in this definition is not consistent with how the term is used within those provisions. In the third case (FUZ – R10) the term is irrelevant as the provision is inappropriate and should be deleted as sought in this submission.	Amend the definition as follows: “means one or more of the RESZ - Residential zones, CMUZ - Commercial and mixed-use zones, INZ - industrial zones, FUZ – Future Urban Zone or any part of any OSRZ - Open space and recreation zone that is surrounded by one of these zones.
Interpretation	WETLAND	Support		Retain
Interpretation	New definition for Minor upgrade	New definition	There is no definition of “minor upgrade”, even though provision is made for this with respect to network utilities and renewable energy	Include a definition for “minor upgrade” of a scale to appropriate to the permitted NC and CE rules they are provided for in so that adverse effects would be no more than minor.

			generation activities often within the same rule as for maintenance.	
Interpretation	New definition for “Indigenous vegetation”	New definition	Consider including a definition for indigenous vegetation. This may be necessary as we have submitted that some of the vegetation clearance rules should only apply to indigenous vegetation, whereas in other circumstances all vegetation clearance should be regulated.	Include the following definition for indigenous vegetation: <u>“Indigenous vegetation” means vascular and non-vascular Plants that are native to the ecological district.</u>
National Direction Instruments	NES	Support with amendment	It would be helpful to explain that an NES applies directly to activities alongside Plans.	Add a new second sentence, as follows: <u>“NES requirements apply directly to activities and must be considered in addition to Plan provisions. If and activity...”</u>
National Direction Instruments	Regulations	Support with amendment	The wording “included in this chapter” suggests that the regulations are part of the Plan. The relationship of regulations to the Plan and responsibilities of Plan uses with respect to both should be clarified.	Amend The regulations <u>included in this chapter listed below</u> are those that come under the Resource Management Act 1991 (excluding the national environmental standards listed above). <u>Regulations are rules that apply directly to activities and must be considered in addition to Plan provisions. Unless otherwise stated with respect to rule in this Plan, where both a regulation and a Plan rule address the same matter, the more stringent requirement will apply.</u> These regulations are:
PART 2 District Wide Matters				

Strategic Direction	Strategic Directions Overview	Support with amendment	<p>Forest & Bird is generally supportive of the approach set out for strategic direction provisions, including the statement that there is no priority between objectives and that policies are only included for Poutini Ngāi Tahu strategic provisions.</p> <p>Clarification is needed to the statement that “Strategic Objectives and Policies form an important part of the resource consent framework and should be considered alongside the relevant zone or overlay objectives and policies when assessing resource consents”. This is because:</p> <ul style="list-style-type: none"> • “or” is not appropriate as both zone and overlay provisions should be considered where they are relevant and other district wide chapter provisions such as the coastal environment and earthworks should also be considered. • There is a need to ensure that relevant provisions are not excluded from consideration by omission in this statement, the wording should be amended to all relevant objectives and policies. <p>The intent at 4. does not accurately reflect the sustainable management purpose of the Act, of with protection is generally to the natural environment along with use and development. It also ignores Councils’ functions under s31.</p>	<p>Amend the following: “Strategic Objectives and Policies form an important part of the resource consent framework and should be considered alongside the <u>other</u> relevant zone or overlay objectives and policies when assessing resource consents.</p> <p>4. Fostering the use, and development, and <u>protection</u> of natural and physical resources whilst <u>providing for protection of</u> the natural values that have been elevated to matters of national importance by the Resource Management Act 1991 and those matters of national and regional significance by National and Regional Policy Statements, <u>as well as natural values that are required to be maintained and protected as part of Councils’ functions under the RMA;</u>”</p> <p>Include the following statement in the Strategic Directions Overview: <i><u>“For the purpose of District Plan development, including Plan changes, the strategic objectives in this chapter provide direction for the development of the more detailed provisions contained in the District Plan.</u></i></p> <p><i><u>For the purpose of District Plan implementation (including the determination of resource consent applications and notices of requirement):</u></i> <i><u>a) the strategic objectives may provide guidance on what the related objectives and policies in</u></i></p>
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		<p>The relationship between Strategic Objectives and the objectives and policy in other chapters/sections of the Plan should be set out in this overview. Forest & Bird opposes the approach to this that is set out at under each set/topic of strategic direction objectives. That statement on how to read the strategic objectives is not only inconsistent with the explanation at the start of the Strategic Directions Overview it is inappropriate for objectives in other chapters to be subservient to them.</p> <p>Saying that in interpreting and implementing the District Plan that all other objectives and policies are to be read and achieved in a manner consistent with the strategic directions may not allow the Plan to give effect to higher order documents such as the NZCPS or the WCRPS or the NPS-FW. The imperative of all chapters' objectives and policies to be read and achieved in a manner consistent with the Strategic Directions will not protect or maintain indigenous biodiversity in the West Coast. The detail found in other chapters is where the Plan gives effects to these higher order documents and should ensure that biodiversity is protected and maintained.</p> <p>Forest & Bird's proposed relief is the wording as approved by the Environment Court (with some modifications) in <i>Darby Planning Ltd Partnership v QLDC</i> [2019] NZEnvC 133 at annexure 2 clause 3.1B. See also Annexure 3 to this decision which is a Minute of the Court</p>	<p><u>other chapters of the District Plan are seeking to achieve; and</u> <u>b) the relevant objectives and policies of the District Plan (including strategic objectives in this chapter) are to be considered together and no fixed hierarchy exists between them."</u></p> <p>Delete the following statement wherever it occurs in the Plan: "For the purposes of preparing, changing, interpreting, and implementing Te Tai o Poutini Plan, all other objectives and policies in all other chapters of this Plan are to be read and achieved in a manner consistent with these Strategic Directions."</p>
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			dated 29 March 2019 at [34] - [39] where this issue was discussed, and the Court sought input on the suggested wording.	
Strategic Direction	AG Agriculture - Te Ahuwhenua	oppose	The statement on how to read the strategic objectives at the bottom of this chapter is inappropriate for the reasons set out with respect to the Strategic Directions Overview above.	Delete: “ For the purposes of preparing, changing, interpreting and implementing Te Tai o Poutini Plan all other objectives and policies in all other chapters of Te Tai o Poutini Plan are to be read and achieved in a manner consistent with these strategic objectives. ”
Strategic Direction	AG-O2	Support with amendment	The word “enable” is particularly directive for support industries and services. As it is not clear what these may be or their environmental effects, they should not be enabled carte-blanche.	Delete the word “enable” as follows: “To recognise the significance of agriculture to the West Coast economy, provide for agricultural development and innovation and enable the support industries and services needed to maintain agricultural viability within rural areas.”
Strategic Direction	CR Connections and Resilience - Ngā Hononga me te Manawa Titi	oppose	The statement on how to read the strategic objectives at the bottom of this chapter is inappropriate for the reasons set out with respect to the Strategic Directions Overview above.	Delete: “ For the purposes of preparing, changing, interpreting and implementing Te Tai o Poutini Plan all other objectives and policies in all other chapters of Te Tai o Poutini Plan are to be read and achieved in a manner consistent with these strategic objectives. ”
Strategic Direction	CR-O4	oppose	It is not clear what the objective is seeking to achieve through enabling “development of greater infrastructure self-sufficiency”. Objective CR-O2 already addresses resilience of critical infrastructure. It would not be appropriate to enable development of critical infrastructure in inappropriate locations, such as areas at risk or	Delete

			natural hazards or at the expense of significant and outstanding values.	
Strategic Direction	MIN Mineral Extraction - Te Tango Kohuke	Oppose	The statement on how to read the strategic objectives at the bottom of this chapter is inappropriate for the reasons set out with respect to the Strategic Directions Overview above.	Delete: “ For the purposes of preparing, changing, interpreting and implementing Te Tai o Poutini Plan all other objectives and policies in all other chapters of Te Tai o Poutini Plan are to be read and achieved in a manner consistent with these strategic objectives. ”
Strategic Direction	MIN - O1	Oppose	It is not clear what “duplication of regulation between agencies” refers to. “Ensuring provision for use and development” is also inappropriate. Council should not ensure such things in the abstract without applying its responsibilities and carrying out its functions under the RMA.	Delete MIN - O1
Strategic Direction	MIN - O2	Oppose	Enabling is not appropriate in the abstract without addressing adverse effects. Inconsistent with s5, s6 and s7 of the RMA. Also concerning that this would specifically enable extraction within zones that have significant natural values without any consideration of overlays or other significant values.	Delete MIN - O2
Strategic Direction	MIN - O3	Oppose	The objective lacks any strategic basis and does not appear appropriate to this section of the Plan. At a strategic level, extraction which provides regional or national economic and social benefits can be recognized where adverse effects are avoided, remedies and mitigated.	Delete MIN - O3 or amend as follows: “To recognise that mineral resources are widespread and fixed in location throughout the West Coast/Te Tai o Poutini and that <u>extraction of them may provide economic and social benefits to the region and nationally</u> provided adverse effects <u>can be appropriately avoided, remedied and</u>

				mitigated are managed, mineral extraction activities can be appropriate in a range of locations outside specified zones and precincts.”
Strategic Direction	MIN - O4	Support with amendment	It is appropriate to consider potential for reverse sensitivity issues on lawfully established activities for new subdivision, use and development.	Amend MIN - O4: “To ensure that new subdivision, use and development does not compromise existing <u>lawfully established</u> mineral extraction activities, including through reverse sensitivity to effects such as dust, noise and traffic generation.”
Strategic Direction	MIN - O5	Support	Support this approach	Retain
Strategic Direction	MIN - O6	oppose	While some aspects of the objective may deliver appropriate outcomes, it does not ensure adverse effects would be avoided where necessary to protect s6(c) matters or to achieve other objectives. Nor does the approach to “allow adverse effects to be addressed by biodiversity offsetting and environmental compensation” give effect to the WCRPS which sets specific policy direction in this regard, including when offsetting and compensation may be used, and limiting such consideration to residual adverse effects. Nor is the objective appropriate to provide for the other listed matters, e.g., outstanding landscapes and features, waterbodies, and the coastal environment.	Delete MIN - O6
Strategic Direction	Natural Environment			

Strategic Direction	NENV Natural Environment - Te Taiao	Oppose	The statement on how to read the strategic objectives at the bottom of this chapter is inappropriate for the reasons set out with respect to the Strategic Directions Overview above.	Delete: “For the purposes of preparing, changing, interpreting and implementing Te Tai o Poutini Plan all other objectives and policies in all other chapters of Te Tai o Poutini Plan are to be read and achieved in a manner consistent with these strategic objectives.”
Strategic Direction	NENV- O1	Support	The objective reflects s6 wording. However, this is not adequate to achieve s6 and give effect to the WCRPS without: 1. policy for protection of s6(c) matters set out in the ECO chapter; and 2. those provisions not being subservient to strategic direction provisions; and 3. all other chapters differing to/implementing the ECO provisions with respect activities affecting indigenous biodiversity.	Retain NENV – O1 subject to specific policy for protection of s6(c) matters set out in the ECO chapter being implemented and relevant across all chapters.
Strategic Direction	NENV- O2	Support with amendment	The reference to areas and features creates some uncertainty and potential tension with NENV – O1	It may be clearer to amend the objective to refer to the natural environment generally, rather than areas and features. This should remove any tension with NENV - O1 and achieve the act with respect to s6 matters.
Strategic Direction	NENV - O3	oppose	The explanation of the relationship of natural environmental values and public conservation land/conservation estate is not appropriate to the Plan and particularly not as a strategic objective. This approach lacks any context of connection from mountains to sea and connections through private land and urban areas as being important too. The reference to infrastructure is not well expressed as seems to	Delete NENV – O3

			be inappropriate in the connect of Natural environment strategic objectives.	
Strategic Direction	NENV - O4	Oppose in part	<p>The objective does not capture areas which may not be unique but are non the less important. If the terminology is intended to capture RMA s6(a), (b) and (c) matters it is somewhat inconsistent with the terms used in those sections and those used in the NZCPS.</p> <p>It is not clear if clause b. of the objective is referring to a zoning approach? However, zoning is more about managing the types of activities that are more appropriate to one zone than in another rather than identifying an areas where it can be sustainably managed which implies a more strategic approach.</p>	<p>Delete or consider amending as follows: "To clearly identify: a. Unique and important natural environment areas and features on the West Coast/Te Tai o Poutini which must be protected; and b. Areas where subdivision, use and development <u>activities to enable community economic, cultural and social wellbeing is appropriate or may be appropriate with conditions or where activities are not appropriate. can be sustainably managed.</u>"</p>
Strategic Direction	POU Poutini Ngāi Tahu	oppose	The statement on how to read the strategic objectives at the bottom of this chapter is inappropriate for the reasons set out with respect to the Strategic Directions Overview above.	Delete: " For the purposes of preparing, changing, interpreting and implementing Te Tai o Poutini Plan all other objectives and policies in all other chapters of Te Tai o Poutini Plan are to be read and achieved in a manner consistent with these strategic objectives. "
Strategic Direction	TRM Tourism - Te Tāpoi	oppose	The statement on how to read the strategic objectives at the bottom of this chapter is inappropriate for the reasons set out with respect to the Strategic Directions Overview above.	Delete: " For the purposes of preparing, changing, interpreting and implementing Te Tai o Poutini Plan all other objectives and policies in all other chapters of Te Tai o Poutini Plan are to be read and achieved in a manner consistent with these strategic objectives. "

Strategic Direction	Tourism Strategic Objective	TRM – O1	<p>While it is not clear what exactly “sustainable tourism development” is, the objective sets overall direction and recognition for tourism that is generally appropriate in context of strategic objectives.</p> <p>However, it is not clear that in managing adverse effects on the environment protection must be achieved in accordance with RMA s6(a), (b) and (c) and the NZCPS in the coastal environment.</p>	<p>Include the protection important natural environment areas and features and retain other aspects of objective as notified</p> <p>Consider including a definition for “important natural environment areas and features” as used in strategic objectives, being those matters under s6(a), (b) and (c) of the RMA and Policies 11, 13 and 15 of the NZCPS.</p>
Strategic Direction	UFD Urban form and development - Te āhua me te whanaketanga o te tāone	oppose	<p>The statement on how to read the strategic objectives at the bottom of this chapter is inappropriate for the reasons set out with respect to the Strategic Directions Overview above.</p>	<p>Delete “For the purposes of preparing, changing, interpreting and implementing Te Tai o Poutini Plan all other objectives and policies in all other chapters of Te Tai o Poutini Plan are to be read and achieved in a manner consistent with this strategic objective.”</p>
Strategic Direction	UFD-O1	Support with amendment	<p>There needs to be better integration starting at the strategic level for the maintenance and preservation of indigenous biodiversity values in urban form and development, so that indigenous biodiversity is a valued aspect of urban environments, rather than as a separate consideration only in terms of managing adverse effects.</p> <p>Because the NPSUD does not address indigenous biodiversity considerations for urban environments, it is up to RMA Plans to bring these matters together.</p>	<p>Retain matters 1 – 3 and 5- 10 Amend matter 4 as follows: 4. Recognise the risk of natural hazards whereby new development is located <u>in less away from identified hazardous locations.</u> Add three new matters as follows: <u>11. incorporate space for indigenous biodiversity values to be retained and enhanced;</u> <u>12. supports natural inland migration of indigenous flora and fauna to adapt to sea level rise, climate change and natural hazard events;</u> <u>and</u> <u>13. uses low environmental impact practices, materials and design.</u></p>

Energy Infrastructure and Transport				
Energy	Energy - Te Pūngao Overview		<p>The overview states that “Energy activities, including renewable electricity generation, transmission, distribution and operation are recognised as regionally significant infrastructure” and consistent with this many of the provisions are specific to the National Grid, electricity transmission, distribution and renewable electricity generation activities. However, some provisions are more general to “energy activities”. As discussed with respect to that definition above, as proposed it could extend beyond electricity and renewable energy. Given the regionally significant nature of the energy activities intended to be addressed in this chapter, either the definition needs amending or the provisions in this chapter need to be specific to National Grid, electricity transmission, distribution and renewable electricity generation activities.</p> <p>The consideration of relevant provisions within overlay chapters is limited by those provisions only applying “within an overlay area identified in the Planning maps”</p> <p>This means that even though the ECO chapter is an “overlay chapter” as per definitions, the only provisions of the chapter that would not apply are those related to mapped overlay areas. This would exclude consideration of provisions for significant indigenous biodiversity over most of</p>	<p>Either the definition of “Energy Activity” as sought above or amend all provisions in this chapter to be specific to National Grid or electricity transmission, distribution and renewable electricity generation activities.</p> <p>Under the “Other relevant Te Tai o Poutini Plan provisions” heading, amend in line with the Key Issue addressed above, making it clear that not only the provisions that apply specifically to identified overlays apply.</p> <p>Ensure the Coastal Environment chapter is referenced in the other relevant provisions section.</p> <p>As sought elsewhere, amend the definition of overlay chapter to deal with the Key Issue as set out above, so that it is clear that not only the ‘overlay provisions’ apply.</p> <p>Make consequential amendments to all referencing of overlay chapters and other relevant provisions to ensure that all ECO chapter provisions apply.</p> <p>Delete reference to Strategic Objectives, as submitted elsewhere.</p>

			<p>the region. This is dealt with in the Key Issues section above.</p> <p>It is appropriate for all the ECO provisions to apply to energy activities.</p> <p>This approach to applying overlay chapter provisions highlights a difference between an overlay chapter and what may be considered as an overlay provision. This is another reason why the definition of “overlay chapters” needs to be clear and easy to understand.</p>	<p>Make amendments to ensure that the natural open space zone provisions also apply to activities covered in this chapter.</p>
Energy	ENG all provisions	Oppose in part	See Key Issue above for submission points.	Where this chapters refers to biodiversity effects: rather than including a different standard of effects management (e.g., ‘minimising’), a specific requirement should be included to give effect to the ECO chapter provisions.
Energy	ENG – O1	Support		Retain as notified
Energy	ENG – O2	Oppose	‘Minimise’ is not an appropriate effects management standard. Significant adverse effects could still be caused even where they have first been minimised.	Delete objective; or amend so that the objective (and any energy activities covered in this chapter) is limited to electricity distribution and supply and renewable electricity generation, and “minimise” is changed to <u>“avoid, remedy or mitigate in accordance with the Natural Environment and District Wide chapters of this Plan.”</u>
Energy	ENG - O3	Oppose	This is too broad, and should be limited to electricity generation, distribution and supply and renewable energy generation.	Delete, or amend:

			The objective is also a blanket enabling provision and says nothing about the need to address adverse effects.	To provide for the development, operation, maintenance and upgrade of <u>electricity generation, distribution and supply and renewable energy generation-energy activities where adverse effects can be appropriately avoided, remedied or mitigated in accordance with the Natural Environment and District Wide chapters of this Plan</u> and to protect them from the adverse effects of incompatible subdivision and development.
Energy	ENG - P1	Support with amendment	Agree that it is appropriate to provide for these activities, however, there needs to be clear direction as to how to address adverse effects.	Add to the policy: <u>“while addressing adverse effects of these activities in accordance with the Natural Environment and District Wide chapters of this Plan.”</u>
Energy	ENG - P2	Oppose	<p>It is inappropriate to give higher consideration to energy activities than s6 matters or where this regard would conflict with a s7 matter.</p> <p>It is also unclear how ‘develop and operate’ should be determined with respect to existing energy activities. If ‘develop’ is considered relevant to existing as different to an upgrade this should be clarified and develop should be included in Policy P8 a.</p> <p>Proposals may reduce previous effects of the activity.</p>	<p>Limit to definition of ‘energy activities’ as sought in Interpretation section of this submission.</p> <p>Delete “particular”</p> <p>Add “maintain and upgrade” with respect to existing.</p> <p>Add an additional consideration i. opportunities to reduce environmental impacts</p> <p>Add “development” to ENG – P8 a. if it is relevant to existing National Grid infrastructure.</p>
Energy	ENG - P4	Oppose	This policy purports to deal with adverse effects in a totally deficient way. Effects must be managed in accordance with the WCRPS, and the other chapters in the Plan, e.g., ECO.	Delete

Energy	ENG - P5	Support with amendment	<p>It is not clear what the functional constraints or operational requirements for energy activities would be that should require specific consideration.</p> <p>The terms used are not the same as those defined in the National Planning Standards for functional need and operation need nor is it clear what these needs would be for energy activities as currently defined could be very broad.</p> <p>The policies lack integration with overlays provisions and chapter provisions which provide for s6 RMA matters.</p> <p>While the effects on those overlay matters may not be addressed through rules in this chapter, the provisions should provide for integration to avoid conflicting policy direction.</p>	<p>Limit to definition of ‘energy activities’ as sought in Interpretation section of this submission.</p> <p>When considering proposals to develop, operate, maintain, and upgrade new and existing energy activities:</p> <p>a. Recognise their functional constraints and operational requirements <u>recognise that natural character, outstanding and significant natural values are to be protected and that adverse effects on the environment are to be avoided, remedies or mitigated in accordance with the Natural Environment and District Wide chapters of this Plan.” ;</u> and</p> <p>b. Where new transmission infrastructure and major upgrades to transmission infrastructure are proposed have regard to the extent to which any adverse effects have been minimised in the route, site, and method selection.</p> <p>Amend policies to remove conflicts and improve integration with overlay provisions and provide for s6 matters.</p> <p>Amend the chapter overview to ensure that overlay chapters (including the provisions that apply more generally) and district wide chapters are also to be considered for energy activities.</p>
Energy	ENG - P6	Support with amendment	The policy is specific to renewable electricity generation, which we support.	Retain as specific to renewable energy generation, and amend to include:

			Direction must be given as to how adverse effects must be managed.	<u>‘where the adverse effects are avoided, remedied, or mitigated in accordance with the Natural Environment and District Wide chapters of this Plan.’</u>
Energy	ENG - P7	Support with amendment	Avoid, remedy, and mitigate needs to be in other policies for this policy to make sense – however with the amendments sought above this will be solved.	Delete ENG – P7 or retain the policy and include <u>‘avoid, remedy and mitigate in accordance with the Natural Environment and District Wide chapters of this Plan’</u> in both this policy and other ENG policies.
Energy	ENG - P8	Support with amendment	<p>Clarify what a substantial upgrade is compared with other upgrades.</p> <p>This policy does not yet appropriately give effect to the WCRPS Chapter 7, Chapter 9 Coastal environment or the NZCPS. This is because P8 focuses on scheduled areas which do not adequately capture significant natural areas and does not include direction to remedy and mitigate adverse effects beyond the coastal environment.</p> <p>It is not clear that unmapped SNAs would be considered under clause b or c.</p> <p>What is the difference between referring to a schedule vs an overlay on the maps?</p> <p>C. needs to be amended to give effect to the policy 11 requirements to avoid/avoid significant effects.</p>	<p>Amend Policy 8:</p> <ul style="list-style-type: none"> a. Clarify what ‘substantial’ means b. Amend to make clear that it is not only scheduled areas – for example, the majority of SNAs are not on schedules c. <ul style="list-style-type: none"> i. amend to refer to all areas with important values, including those identified in schedules and areas meeting significance criteria but not yet identified. ii. delete ‘seek to’ iii. include a new subpara that requires avoidance of adverse effects on policy 11(a) NZCPS biodiversity d. amend as follows: <p>d. Recognise that there may be some <u>attributes, character and biodiversity values areas within the sites and areas identified in Schedules</u> where avoidance of adverse effects is required to protect the identified <u>attributes, values and characteristics or values.</u></p>

			<p>The intention of clause d. is supported but needs to be extended to all areas with important values, whether in a schedule, or as yet unidentified, or as required by policy 11 NZCPS.</p> <p>Include direction on how to manage effects beyond overlays.</p> <p>It is not clear if this policy extends to capture adverse effects on natural character of wetlands lakes and rivers as per Policy 7 Chapter 6 of the WCRPS.</p> <p>It is not clear that a functional or operational need captures the requirements as the WCRPS that the policy direction for “seek to avoid” be considered “following a route, site and method selection process and having regard to the technical and operational constraints of the network”</p> <p>Forest & Bird understands that the terms “major upgrades”, “substantial upgrades” and “minor upgrade” are both used in the NPS-ET in different context, and this is largely captures by the wording in the proposed Plan, however those terms are not defined in the NPS-ET. It would be helpful to define or otherwise include some guidance on the interpretation of these terms.</p>	<p>Define or otherwise include some guidance on the interpretation on the terms “major upgrades”, “substantial upgrades” “minor upgrade” and “upgrade”</p> <p>Amend to capture requirements for route, site, and method selection process to consider alternatives to locating infrastructure in important natural areas.</p>
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Energy	ENG - R3	Oppose in part	In the case of a new substation there needs to be standards to limit vegetation clearance and protect any significant values identified in accordance with the criteria in the WCRPS.	Include requirement to meet the permitted vegetation clearance standards in the ECO chapter.
Energy	ENG - R4	Oppose in part	Define minor upgrading, upgrading and substantial updating. Standard 2 includes buildings and minor utilities structures which appear to be beyond the scope of the rule as set out in the heading for support structures and foundations. There are no standards to address effects on biodiversity.	Include requirement to meet the permitted vegetation clearance standards in the ECO chapter. Define minor upgrading, upgrading and substantial updating. Delete building and minor utility structure from the rule.
Energy	ENG – R5	Support with amendment	There are no standards to address effects on biodiversity.	Include requirement to meet the permitted vegetation clearance standards in the ECO chapter.
Energy	ENG – R6	Support with amendment	It would be clearer if the rule heading referred to the national grid yard and subdivision corridor, consistent with ENG-P9 rather than the Lines.	Limit to ‘energy activities’ as sought above in Interpretation section. Include requirement to meet the permitted vegetation clearance standards in the ECO chapter.
Energy	ENG – R7	Support with amendment	Support requirement to be permitted in overlay, however not all SNAs have been identified and are therefore probably not included in ‘overlays’.	Include requirement to meet the permitted vegetation clearance standards in the ECO chapter, including outside overlays.
Energy	ENG R-9	Support with amendment		Limit to ‘energy activities’ as sought by submission in Interpretation section.

Energy	ENG R-10	Support with amendment		Include requirement to meet the permitted vegetation clearance standards in the ECO chapter.
Energy	ENG - R11-14	Support with amendments	The matters of discretion are inappropriate to provide for biodiversity and other natural values. Only allowing consideration of whether 'significant adverse effects' will be caused does not fulfil Councils' obligations.	<p>Amend the matter of discretion in each rule referring to overlays with the following or similar wording:</p> <p>The degree to which the proposed activity will cause significant adverse effects on overlay <u>Chapter Matters</u> <u>Whether the activity will cause any adverse effects on Overlay Chapter matters, and the requirement to manage those effects in accordance with the relevant Overlay provisions.</u></p> <p>Add another matter of discretion:</p> <p><u>Whether the activity will cause any adverse effects on areas meeting the significance criteria in Appendix 1 WCRPS, and the requirement to manage those effects in accordance with the relevant Overlay provisions.</u></p> <p>Add another matter of discretion:</p> <p><u>The requirement to avoid and otherwise manage effects on biodiversity, natural character, and landscape in the coastal environment in accordance with policy 11, 13 and 15 NZCPS.</u></p>
Energy	ENG - R15	Support with amendment	It is unclear what is meant by 'large scale'. What is large scale?	Define or otherwise clarify 'large scale'.

			There is also no direction to protect natural values.	Include requirement that in order to be discretionary, the activity must comply with at least the ECO, NFL, CE, and NC chapters.
Energy	ENG - R16	Support with amendment	The rule needs direction to protect natural values.	Include requirement that in order to be discretionary, the activity must comply with at least the ECO, NFL, CE, and NC chapters.
Energy	ENG - R20	Support with amendment	Reference needs to be made to R 15 and 16	Consequential change: Add for activities that do not meet R15 and R16
Infrastructure	Overview		<p>It is not clear which “infrastructure” is addressed in this chapter.</p> <p>The overview says that the chapter addresses a range of specified infrastructure activities. It then identifies activities addressed in other chapters.</p> <p>There is no specification or identification of infrastructure activities addressed by this chapter.</p> <p>Further the wording “specified infrastructure” reflects terminology used in the NPSFM which has a specific meaning relating to regionally significant infrastructure.</p> <p>Regionally significant infrastructure in respect of energy activities is addressed in the ENG chapter. Regionally significant infrastructure in terms of state highways, the strategic road network and regional rail networks appear to be captured by provisions relating to “land transport corridors” referred to in the TRN Chapter overview.</p>	<p>Clarify the activities addressed by this chapter.</p> <p>For example, by including a list or an explanation in the overview with reference to definitions:</p> <p><u>“Infrastructure includes a range of structures, services and activities as defined - Definitions - Ngā Tautuhinga. This chapter sets out provisions with respect to the management of distribution pipelines, telecommunications networks, radio communications networks, water supply and distribution, drainage and wastewater including sewage systems and networks and for network utilities other than where this relates to: Energy Activities, addressed in the ENG Chapter; Transport activities addressed in the TRN Chapter; or Airport activities, addressed in the Airport Zone chapter.</u></p> <p><u>Infrastructure relating to Port Activities is addressed in the Port Zone chapter.</u></p>

			<p>The Note under Infrastructure Rules heading sets out explanation, which is applicable to the chapter generally, not specific to rules, and would be better contained in the overview.</p> <p>The overview also refers to regionally significant infrastructure, however it is not clear whether this chapter is only addressing regionally significant infrastructure (RSI). While the definition for RSI in the WCRPS is similar to “Infrastructure” there are differences which creates a subset for some infrastructure. For example, pipelines that distribute petroleum are not included in RSI</p> <p>As explained with respect to the ENG chapter it is not clear whether the scope of that chapter is only for energy related activities that are also RSI. If that is the case, there may be electricity infrastructure which should be considered under this chapter.</p> <p>Clarifying the scope of this chapter is important to understanding the relationship with overlay provisions and the ECO chapter generally.</p>	<p><u>Any infrastructure not specifically addressed in those other chapters, is captured by the provisions of this chapter.”</u></p> <p>Amend reference to ‘Overlay chapters’ in line with Key Issue above.</p>
Infrastructure	INF all provisions	Oppose in part	See Key Issue above for submission points.	Where this chapter refers to biodiversity effects rather than including a different standard of effects management (e.g., ‘minimising’), a specific requirement should be included to give effect to the ECO chapter provisions and any other natural environment or district wide provisions.

Infrastructure	Infrastructure Rules - Note	Support with amendment	This is not the appropriate location for this information. These notes relate to where infrastructure is addressed in the Plan and are relevant to provisions beyond just rules.	Incorporate notes 2, 3 and 4 into the overview and clarify the infrastructure addressed in this chapter and what is addressed in other chapters.
Infrastructure	INF - O1	Support with amendment	The objective needs to protect natural values.	Amend as follows: "To enable the safe, efficient and sustainable development, operation, maintenance and upgrading of utilities and infrastructure, to meet the needs of the West Coast/Te Tai o Poutini, <u>where adverse effects can be appropriately managed accordance with the Natural Environment and District Wide chapters of this Plan.</u> "
Infrastructure	INF - O4	Support with amendment	Location is a key factor when considering infrastructure that may be affected by natural hazards and climate change. It is also important to consider impacts on biodiversity which is also affected by natural hazards and climate change when considering provision for infrastructure.	To consider natural hazard <u>and biodiversity</u> resilience and impacts of climate change in infrastructure <u>location</u> , design, and provision.
Infrastructure	INF – O5	Support with amendment	Minimised is not sufficient to give effect to s5 of the RMA which requires adverse effects to be avoided, remedied, and mitigated on the environment as well as other matters including safeguarding the life supporting of ecosystems.	The adverse effects of infrastructure on the environment are minimized <u>avoided, remedied, and mitigated in accordance with the Natural Environment and District Wide chapters of this Plan</u> ", while recognising: a. The functional and operational needs of infrastructure; and

			The WCRPS includes specific direction for considering biodiversity adverse effects, and for RSI effects generally.	b. That positive effects of infrastructure may be realised locally, regionally, or nationally.
Infrastructure	INF - P1	Support with amendment	<p>The WCRPS does not require the provision of RSI in all cases. Nor does it set direction for provision of infrastructure generally; it is specific to RSI.</p> <p>The Plan does not identify utilities separate to “network utilities” which are incorporated by the definition for infrastructure.</p>	<p>Recognise and provide for the positive social, economic, cultural, and environmental benefits from the development, continued operation and upgrading of <u>network</u> utilities and infrastructure.</p> <p>Make consequential amendments to change “utility” to “network utility” throughout the Plan</p>
Infrastructure	INF - P2	Oppose in part	‘Minimise’ is not sufficient to give effect to s5 of the RMA which requires adverse effects to be avoided, remedied, and mitigated on the environment as well as other matters including safeguarding the life supporting of ecosystems.	<p>Manage the design and location of <u>network</u> utilities and infrastructure, including when sited in overlays in a way which considers:</p> <p>a. Locational, technical, and operational constraints;</p> <p>x. <u>whether there are alternative locations or a functional need to locating within an Overlay area or any Significant Natural Area (being areas meeting criteria in Appendix 1 of the WCRPS whether mapped in the Plan or not);</u></p> <p>b. <u>Resilience of the natural environment and of the infrastructure</u> to natural hazards and climate change;</p> <p>c. Poutini Ngāi Tahu requirements for discharge of wastewater to land;</p> <p>d. Benefits of co-location of infrastructure;</p> <p>e. That positive effects of infrastructure may be realised locally, regionally, or nationally; and</p> <p>f. The need to minimise <u>avoid, remedy, or mitigate</u> adverse effects on the environment in</p>

				<u>accordance with the Natural Environment and District Wide chapters of this Plan”</u>
Infrastructure	INF - P4	Support with amendment	The ability to ensure this should be a consideration prior to subdivision and development and should include constraints such as where adverse effects on natural values can and should be avoided or cannot be adequately avoided, remedied, or mitigated and development is inappropriate.	Ensure that subdivision and development, <u>is can be</u> adequately serviced including: <u>A. In site selection and design considerations, assessing the adverse effects of subdivision and development as well as adverse effects of services when determining whether the subdivision or development should occur in that location in the first place; and</u> <u>B. that adequate services includes:</u> a. Safe and efficient vehicle access; ...”
Infrastructure	INF - P6	Support		Retain
Infrastructure	INF - R2	Support with amendment	How will the council know they have run out of capacity where this is used by permitted activities? This could result in significant environmental adverse effects occurring.	Amend to a controlled activity so that council can assess capacity.
Infrastructure	INF – R2-12	Support with amendment	The permitted activities do not protect natural values.	Include standard that this must also meet the permitted standards of the ECO, ONFL, CE, EW, and NC chapters.
Infrastructure	INF – R13-15	Support with amendment	The controlled activities do not protect natural values.	Include requirement that this must also meet the permitted standards of the ECO, ONFL, CE, EW, and NC chapters.
Infrastructure	INF – R16-23	Support with amendments	The matters of discretion need to allow for consideration of natural values.	Amend the matters of discretion in each rule to include: - adverse effects on natural values, including those not yet identified on

				overlays, and the requirement to manage those effects in accordance with the Natural Environment and District Wide chapters of this Plan.
Infrastructure	INF – R24-28	Support		Retain
Transport	Overview	Support with amendment	<p>The scope and relationship of the chapter to other chapters is somewhat unclear. For example, the following sentences:</p> <p>“The Transport Chapter is linked to the Part 2 - District Wide Matters to ensure transport corridor works maintain the anticipated amenity, heritage, environmental, and cultural values. The risk from natural hazards is also considered.”</p> <p>“The transport provisions apply to each zone identified in the Planning Maps and Part 3 – Area Specific Matters section of the Plan. The land use zoning is to be extended to the centreline of land transport corridors.”</p> <p>It is not clear what linked to means when the transport chapter is a Part 2 district wide matter. The statement that the “provisions apply to each zone” is confusing as specific zones are not referred to in the TRN provisions. As a district wide matter, it would be expected to apply over the zone provisions, similar to other district wide topics.</p> <p>Because roads and other accessways create corridors not only for people but also for pests they can have additional adverse effects on</p>	<p>Clarify the relationship between the transport provisions in this chapter and other district wide topic chapters.</p> <p>Delete the following statement: “The Transport Chapter contains all the objectives, policies, and rules for managing the land transport corridors and the works and activities that occur within them.”</p> <p>Ensure that the ECO, NFL, NC, and CE chapters are recognized as also applying to all activities addressed in provisions of the Transport chapter, and that the provisions of this chapter make clear that effects on biodiversity, natural character, landscapes and the coastal environment are to be managed in accordance with those chapters.</p> <p>Clarify the relationship between Transport provisions in this chapter and zone chapter provisions.</p> <p>Clarify the scope of the chapter with respect to infrastructure and network utilities.</p>

			indigenous biodiversity compared to activities that occur at a discrete location. For this reason, effects on indigenous biodiversity need to be considered for transport activities.	
Transport	TRN all provisions	Oppose in part	See Key Issue above for submission points.	Where this chapters refers to biodiversity effects rather than including a different standard of effects management (e.g., 'minimising'), a specific requirement should be included to give effect to the ECO chapter provisions.
Transport	TRN - O2	Oppose in part.	Minimise is inappropriate.	Replace "minimise" with " <u>avoid, remedy or mitigate in accordance with the Natural Environment and District Wide chapters of this Plan.</u> "
Transport	TRN - R1-6	Support with amendment	The permitted activity standards need to refer to the need to comply with rules elsewhere in the Plan, including ECO, NC, NFL, and CE, given the potential for adverse effects.	Add a standard to all PAs that requires adherence to PAs standards of other rules in the pan, including ECO, NC, NFL, and CE. Also include a standard that this is not in NOSZ.
Transport	TRN – R7-12	Support with amendment	The matters of discretion do not provide the ability to consider adverse environmental effects, including on indigenous biodiversity.	Add matters of discretion: - <u>adverse effects on natural values, including those not yet identified on overlays, and the requirement to manage those effects in accordance with the Natural Environment and District Wide chapters of this Plan.</u>
HAZ - Hazards and Risks				

Contaminated Land, Hazardous Substances	CL, HS	Support with amendment	Ensure that risks to the environment includes risks to native species and their habitat	Amend Objectives, polices and rules so environment explicitly includes risks to native species and their habitat
Natural Hazards	Include new objective, policies, and rule	Support with amendment	Include in the rule framework, new objective, policy, and rules to ensure that habitat for indigenous biodiversity generally is protected, and that native species have somewhere to retreat to in the event their habitat is reduced or lost due to the impact of climate change.	Add: <u>Incorporate space for indigenous biodiversity values to be retained and enhanced;</u>
HCV - Historical and Cultural Values				
Notable Trees	TREE – Whole chapter	Support	Support whole chapter except as set out below.	Retain.
Notable Trees	TREE - O1	Support in part	Habitat needs to be included. Notable trees are sometimes those that provide habitat to birds or bats.	Add habitat to O1 and P2
Notable Trees	TREE – P4	Support in part	Add <u>e. outside of bird breeding and nesting periods</u> Make consequential change adding this to requirement into TREE – R2 and R3	Add <u>e. outside of bird breeding and nesting periods</u> Make consequential change adding this to requirement into TREE – R2 and R3
Sites and Areas of Significance to Māori	Sites and Areas of Significance to Māori Rules	Support in part	The advice note refers to “identified rules” where consent will be required. It is not clear where or how these rules are “identified” It is not clear whether other permitted activity conditions/standards under rules in other chapters for these activities would also apply.	Amend to clarify. Include a section setting out which other chapters of the Plan apply, in line with Key Issue above.

Sites and Areas of Significance to Māori	SASM-R7	Oppose in part	<p>We are not clear whether these the extraction of aotea and pounamu can be appropriately considered “farm quarries” or “mineral extraction activities”. We have submitted elsewhere that all mining activities should require consent, given the adverse effects they can cause.</p> <p>We have also expressed our concerns with the ability of management Plans to adequately manage adverse effects on natural values, in particular on biodiversity. We are not clear how the council intends discharge its obligations to ensure that any adverse effects from these permitted activities are managed.</p> <p>Condition/standard 3 would permit “other mineral extraction and quarrying activity”. This activity is not appropriate for management under this rule, as it appears to not be related to aotea or pounamu.</p>	<p>Delete 3.</p> <p>Consider adding a further condition/standard requiring compliance with conditions and standards of other permitted rules (and list the relevant rules) for “farm quarries and mineral extraction activities”.</p> <p>Clarify how effects will be managed by Councils. Alternatively consider requiring consent for this activity.</p>
Natural Environment Values				
Ecosystems and Indigenous Biodiversity	ECO			
Ecosystems and Indigenous Biodiversity	ECO Chapter	Support with amendments	The matters set out in the Key Issues section above in this submission, under the heading “Identification and protection of SNAs” are also	Amend as sought in Key Issues above.

			relevant to this chapter and may include amendments to address relief sought.	
Ecosystems and Indigenous Biodiversity	Overview		<p>There are a number of inaccuracies in the overview which detract from the utility of the introduction to provide a basis upon which to interpret the chapter. This includes:</p> <ul style="list-style-type: none"> • Referring to the RMA as requiring Te Tai o Poutini Plan manage indigenous biodiversity. The RMA requires councils to manage use, development and protection when carrying out their functions. Plans are to assist council in carrying out its functions. • Suggesting there is a priority between maintenance of indigenous biodiversity and protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. • Making it sound like identification of areas of significant indigenous vegetation and significant habitats of indigenous fauna using the criteria in the WCRPS is too difficult when in fact some assessment work has been undertaken but not yet included in the Plan. <p>Various wording is used in the Plan and this chapter with respect to s6(c) areas. While the s6(c) wording is appropriate within ECO chapter objectives, consistency with the WCRPS would be clearer by using the terms defined in the</p>	<p>Amend the ECO overview as follows:</p> <p>“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.</p> <p>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.</p> <p>While the West Coast/Te Tai o Poutini is fortunate to have a wide range of diverse and intact</p>

			<p>WCRPS (and replicated in the interpretation section of the Plan, as sought above) for policies and rules in the Plan. We recognise that in some instances, because of the way the provisions are drafted, it is necessary to distinguish between scheduled/mapped areas included in the Plan and those that are not specifically identified in the Plan (for example, where rules only apply to scheduled SNAs).</p> <p>On this basis we suggest that other than where s6(c) wording is appropriate, such as in ECO objectives, the wording of the Plan is amended to distinguish areas of significant indigenous vegetation and significant habitats of indigenous fauna which are scheduled and mapped in the Plan as “SNAs identified in Schedule Four”, those that are not specifically identified, as “unmapped significant natural areas” and where no distinction is required, as Significant Natural Areas or SNAs.</p> <p>The WCRPS also has a different term for Policy 11 NZCPS biodiversity which should also be used for consistency in this Plan.</p> <p>The amendments sought are intended to address these matters.</p>	<p>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. <u>Without identification and protection there is a risk to diversity and intact systems as well as further degradation of already compromised ecosystems. Well-functioning ecosystems provide resilience to climate change and can provide protection to communities from natural hazards.</u></p> <p>Under the RMA, the district and regional councils share responsibility for maintaining indigenous biodiversity. Te Tai o Poutini Plan is <u>implements councils’ responsibility</u> to for protecting and maintaining terrestrial (land-based) ecosystems, including the margins of the coast and waterbodies. and <u>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.</u></p> <p>The RMA requires Te Tai o Poutini Plan to <u>assist Councils in carrying out their functions with respect to</u> manage indigenous biodiversity in two</p>
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				<p>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.</p> <p><u>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 WCRPS, which this Plan must give effect to, sets out criteria for determining significance and requires that all areas meeting this criteria, whether mapped in the Plan or not, are to be known as Significant Natural Areas, or SNAs.</u></p> <p>Because of the extremely large <u>extensive</u> land areas covered by indigenous vegetation on the West Coast/Te Tai o Poutini, detailed a comprehensive assessment of each piece of vegetation for identification of significance using the WCRPS Appendix 1 criteria for the purpose of mapping Significant Natural Areas its significance has not yet been undertaken <u>completed</u>.</p> <p>In the Grey District, an evaluation process has been underway for <u>was undertaken</u> a number of years <u>ago</u>. This identified, and this has enabled <u>37</u></p>
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				<p>Significant Natural Areas <u>previously included in the Grey District Plan. These areas remain identified as SNAs to be identified within the Grey District. The list of these Significant Natural Areas can be found included</u> in Schedule Four and they are also shown on the maps.</p> <p><u>Where the provisions in this Plan refer to Significant Natural Areas this includes areas which are not yet included as SNA in Schedule Four, that nevertheless meet one or more of the significance criteria.</u></p> <p><u>Where there is uncertainty as to whether an area may meet the criteria, or in the absence of an ecological assessment, precaution and protection should be favoured, and a resource consent sought.</u></p> <p>In the Buller and Westland Districts, where Significant Natural Areas have not yet been mapped, <u>and in Grey District for areas outside of mapped SNAs 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.</u></p> <p><u>It is expected that further areas will be identified and mapped as Significant Natural Areas through resource consent processes or Council supported ecological assessments and that these will be</u></p>
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				<p><u>added to the Plan through subsequent Plan change processes.</u></p> <p>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.”</p> <p>“Indigenous vegetation clearance in the Coastal Environment or adjacent to waterbodies</p> <p><u>Te Tai o Poutini Plan must also give effect to Policy 11 of the NZCPS 2010 and the WCRPS which include specific provisions for protection of indigenous biological diversity in the coastal environment. For consistency with the WCRPS biodiversity described in Policy 11 of the NZCPS is referred to as “Significant indigenous biological diversity”. This chapter includes provisions for protection of this biological diversity within the coastal environment above mean highwater springs as shown on the Planning maps. Where indigenous vegetation clearance is proposed within riparian margins next to rivers, lakes and wetlands refer to the Natural Character and Margins of Waterbodies chapter of the Plan for the Rules around this clearance.”</u></p>
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Ecosystems and Indigenous Biodiversity	Overview - Plantation Forestry	Support with amendment	Explanation of the relationship with the NPS for Plantation Forestry is supported as is the inclusion of more stringent provisions in the Plan for protection of significant biodiversity. Some changes for clarification to this explanation is needed.	Amend the following paragraph of the ECO Chapter overview: “Plantation Forestry Plantation forestry is principally regulated by the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017 (NES-PF). However the NES-PF allows that district Plans can be more stringent to protect s Significant n Natural a Areas and significant indigenous biological diversity within the coastal environment as provided for in the NZCPS Policy 11. Where provisions within this chapter <u>are more stringent, they over-rule</u> the requirements of the NES – PF; an advice note to that effect is included within the <u>relevant Rule.</u> ”
Ecosystems and Indigenous Biodiversity	Overview - Strategic Objectives		It is not clear why this statement is only included in the ECO chapter overview and not the overview of other chapters.	Delete this statement.
Ecosystems and Indigenous Biodiversity	Overview - Wetlands on the West Coast	Support with amendment	It would be helpful to explain that the National Environmental Standards for Freshwater, regulations, include setbacks which are different to those in this Plan, and which may require consent to be sought from the Regional Council.	Amend the following paragraph of the ECO Chapter overview: “Wetlands on the West Coast <u>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</u>

				<p><u>may require resource consent to be sought from the regional council.</u></p> <p>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.</p>
Ecosystems and Indigenous Biodiversity	ECO- O1	Support with amendment	<p>To give effect to Objective 7.1 and Policy 7.1.a) of the WCRPS it is necessary for Significant Natural Areas to be mapped. There should be a clear objective to map SNAs within a reasonable timeframe. We understand that some work has already been undertaken in this regard. Including a requirement in the objective to include the SNAs in Schedule four will also set an outcome that necessitates a proposed Plan change to have been notified by 2025.</p>	<p>To identify and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna on the West Coast/Te Tai o Poutini, <u>including mapping of Significant Natural Areas consistently across all districts and including these areas in Schedule Four by 2025.</u></p>
Ecosystems and Indigenous Biodiversity	ECO- O2	Oppose	<p>The obligation is to protect significant and maintain other biodiversity. Subdivision and development within a Significant Natural Area should not be predetermined as “appropriate” to be provided for in this way, which is different to the wording of s6(c). It may be appropriate to consider limited activities where protection is achieved.</p>	<p>Amend ECO – O2: “To <u>only consider provision de</u> for appropriate subdivision, use and development within areas of significant indigenous vegetation and significant habitats of indigenous fauna where the values of the area can be maintained or enhanced <u>and the area is protected.</u>”</p>

Ecosystems and Indigenous Biodiversity	ECO- O3		<p>As noted above, Forest & Bird supports the Plan giving effect to ss6(e), 7(a) and 8.</p> <p>We are concerned that as drafted, this objective may not clearly provide for s6(c).</p>	<p>Amend to ensure that SNAs are protected, for example by the following wording:</p> <p>“To provide for tino rangatiratanga in relation to management <u>protection of Significant Natural Areas of significant indigenous vegetation and significant habitats of indigenous fauna</u> where these are located on Poutini Ngāi Tahu and Te Rūnanga o Ngāi Tahu land.”</p>
Ecosystems and Indigenous Biodiversity	ECO- O4	Support with amendment	<p>The council’s obligation is to control land use for the purpose of maintaining indigenous biodiversity across the district, not just the range and diversity. The objective lacks direction to maintain the extent of biodiversity.</p>	<p>Amend the objective to “To maintain the range and diversity <u>and extent</u> of ecosystems and indigenous species found on the West Coast/Te Tai o Poutini”.</p>
Ecosystems and Indigenous Biodiversity	ECO - P1	Support with amendment	<p>The Grey District SNA mapping is outdated, and the district needs to be reassessed using the WCRPS criteria, for region wide consistency. Potentially there are more SNAs in the Grey District so the policy should provide for further assessment and additions to Schedule 4.</p> <p>The policy should not exclude identification of Significant Natural Areas through consent processes in the future. Surveys may not pick up all significant areas, including due to timing. Habitats can also change.</p> <p>Amendments are also needed to terminology consistent with the policy direction and the WCRPS definition for “Significant Natural Area,</p>	<p>Amend policy to include Grey District SNA mapping to be assessed under the WCRPS criteria.</p> <p>Amend ECO – P1: “Identify <u>and map areas of Significant Natural Areas, by indigenous vegetation and fauna habitat</u>: 1. In the Grey District these areas are identified in Schedule Four; 2. In the Buller and Westland Districts: i. Using the criteria set out in Appendix 1 of the West Coast Regional Policy Statement will be used to assess <u>determine</u> significance; ii. <u>In Grey (beyond SNAs included in Schedule Four) and in Buller and Westland, Significant Natural Areas of significant indigenous vegetation and fauna habitat will be identified through the</u></p>

			or SNA” as explained in amendments to the ECO chapter overview.	<p>resource consent process until such time as district wide identification and mapping of significant natural areas is undertaken;</p> <p>iii. <u>in Grey (including SNAs currently included in Schedule Four), Buller and Westland a district wide assessment, identification and mapping of significant natural areas will be undertaken in a regionally consistent manner and completed by June 2025</u>; and</p> <p>iv. <u>the addition of Identified and mapped Significant Natural Areas of significant indigenous vegetation and fauna habitat will be added to Schedule Four through a Plan Change by 2025.</u>”</p>
Ecosystems and Indigenous Biodiversity	ECO - P2	Support with amendment	<p>It is inappropriate to allow solely on this basis as there may be other factors to consider. Such as whether the activity is in the coastal environment or there is natural hazard risk and whether protection would be achieved.</p> <p>While it is Planning practice to generally not include permitted activity status unless there is certainty that adverse effects will be no more than minor, this is not an appropriate policy direction where protection of Significant Natural Areas is to be achieved.</p> <p>The policy needs significant amendment to give effect to WCRPS Policies 7.2-7.6. Again, while Forest & Bird supports the provision for activities in accordance with ss6(e), 7(a) and 8, biodiversity must still be protected.</p>	<p>Delete ECO- P2 and replace with Chapter 7 Policy 2 to 6 of the WCRPS.</p> <p>Alternatively amend P2 as follows:</p> <p>“Allow <u>make provision for</u> activities within <u>Significant Natural Areas of significant indigenous vegetation or significant habitats of indigenous fauna</u> where:</p> <p>a. This is for <u>the maintenance, repair, or operation of a lawfully established Structure activity</u>; or</p> <p>b. It is for a Poutini Ngāi Tahu cultural purpose; or</p> <p>c. This is undertaken on Poutini Ngāi Tahu or Te Rūnanga o Ngāi Tahu land in accordance with an Iwi/Papatipu Rūnanga Management Plan; or <u>and</u></p> <p>d. <u>adverse effects can be managed to protect the Significant Natural Area in accordance with</u></p>

			<p>We have added d. to address the overarching biodiversity protection concern for all the activities that this policy covers. We are open to another method of ensuring SNAs are protected.</p> <p>Clause e. is inconsistent with the council's obligation is to protect SNAs. This is because reoccurring or multiple less than minor or minor effects can become more than minor cumulative effects which may be significant. A minor effect may also be inappropriate where an adverse effect is to be avoided. This policy could result in a death by a thousand cuts of SNAs.</p>	<p><u>Chapter 7 Policies 2 to 6 of the WCRPS</u> The activity has a functional need to be located in the area; e. The activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat."</p> <p>Include from clause d. the consideration for activities that have "a functional need to be located in the area" within P7.</p>
Ecosystems and Indigenous Biodiversity	ECO - P3	Support with amendment	<p>Clause a. of ECO-P3 would not necessarily achieve the obligation required under the RMA to protect SNAs. Additional housing next to SNAs also brings with it potential for increased adverse effects. the term enhancement is often used in the context of biodiversity offsets and compensation which is not appropriate here. Protection and restoration are appropriate considerations for all subdivision, not just additional lots.</p>	<p>Remove clause a. from ECO-P3.</p> <p>"Encourage the protection, enhancement, and restoration of significant indigenous biodiversity by when:</p> <p>a. Allowing considering additional subdivision rights if an area of significant indigenous vegetation or significant habitat of indigenous fauna within the same property is legally protected as part of the subdivision; <u>x. considering subdivision proposal proposals of land that includes or lies adjacent to a Significant Natural Area;</u> b. Promoting the creation of connections and ecological corridors between <u>Significant Natural Areas of significant indigenous biodiversity;</u></p>

				<p>c. Promoting the use of eco-sourced species from the relevant ecological district;</p> <p>d. Supporting opportunities for Poutini Ngāi Tahu to exercise their cultural rights and responsibilities as mana whenua and kaitiaki in restoring, protecting, and enhancing <u>Significant Natural Areas of significant indigenous biodiversity</u>; and</p> <p>e. Supporting initiatives by landowners, community groups and others to protect, restore and maintain <u>Significant Natural Areas of significant indigenous biodiversity.</u>”</p>
Ecosystems and Indigenous Biodiversity	ECO - P4	Support	<p>While we generally agree that eco-tourism that complements protection is better than that which does not, it is not clear what “complement” means, and this could be subjective. The “or” for enhancement is also uncertain as it suggests an alternative to protection.</p> <p>Again, reference needs to be made to the relevant WCRPS policies, which set out a required approach to effects management in SNAs.</p>	<p>Amend ECO-P4</p> <p>“<u>Consider Pproviding</u> for eco-tourism activities that: complement the <u>a. protection of Significant Natural Areas in accordance with Chapter 7, Policies 2 to 6 of the WCRPS on; or and</u> b. enhancement of areas of significant indigenous biodiversity; vegetation or significant habitats of indigenous fauna; and <u>c. contribute to the vitality and resilience of the economy and wellbeing of the community.</u>”</p>
Ecosystems and Indigenous Biodiversity	ECO - P5	Support with amendment	<p>There is some uncertainty in the policy as to what “minimise” will involve and what “significant values” are and whether protection of SNAs will be achieved. This policy suggests a different approach to protection and effects management than required by Chapter 7 policies 2-6 of the WCRPS.</p>	<p>Amend as follows:</p> <p>“Enable the use of Māori Purpose Zoned land with areas of indigenous vegetation and indigenous fauna habitat, where land use and subdivision is consistent with tikanga and mātauranga Māori and minimises adverse effects are managed in <u>accordance with Chapter 7, Policies 2 to 5 of the</u>”</p>

				<u>WCRPS on any significant values of the vegetation or fauna habitat.</u>
Ecosystems and Indigenous Biodiversity	ECO - P6	Support with amendment	We support the clear direction to avoid certain effects. However, the policy takes a different approach to activities with respect to the matters set out and uses different wording than the similar Policy 2 in Chapter 7 of the WCRPS. This creates uncertainty and potential inconsistencies with giving effect to the WCRPS.	Delete ECO – P6, and replace with the exact wording of Policy 2, Chapter 7 of the WCRPS.
Ecosystems and Indigenous Biodiversity	New ECO policy	Seek new policies	The Plan does not give effect to Chapter 7 WCRPS, in particular policies 2-5.	Insert new policies in the ECO chapter to directly replicate Chapter 7, policies 2-5 WCRPS.
Ecosystems and Indigenous Biodiversity	ECO - P7	Support with amendment	<p>Changes are required to ensure that the WCRPS is given effect to in this policy.</p> <p>Changes are required to address uncertainty with what is intended by “activity management” to clarify that the policy applies with respect to adjacent Significant Natural Areas, and also terminology for Significant Natural Areas.</p> <p>The reference to Policy 9 is also inappropriate as that policy is inconsistent with the WCRPS. Reading the policies together will enable ECO-P9 as amended to apply the WCRPS wording to inform what is appropriate biodiversity offsetting or compensation.</p>	<p>Amend Policy ECO- P7:</p> <p>“When assessing resource consents in <u>or adjacent to areas of sSignificant Natural Areas indigenous vegetation and significant habitats of indigenous fauna, apply Chapter 7, Policies 2-6 WCRPS.</u> <u>To the extent that it is consistent with those policies,</u> also consider the following matters:</p> <p>a. The necessity for the activity to provide for critical infrastructure or renewable electricity generation;</p> <p>b. Whether formal protection and active management of <u>measures to restore or improve</u> all or part of any area of <u>sSignificant Natural Area(s) indigenous vegetation or habitat</u> will occur as part of the subdivision, use or development;</p>

				<p>c. The extent to which the proposed activity recognises and provides for Poutini Ngāi Tahu cultural and spiritual values, rights, and interests;</p> <p>d. The cumulative effects of activities within or adjacent to <u>any Significant Natural Area of significant indigenous vegetation or habitat</u>;</p> <p>e. The effects the activity may have on the introduction or spread of exotic weed species and pest animals both terrestrial and aquatic;</p> <p>f. The impacts on mahinga kai;</p> <p>x. <u>The adequacy of an assessment applying the significance criteria set out in Appendix 1 of the West Coast Regional Policy Statement</u>;</p> <p>g. The impact of the activity on the values of any area of significant indigenous vegetation or habitat, or threatened species and how any potential impact could be avoided, remedied, or mitigated; and</p> <p>h. The appropriateness of any biodiversity offsetting or compensation in accordance with Policy 9 to offset any residual adverse effects, <u>in accordance with Chapter 7, policies 2-5 WCRPS.</u> that remain after avoiding, remedying, and mitigating measures have been applied.</p>
Ecosystems and Indigenous Biodiversity	ECO - P8	Support with amendment	<p>While the matters set out are generally considered to be appropriate considerations, they should be in addition, and not as an alternative, to those set out in Policy 8, Chapter 7 of the WCRPS.</p> <p>Also, 'minimising' is not an appropriate standard for effects management. We have</p>	<p>Add the exact wording of Policy 8 of the WCRPS into this policy while retaining proposed wording also, except that b. should refer to avoid, remedy, or mitigate' rather than 'minimise'.</p>

			submitted throughout the Plan that it should be replaced by 'avoid, remedy or mitigate'.	
Ecosystems and Indigenous Biodiversity	ECO - P9	Support with amendment	This policy does not give effect to the WCRPS.	Delete ECO – P9 Replace with the exact wording of Policy 2, 3, 4 and 5, Chapter 7 of the WCRPS or incorporate those policies by reference.
Ecosystems and Indigenous Biodiversity	ECO - P10	Oppose	<p>The CE overview states that the objectives, policies, and rules in relation to clearance of indigenous vegetation in the coastal environment are located in the ECO - Ecosystems and Biodiversity Chapter. As explained with respect to the ECO overview this approach is not clear in the ECO chapter and amendments are sought to the ECO overview to clarify this. In particular the NZCPS and subsequently the WCRPS set directive provision for the protection of indigenous biodiversity in the coastal environment which needs to be carried through and given effect to in the ECO chapter.</p> <p>ECO-P10 uses the term “significant indigenous biodiversity” however this term is not defined in the Plan. The WCRPS uses and defines the term “Significant indigenous biological diversity” to mean that described in Policy 11 of the NZCPS.</p> <p>Forest & Bird would support avoiding adverse effects on that biodiversity if that is the intent of ECO-P10.</p>	<p>Add the WCRPS definition for “Significant indigenous biological diversity”. Ensure that the term as used in ECO-P10 is hyperlinked to the definition.</p> <p>Amend Policy 10 as follows: “Protect indigenous biodiversity in the coastal environment from inappropriate subdivision, use and development by: a. Avoiding adverse effects on significant indigenous <u>biological</u> diversity <u>in accordance with Policy 11 NZCPS</u>; and b. <u>In addition to P2, P3, P6, P7, P8</u> Avoiding, remedying or mitigating other adverse effects on indigenous vegetation, habitats, and species within the coastal environment.”</p> <p>Alternatively, if not all Policy 11 NZCPS matters are captured by “significant indigenous biological diversity”, amend Policy ECO-P10 as follows:</p> <p>Amend Policy 10 as follows: “Protect indigenous biodiversity in the coastal environment <u>in accordance with policy 11 NZCPS</u>”</p>

			<p>Chapter 9 Policy 1 b) is for avoiding adverse effects on significant indigenous biological diversity, while c) is avoiding significant adverse effects and avoiding, remedying, or mitigating other adverse effects on indigenous biological diversity.</p> <p>To the extent that Appendix 1 criteria of the WCRPS could be broader than Policy 11 matters, other ECO provisions must also be applied in the coastal environment in the absence of policy direction avoiding significant adverse effects.</p> <p>The reference to “inappropriate subdivision, use, and development” is inconsistent with the NZCPS. The wording of the NZCPS should be preferred over that in the WCRPS where there is uncertainty to the meaning which is the case here.</p>	<p>from inappropriate subdivision, use and development by:</p> <p>a. Avoiding adverse effects on significant indigenous biological diversity; and</p> <p>b. <u>Avoiding significant adverse effects and</u> Aavoiding, remedying or mitigating other adverse effects on indigenous vegetation, habitats, and species within the coastal environment.”</p> <p>Include consequential amendments to rules to give effect to NZCPS policy 11 requirements.</p>
Ecosystems and Indigenous Biodiversity	New policy		<p>A new policy is required to give effect to Policy 8 of the WCRPS. This policy can be added directly from the WCRPS or could be included by reference.</p> <p>Forest & Bird also notes that Policy 7 of the WCRPS is not captured in the ECO provisions. This may be due to the lack of SNA mapping and identification. However, in anticipation that council will map SNAs and to give effect to the WCRPS Forest & Bird cautiously suggests some wording to give effect to this policy.</p>	<p>Add a new policy to give effect to Chapter 7 Policy 8 of the WCRPS:</p> <p><u>“Maintain indigenous biological diversity, ecosystems, and habitats in the region by:</u></p> <p>a) <u>Recognising that it is more efficient to maintain rather than to restore indigenous biological diversity;</u></p> <p>b) <u>Encouraging restoration or enhancement of indigenous biological diversity and/or habitats, where practicable; and</u></p> <p>c) <u>Advocating for a co-ordinated and integrated approach to reducing the threat status of</u></p>

			<p>Given the lack of identification and mapping of SNAs Forest & Bird considers that any provision for activities adversely affecting indigenous biodiversity must firstly determine that such biodiversity is not significant and take a precautionary approach in this regard.</p>	<p><u>indigenous biological diversity.”</u></p> <p>Add a new policy to provide direction for activities affecting indigenous biodiversity beyond that which meets the significance criteria in Appendix 1 of the WCRPS.</p> <p><u>“Where an assessment carried out by an appropriately qualified expert determines that an area containing indigenous biodiversity does not meet any of the significance criteria in Appendix 1 of the WCRPS, consider providing for subdivision, use or development in those areas for:</u></p> <p><u>a) activities with no more than minor adverse effects;</u></p> <p><u>b) when activities can avoid, remedy, or mitigate more than minor adverse effects; and</u></p> <p><u>c) Where there are significant residual adverse effects, considering any proposal for indigenous biological diversity offsetting or compensation.”</u></p>
Ecosystems and Indigenous Biodiversity	New rule(s)	Seek new rule(s)	<p>The Plan currently does not protect significant habitats of indigenous fauna where they occur outside indigenous vegetation. This is in the context of this Plan not having identified SNAs.</p> <p>The rules may need to regulate exotic vegetation clearance, so that significant habitats are appropriately protected.</p>	<p>As noted above in the Key Issues, we have not been able to suggest a satisfactory amendment to ensure that significant habitats outside of indigenous vegetation are protected. As such, we seek that the Council provide new rules to ensure that this occurs.</p> <p>Rules may also need to be included in other chapters to ensure that significant habitats outside of indigenous vegetation are protected.</p>

Ecosystems and Indigenous Biodiversity	Reference above rules to policies in the Energy, Infrastructure and Transport chapters	Support	It is helpful to include note for consideration of policy that is relevant to activities which are specifically considered in the ECO rules.	Retain the note to refer to policies in the Energy, Infrastructure and Transport chapters
Ecosystems and Indigenous Biodiversity	Note:	Seek new note	The relationship between the maps and Schedule Four should be clarified.	Add a note to the effect that Schedule Four SNAs are spatially identified on the Planning maps under the Significant Natural Area overlay.
Ecosystems and Indigenous Biodiversity	Permitted Activities			
Ecosystems and Indigenous Biodiversity	Permitted Activities	Support with amendments	Due to the lack of SNAs comprehensively identified, scheduled, and mapped in the Plan, Forest & Bird considers that indigenous vegetation clearance must be treated as if it were occurring within an SNA. The type of activities needs to be limited to those that may be appropriate as permitted within an SNA, and to a scale that ensures the SNA is protected and that adverse effects are no more than minor. For clarity we consider that separate rules should be used for activities outside of Schedule Four SNAs to those within Schedule Four SNAs. Within the CE even more stringent conditions are required to ensure that the policies direction to avoid adverse effects is achieved.	Make amendments to address submission. We have sought rules below which attempt to fix this.
Ecosystems and	ECO - R1	Oppose	As discussed in the key issues section of this submission, the lack of comprehensive SNA	1. Delete ECO – R1 or amend so that all indigenous vegetation clearance across all districts

<p>Indigenous Biodiversity</p>			<p>identification in the Plan means that all indigenous vegetation clearance should be treated the same (or at least very similar) as for Scheduled SNAs.</p> <p>Forest & Bird considers that a number of activities permitted under this rule are not appropriate to the rule or are not limited and restricted appropriately.</p> <p>We also consider that some of the activities would also be appropriate within Schedule Four SNA's and that the rule should apply to those areas; as all indigenous vegetation clearance should be treated the same at the permitted rule level across the districts given the lack of comprehensive SNA identification.</p> <p>Condition 2. Support the link with NC- R2 however clearance at the permitted level should also be limited to the purposes set out in ECO-R1 as amended in this submission. As a consequence, NC-R2 may be able to be simplified with respect to indigenous vegetation clearance addressed in ECO-R1.</p> <p>Condition 3. Needs to apply to all vegetation clearance under this rule including that within margins under condition 2. That is clearance is only to be for specific purposes. In addition, a number of the purposes are not appropriate for areas that may in fact be significant natural areas.</p> <p>Condition 3. i. should be deleted. Windthrown timber serves an ecological function, and its</p>	<p>and is only for purposes, and within limits, that are appropriate as permitted activities to protect Significant Natural Areas, including where such areas have not yet been identified in the Plan, as follows:</p> <p>“Indigenous vegetation clearance and disturbance outside of the coastal environment”</p> <p>Activity Status Permitted Where:</p> <p>1. It is outside of a scheduled Significant Natural Area as identified in Schedule Four; <u>1.2. Within the Riparian Margin of a River, Lake or Wetland the clearance is permitted by the Natural Character and the Margins of Waterbodies Rule NC - R1; or and</u> 2.3. The clearance is only if it is necessary for one of the following purposes:</p> <ul style="list-style-type: none"> i. It is the removal of windthrown timber through: <ul style="list-style-type: none"> a. Use of helicopter recovery methods; or b. Where ground based recovery is only undertaken from areas adjacent to existing vehicle tracks; or ii. The maintenance, operation and repair of lawfully established: <ul style="list-style-type: none"> <u>a. tracks, and clearance is limited to within 1m of the track</u> <u>b. fences, and clearance is limited to within 1m of the fence</u> <u>c. structures, and clearance is limited to within 3m of the structure</u>
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			<p>removal should not be undertaken without consideration of adverse effects and whether removal is appropriate to achieve objective and policy outcomes. Permitting vegetation clearance for this purpose is inappropriate to the protection of significant natural areas and maintenance of indigenous biodiversity.</p> <p>Condition 3.ii needs amending. Forest & Bird generally agrees that some provision for maintenance of lawfully established activities can be included as permitted however the condition is unclear as to the extent/scale of clearance and appears to make provision for clearance beyond maintenance, i.e., operation which is uncertain other than for infrastructure and renewable electricity generation where it is captured within the definition for “maintenance” included in the Plan.</p> <p>Condition 3.iii. is not required or appropriate as it would mean no consideration for remediation of adverse effects. The RMA makes specific provision for emergency activities. This enables retrospective consents to be sought, as necessary. Where such works do not fall within maintenance permitted under this rule a consent should still be sought to ensure the appropriate remediation and mitigation of adverse effects on indigenous biodiversity is provided.</p>	<p><u>d. buildings, and clearance is limited to within 5m of the building</u></p> <p><u>e. critical infrastructure, and clearance is limited to within 3m of the infrastructure</u></p> <p><u>f. network utilities, and clearance is limited to within 3m of the network utility or for above ground utilities is a maximum of area of 50m²</u></p> <p><u>g. renewable electricity generation activities or natural hazard mitigation activities, and clearance is limited to a maximum area of 50m²;</u></p> <p>iii. For the installation of temporary network activities following a regional or local state of emergency declaration;</p> <p>iv. To prevent a serious threat to people, property, structures or services necessary to remove vegetation that endangers human life or within 5m of existing buildings or structures;</p> <p>v. To ensure the safe and efficient operation (including maintenance and repair) of any formed public road, rail corridor or access;</p> <p>viii. For the construction of new fences and traplines associated with Conservation Activities or to exclude stock or pest animals from an area of indigenous vegetation, and the clearance is limited to 2m wide to provide for the new fence;</p> <p>vii. To upgrade or create new public walking or cycling tracks up to 3m in width undertaken by the Council or its approved contractor;</p>
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			<p>Condition 3.iv. wording can be improved to provide certainty to the application of the condition. It is agreed that clearance to remove a serious threat to people or property is an appropriate purpose in principle.</p> <p>Condition 3.v. This is not an appropriate purpose at the permitted level. Safety improvement works can include road realignments with large vegetation clearance requirements and have significant impacts on indigenous biodiversity.</p> <p>Condition 3.vi. wording can be improved to provide certainty to the application of the condition and to limit the extent of clearance.</p> <p>Condition 3.vii. should be deleted. While Forest & Bird generally supports limited clearance for maintenance of transport and recreation activities, upgrades and new public walking or cycling tracks should be subject to an ecological assessment to ensure protection for significant natural areas; this requires a consenting process due to lack of a comprehensive SNA mapping.</p> <p>Condition 3.viii. Can be retained as it appears to provide consistency with other legislation however it may not be necessary given emergency provisions within the RMA.</p>	<p>iviii. To comply with section 43 of the Fire and Emergency Act 2017;</p> <p>ix. For construction or operation of an above ground or below ground network utility or the national grid where:</p> <p>a. The construction corridor does not exceed 3m in width; and</p> <p>b. All machinery used in construction is cleaned and made free of weed material and seeds prior to entering the site; and</p> <p>c. Rehabilitation of disturbed areas is undertaken following the completion of construction;</p> <p>vx. It is cultural harvest undertaken by Poutini Ngāi Tahu; or</p> <p>xvi. [Either delete this condition, or include an area limit to the permitted vegetation clearance:] It is on MPZ - Māori Purpose Zoned land and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or</p> <p>xii. It is 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;</p> <p>4. Within the Grey District it is clearance outside of an Outstanding Natural Landscape identified in Schedule Five;</p> <p>or</p> <p>5. Within the Buller and Westland Districts:</p>
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			<p>clearance for other or any purposes appropriate as a permitted activity under the RMA. Condition 4. It is unclear why the proposed condition is limited to Grey District. However, we consider that the condition is not required if the rule is limited to maintenance for lawfully established activities and the few other situations set out in this submission. Condition 5 is not appropriate as a permitted activity. Such clearance should be considered via a consenting process to ensure that significant natural areas are protected, and appropriate conditions can be applied to any such clearance to address adverse effects.</p> <p>Advice note 1 is no longer required as a result of amendments to clarify Condition 2 sought in these submissions. Advice note 2 is uncertain as it is not clear what “these sections” refers to. The amendments sought to ECO-R1 Condition 2 clarify this matter and the advice note is no longer required. Advice note 3 is supported.</p> <p>The proposed ECO-R1 activity status where compliance is not achieved is complex and confusing. This should be simplified. In particular the rules that apply where compliance is not achieved should be stated.</p>	<p>“Discretionary where standard 1 or 4 is not achieved. Refer Natural Character and Margins of Waterbodies Chapter where standard <u>Where Condition 1</u> is not achieved <u>Rule NC – R3 Discretionary applies.</u> <u>Within the Grey District refer standard 4 where standard 3 is not achieved.</u> <u>Within the Buller and Westland Districts Controlled or Restricted Discretionary (depending on activity type) where standard 5 is not achieved.</u> <u>Where Condition 2 is not achieved Rules ECO -R5 Restricted Discretionary or ECO – R7 or ECO – R7A Discretionary apply”</u></p> <p>3. Consider making consequential changes to NC-R2 to rely on ECO-R1, including for example NC-R2 standards/conditions 2 and 5 becoming conditions in ECO-R1 or as separate standards to be met by both ECO-R1 and NC-R2.</p> <p>4. Alternatively to deleting ECO – R1 condition 4 above, amend the condition to apply to ONLs in all districts.</p> <p>5. Consequential amendment to include a consent requirement for vegetation clearance in MPZ that does not meet condition 3.xi.</p>
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<p>Ecosystems and Indigenous Biodiversity</p>	<p>ECO - R2</p>	<p>oppose</p>	<p>It is uncertain whether ECO-R2 will give effect to Policy 11 of the NZCPS, WCRPS or proposed ECO policies, to avoid adverse effects and significant adverse effects on indigenous biodiversity. In particular the general clearance provision for 500m² per site in any three-year period could result in the loss of values contrary to Policy 11 of the NZCPS and would not avoid adverse effects on indigenous biodiversity. Considering this over 10years this could result in more than 1500m² clearance on a site. There are also differences between ECO-R1 and ECO-R2 that seem inconsistent. For example, in ECO-R2: It is not clear under Condition 1. i., why clearance would be permissive for new tracks, fences, and roads in the CE when outside the CE under ECO-R1 such activities are limited to maintenance and operation. As set out with respect to R1 these activities should be limited to maintenance. Condition 1. iii. Clearance for the establishment of a building platform and access needs appropriate controls to consider appropriate location and to achieve to the WCRPS and ECO objectives and policy. These considerations are also relevant to indigenous vegetation clearance outside the CE. A controlled activity rule would provide for this activity while also managing for adverse effects on indigenous biodiversity, including that which may meet criteria for a Significant Natural Area. We also consider that this should be limited to existing</p>	<p>1. Delete ECO – R2</p> <p>2. Add to ECO - R1 the following conditions/standards to apply in the CE and to be additional to meeting other ECO - R1 conditions: “; and</p> <p>3. Within the Coastal Environment:</p> <ul style="list-style-type: none"> i. <u>the indigenous vegetation clearance does not disturb, damage, or destroy habitat or nesting areas of protected species.</u> ii. <u>The indigenous vegetation clearance does not occur in any areas identified as a SNA in Schedule Four.</u> iii. <u>The indigenous vegetation clearance does not occur in an area of land environment of category one or two of the Threatened Environment Classification.”</u> <p>3. Add to ECO-R1 advice notes setting out where information on protected species can be found and where the Threatened Environment Classification can be found, as follows:</p> <ul style="list-style-type: none"> <u>2. Information on protected species can be found [add location reference]</u> <u>3. The Threatened Environment Classification can be found [add location reference].</u> <p>4. Add to ECO – R1 the following “Activity status where compliance is not achieved”:</p>
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		<p>sites at the date the Plan becomes operative where there is no residential building already on the site. The proposed Plan provisions should and do appear to include the identification of and provision for building and access as part of subdivision consent requirements.</p> <p>Condition 2 setting a limit for indigenous vegetation clearance is not appropriate as Significant Natural Areas have not been identified and mapped in the CE. As for R1 above the activities that the scale at which they are appropriate as a permitted activity should be specified in the rule. The general vegetation clearance limit removed.</p> <p>Condition 3 adds an additional condition beyond that for areas outside the CE. However, there is some uncertainty as to whether the condition is limited to “nesting habitat” or would include all habitat of protected species. Given the directive provisions of the NZCPS, WCRPS and the proposed Plan for the CE we consider that the latter is appropriate, and the condition should be reworded to clarify this. In addition, while the Threatened Environment Classification areas of categories one and two may provide very little protection and it is not clear whether they include any areas of the EC, we consider that in the event they are relevant to the CE they should be included at the permitted level for vegetation clearance in the CE.</p>	<p><u>“Where Condition 3 is not achieved Rules ECO – R7 and ECO-R7A Discretionary apply”</u></p> <p>5. Add to the online map layers the Environment Classification areas of relevance.</p> <p>6. Add a new ECO Controlled activity rule for building platform and access on existing site at the date the Plan becomes operative, within residential zones. Where indigenous vegetation clearance is for the purpose of the establishment of a building platform and access to an existing building site where there is no existing residential building. Ensure this rule applies both outside and within the CE and within residential zones. Matters of control to include effects on indigenous biodiversity and protect any significant natural area(s).</p>
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			<p>Forest & Bird supports condition 4 as certainty is provided around where these areas are. However, the same as Condition 1 in Rule ECO – R1 we consider that clearance at the permitted level should provide the same level of protection outside scheduled areas.</p> <p>Given the similarities between R1 and R2 we consider that for clarity the rules should be combined and the additional requirements for the CE included within R1.</p>	
Ecosystems and Indigenous Biodiversity	Controlled Activities			
Ecosystems and Indigenous Biodiversity	ECO - R3	oppose	<p>The Forests Act 1949 is for a different purpose than the RMA and cannot be relied on to fulfil the council’s responsibilities and functions under the RMA. As such a sustainable forest management Plan approved under that Act is not a substitute for a full assessment of effects and relevant provisions under the district Plan. A controlled activity status limits the matters that council can consider and does not provide sufficient discretion for council to decline consent where that may be necessary and appropriate.</p> <p>While Condition 2 of the proposed rule, which means that activities within Schedule Four SNA’s and the CE cannot be considered as a controlled activity, are appropriate, the rule would still require the grant of consent within</p>	<p>1. Delete ECO-R3</p> <p>2. Amend ECO – R5 to include specific provision for indigenous vegetation clearance or disturbance where this is in accordance with an approved Plan or permit issued under the Forests Act 1949 as follows: “Where: ... <u>4. The indigenous vegetation clearance or disturbance is in accordance with an approved Plan or permit issued under the Forests Act 1949 and is outside the Coastal Environment; and ...”</u></p> <p>3. Amend ECO- R5 “Activity status where compliance is not achieved” so that non-compliance with the new condition 4 added above</p>

			<p>areas that may meet the significance criteria of Schedule 1 of the WCRPS without any certainty that adverse effects could be avoided, and the Significant Natural area protected.</p> <p>Condition 3 may be proposed in the absence of comprehensive SNA mapping, however there is no information provided in the Plan on where those classifications apply.</p> <p>Forest & Bird considers that the starting point for considering indigenous vegetation clearance and disturbance where it is in accordance with an approved Plan or permit under the Forests Act should be an assessment applying the significance criteria of Appendix 1 of the WCRPS. This approach is incorporated into ECO-R5 under Forest & Birds relief sought to that rule. Capturing the proposed ECO-R3 activities within amended ECO-R5 is therefore appropriate to confirm that the vegetation to be removed or damaged does not meet the significance criteria. Where it is significant the activity would become non-complying.</p>	<p>becomes discretionary and becomes non-complying within a significant natural area.</p> <p>4. Alternatively delete ECO – R3 and rely on the ECO Discretionary and Non -Complying rules to capture this activity.</p>
Ecosystems and Indigenous Biodiversity	ECO - R4/SUB - R7	Support with amendments	<p>Forest & Bird generally support this rule as providing a way of identifying and protecting Significant Natural Areas.</p> <p>However, the rule heading suggests that the purpose of the subdivision is to contain an SNA rather than to capture any subdivision on a site which contains a Significant Natural Area or part of such an area.</p> <p>Forest & Bird is concerned as to whether sufficient land that is not SNA will be included in</p>	<p>1. Amend ECO - R4/SUB - R7 as follows:</p> <p>“Subdivision of Land to Create Allotments <u>on a site with</u> Containing an Area of a Significant Natural Area Indigenous Biodiversity</p> <p>Activity Status: Controlled Where:</p>

			<p>the single lot containing Significant Natural Area to provide for a residential building and access being outside the protected SNA. If this is not the case, then retaining a residential zoning does not seem appropriate. However, as zoning is not a matter that can be addressed by resource consent, we are unsure exactly how this matter can further be addressed in the rule. Two matters need clarification within the rule. These are, that the rule does not apply in SNA's listed in Schedule Four and that the activity is on the condition an assessment against the significance criteria in appendix 1 of the WCRPS is provided with the application. Consistent with Forest & Birds submissions on the definition of Significant Indigenous Biodiversity, changes are required to clarify the terms in this rule.</p>	<p>X. <u>An assessment of the site against the significance criteria in Appendix 1 of the WCRPS is provided with the application and applicant can demonstrate the adequacy of this assessment; and</u></p> <ol style="list-style-type: none"> 1. One new allotment with a minimum lot size of 4,000m 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. The area of significant indigenous biodiversity is legally protected in perpetuity by way of a conservation covenant with an authorised agency and is contained within a single allotment; 3. 3. 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 of significant indigenous vegetation to provide for <u>a future building site or future access to any site; and</u> 4. Subdivision standards S2-S11 are complied with. <p>Matters of control are:</p> <ol style="list-style-type: none"> a. Subdivision layout, access, design, location, and proximity of building platforms to areas of significant indigenous biodiversity; <u>x. the inclusion of covenants on the titles including for the location of residential building platforms and access;</u>
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				<p>b. Management of earthworks, including earthworks for the location of building platforms and access ways;</p> <p>c. The protection of habitats of threatened or at risk species;</p> <p>and</p> <p>d. The measures to <u>minimise avoid, remedy, or mitigate</u> any adverse effects on:</p> <ul style="list-style-type: none"> i. The significant indigenous biodiversity; ii. The cultural significance to Poutini Ngāi Tahu. <p>Advice Note: This rule does not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB - R4.”</p> <p>2. Add further requirements as necessary to the ECO/SUB rules to ensure that significant natural Area(s) within the site are protected from activities within the same single allotment that contain the SNA.</p> <p>3. Make any consequential changes to the SUB chapter to ensure that subdivision on any site with indigenous biodiversity undertakes and assessment applying the significance criteria in Appendix 1 of the WCRPS.</p>
Ecosystems and	ECO - R5	Support with amendments	As currently proposed ECO-R5 is effectively the default rule for activities that are not permitted	1. Amend ECO – R5 as follows:

<p>Indigenous Biodiversity</p>		<p>or otherwise specifically provided for outside overlay areas.</p> <p>Given the lack of comprehensive SNA identification a restricted activity is not appropriate to ensure the protection of Significant Natural Values without some certainty of activities and the scale at which they can be carried out as a restricted discretionary activity. Forest & Bird considers that this rule should be amended to specifically provide for the maintenance and purposes we consider appropriate for ECO-R1 where the limits in that rule are not met. In addition, the upgrading and construction of National Grid activities supported by national policy direction within limits may be appropriately considered here rather than in ECO -R1 as appropriate matters of restriction can be identified.</p> <p>Given the deletion of ECO-R3 and incorporation of those activities in to ECO-R5 which Forest & Bird seeks above there is no need to refer to compliance with controlled rules in the rule heading. At ECO – R1 above we also consider that clearance for the purpose of upgrading and creating new public walking and cycling tracks should be incorporated into ECO- R5; again, within limits.</p> <p>Consistent with the approach Forest & Bird seeks that the same (or very similar level of) protection provided to Schedules SNAs is given to Significant Natural Areas that are not yet identified in the Plan, a condition is needed to require an assessment to demonstrate that</p>	<p>“Indigenous vegetation clearance not meeting Permitted Rule ECO-R1 or Controlled Activity Standards</p> <p>Activity Status Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> 1. <u>The clearance is for the purposes and activities specified in Condition 2 of Rule ECO-R1; or</u> 2. <u>the clearance is for the purpose of upgrading or construction of the National Grid where:</u> <ol style="list-style-type: none"> a. <u>The works corridor does not exceed 3m in width; and</u> b. <u>All machinery used in construction is cleaned and made free of weed material and seeds prior to entering the site; and</u> c. <u>Rehabilitation of disturbed areas is undertaken following the completion of construction; or</u> 3. <u>The clearance is for the purpose to upgrade or create new public walking or cycling tracks up to 3m in width undertaken by the Council or its approved contractor; or</u> 4. <u>The indigenous vegetation clearance or disturbance is in accordance with an approved Plan or permit issued under the Forests Act 1949 and is outside the Coastal Environment; and</u> 4-5. This is not within: <ol style="list-style-type: none"> i. A Significant Natural Area identified in Schedule Four; ii. An area of land environment of category one or two of the Threatened Environment Classification;
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		<p>clearance and disturbance is not within a Significant Natural Area.</p> <p>Matter of discretion a does not appear to be relevant and can be deleted.</p> <p>Matter of discretion b should be clarified and limited to the National Grid consistent with changes to the clearance purposes for which the rule provides.</p> <p>Matter c should include “at risk” to align with the NZCPS.</p> <p>In matter h. of the restriction of discretion it would be clearer to use wording that captures the matters rather than refer to specific policy. It clear that a number of other ECO policies are also relevant. While additional policies may be within the restriction of other matters some things may be missed.</p> <p>Other matters are also required to enable decision makers to consider the adequacy of a significance assessment and the extent of clearance that is necessary.</p> <p>A consequential amendment should be made to Advice not 1 for consistency.</p> <p>Advice note 4 is no longer required given the limited activities provided under condition 1, 2 and 3.</p> <p>Under the activity status where compliance is not achieved it would be helpful to state the Discretionary rules that apply, for example ECO – R7 and the relevant CE rules. We suggest changes which align with amendments sought</p>	<p>iii. An Outstanding Natural Landscape identified in Schedule Five;</p> <p>iv. An Outstanding Natural Feature identified in Schedule Six;</p> <p>v. An area of High Coastal Natural Character identified in Schedule Seven; or</p> <p>vi. An area of Outstanding Coastal Natural Character identified in Schedule Eight.</p> <p><u>6. An assessment in accordance with Appendix 1 of the WCRPS demonstrates that the clearance and disturbance is not within a Significant Natural Area(s); and</u></p> <p>Discretion is restricted to:</p> <p>a. Whether there are other regulations impacting the site that have meant the land is unable to be used for economic rural uses;</p> <p>b. Constraints imposed by <u>The functional or operational need of the national grid for the location network utilities and critical infrastructure;</u></p> <p>c. Effects on habitats of any threatened, <u>at-risk</u>, or protected species;</p> <p>d. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;</p> <p>e. Effects on ecological functioning and the life supporting capacity of air, water, soil, and ecosystems;</p> <p>f. Effects on the intrinsic values of ecosystems;</p> <p>g. Effects on recreational values of public land; and</p>
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			<p>in this submission to ECO rules including new rules.</p>	<p>h. <u>The maintenance and protection of indigenous biodiversity matters outlined in Policies ECO – P6 and ECO – P7.</u></p> <p>i. <u>the adequacy of the significance assessment to the effects of the proposed activity.</u></p> <p>j. <u>The extent of indigenous clearance necessary to undertake the activity.</u></p> <p>Advice Note:</p> <ol style="list-style-type: none"> 1. Where indigenous vegetation clearance is proposed within the riparian margin of a waterbody <u>also refer to the Natural Character and the Margins of Waterbodies (NC) chapter provisions.</u> this section of the Plan for the Rules around this clearance. 2. Where indigenous vegetation clearance is proposed in or on a site or area of significance to Māori then Rule SASM - R4 will also apply. 3. Where indigenous vegetation clearance is proposed within a wetland this is also be subject to rules within the NES - Freshwater and Regional Land and Water Plan which are administered by the West Coast Regional Council. 4. This rule also applies to Plantation forestry activities, where this provision is more stringent than the NES – PF and the indigenous vegetation clearance is within the coastal environment.”
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				<p>2. Under the activity status where compliance is not achieved make amendments as necessary to state the specific Discretionary rules that apply, for example ECO – R7 and the relevant CE rules.</p> <p>3. Amend ECO – R5 “Activity Status where compliance is not achieved” as follows: <u>“Where Conditions 1, 2, 3, 4 or 5 ii to iv is not achieved Rules ECO – R7 Discretionary applies</u> <u>Where Condition 5 i. or Condition 6 is not archived ECO – R7A Discretionary applies</u> <u>Where Conditions 1, 2, 3, 4 or 5 ii to iv is not achieved and Condition 5 i. or Condition 6 is not archived Non-Complying under ECO – R9A</u> <u>In the Coastal Environment EC rules may also apply.”</u></p>
Ecosystems and Indigenous Biodiversity	ECO - R6/SUB - R9	Support with amendments	The rule is similar to ECO – R4 and requires similar amendments for the same reasons.	<p>Amend ECO – R4/SUB – R9 as follows: <u>“Subdivision of Land to create Allotments on a site with Containing an Area of a Significant Natural Area Indigenous Biodiversity not meeting Rule ECO - R4</u> Activity Status Restricted Discretionary Where: <u>X. An assessment of the site against the significance criteria in Appendix 1 of the WCRPS is provided with the application and applicant can demonstrate the adequacy of this assessment; and</u> 1. Up to three allotments with a minimum lot size of 4,000m are created from the parent title;</p>

				<p>2. The area of significant indigenous biodiversity is legally protected in perpetuity by way of a conservation covenant with an authorised agency and is contained within a single allotment;</p> <p>3. The subdivision will not result in buildings or access ways being located within any Significant Natural Area identified in Schedule Four <u>or the need for clearance of significant indigenous vegetation to provide for a future building site or future access to any site</u> ; and</p> <p>4. Subdivision standards S2-S11 are complied with.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> 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; x. <u>the inclusion of covenants on the title including for the location of residential building platforms and access;</u> c. Management of earthworks including earthworks for the location of building platforms and access ways; d. The protection of habitats of threatened or at-risk species.
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				<p>e. The measures to <u>minimise avoid, remedy, or mitigate</u> any adverse effects on:</p> <ul style="list-style-type: none"> i. The significant indigenous biodiversity; and ii. The particular cultural, spiritual and/or heritage values, interests, or associations of importance to Poutini Ngāi Tahu 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. <p>Activity status where compliance not achieved: Discretionary”</p>
Ecosystems and Indigenous Biodiversity	ECO - R7		<p>A higher level of protection needs to be provided for vegetation clearance within Significant Natural Areas.</p> <p>Activities that would not protect SNAs should not be anticipated within them. This requires a non-complying activity status.</p> <p>For activities that may be appropriate but of a larger scale than proved for as permitted or restricted discretionary, a full discretionary status rule is appropriate to provide for a full assessment of effects.</p> <p>To ensure protection of significant natural areas that are not yet identified in the Plan an assessment against the WCRPS Appendix 1 significance criteria is required. As such we suggest a discretionary rule where such an</p>	<p>1. Amend ECO - R7 by adding a condition/standard as follows:</p> <p>“Where:</p> <p><u>1. An assessment in accordance with Appendix 1 of the WCRPS demonstrates that the clearance and disturbance is not within a Significant Natural Area(s).”</u></p> <p>2. Amend ECO – R7 “Activity status where compliance not achieved” as follows: “<u>N/A Where Condition 1 is not achieved Rules ECO – R7A Discretionary or ECO – R8A Non-complying apply.</u>”</p> <p>3. Add a new ECO Discretionary rule as follows: “<u>ECO - R7A Vegetation clearance within a Significant Natural Area(s), including</u></p>

			<p>assessment determines that indigenous vegetation clearance is not within a Significant Natural Areas to ensure indigenous biodiversity is maintained and adverse effects are addressed appropriately. Including the opportunity to consider effects on any adjacent areas of significance and whether upon examination of the existing environment and effects of the activity consent may also need to be sought for clearance within a SNA.</p> <p>Importantly within Significant Natural Areas clearance restrictions should apply to all vegetation clearance as exotic vegetation can provide significant habitat to indigenous species.</p>	<p><u>indigenous vegetation clearance not meeting ECO - R5</u> <u>Activity Status Discretionary</u> <u>Where:</u> 1. <u>The vegetation clearance is within a SNA identified in Schedule Four, or</u> 2. <u>An assessment in accordance with Appendix 1 of the WCRPS demonstrates that the clearance or disturbance is within a Significant Natural Area(s), and</u> 2. <u>the activity is for the purposes specified in Conditions 1 to 3 of ECO – R5</u> <u>Advice Note:</u> 1. <u>Where assessing resource consents for indigenous vegetation clearance under this rule, assessment against the policies of both the Ecosystems and Biodiversity Chapter and Natural Features and Landscapes Chapters will be required.</u> 2. <u>This rule also applies to Plantation forestry activities, where this provision is more stringent than the NES - PF.</u> Activity status where compliance not achieved: <u>Non-complying under ECO – R8A”</u> 3. Add a new ECO Non-complying rule as follows: <u>“ECO – R8A vegetation clearance not meeting ECO – R7A</u> <u>Activity Status Non-Complying</u> <u>Advice Note:</u> 1. <u>This rule also applies to Plantation forestry activities, where this provision is more stringent than the NES - PF.</u></p>
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				<p>Activity status where compliance not achieved: <u>N/A</u></p> <p>4. Include a definition of vegetation/indigenous vegetation</p>
Ecosystems and Indigenous Biodiversity	ECO - R8/SUB - R15	Support with amendments	The rule heading needs clarification for the reasons set out at ECO – R4/SUB – R6. Other consequential amendments are also required to use the WCRPS defined term Significant Natural Area and to clarify rules that apply where compliance is not achieved.	<p>Amend Rule ECO – R8/SUB – R15 as follows</p> <p>“Subdivision of Land to Create Allotments <u>on a site with-Containing an Area of a Significant Natural Area Indigenous Biodiversity</u> not meeting Rule ECO - R6</p> <p>Activity Status Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The <u>Significant Natural Area area-of significant indigenous biodiversity</u> is legally protected in perpetuity by way of a conservation covenant with an authorised agency and is contained within a single allotment; 2. The subdivision will not result in buildings or accessways being located within any Significant Natural Area identified in Schedule Four; and 3. Subdivision Standards S2 - S11 are complied with. <p>Activity status where compliance not achieved: <u>Non-complying under ECO – R9/SUB - R27.</u>”</p>
Ecosystems and Indigenous Biodiversity	Non-complying Activities	New Rule	For the reasons set out in respect of ECO-R7 above.	As sought with respect to amendments on ECO-R7, add a new ECO – Noncomplying rule for vegetation clearance not meeting new rule ECO – R7A as well as for vegetation clearance within Significant Natural Areas (including Schedule Four

				areas) for activities that are not specifically provided for in other ECO rules
Ecosystems and Indigenous Biodiversity	ECO - R9/SUB - R27	Support	A non-complying activity status is appropriate to indicate that indigenous vegetation clearance not already provided for subdivision activities would not be anticipated within Significant Natural Areas. Consequential amendment is also required to use the WCRPS defined term Significant Natural Area.	Retain Rule ECO – R9/SUB – R27 with the following amendments: “Subdivision of Land within an Area of a Significant Natural Area Indigenous Biodiversity not meeting Rule ECO – R8.”
Ecosystems and Indigenous Biodiversity	ECO - R10	Support with amendment	Considering allowing these activities would be contrary to the regional pest Plan and therefore the Biosecurity Act.	Amend ECO – R10 so that it is a prohibited activity.
Ecosystems and Indigenous Biodiversity	ECO - R11	Support with amendment	Considering allowing these activities would be contrary to the regional pest Plan and therefore the Biosecurity Act.	Amend ECO – R11 so that it is a prohibited activity.
Natural Features and Landscapes				
Natural Features and Landscapes	NFL Overview	Support	Support the approach of dealing with vegetation clearance in ONFLs in the ECO chapter.	Retain approach of dealing with vegetation clearance in ECO chapter.
Natural Features and Landscapes	Other relevant Te Tai o Poutini Plan provisions	Support	Support the clear way other relevant chapters are referred to here. Also see Key Issues above for submission on this issue.	Retain method of referring to other chapters clearly.
Natural Features and Landscapes	NFL P2	Support with amendment	The WCRPS and s6(b) requires protection of ONFLs from inappropriate use and development. This is not achieved by only	Delete ‘significant’ in both places it features in the policy. Delete ‘or offset’.

			<p>avoiding (or remedying or mitigating) significant adverse effects.</p> <p>As discussed above in the Key Issues, F&B is not aware of an accepted approach to offsetting landscape effects. As such, it is not clear how the Council will ensure that this is an appropriate method to manage adverse effects in accordance with higher order documents and the Act.</p>	
Natural Features and Landscapes	NFL P5	Support with amendment	A direction to minimise effects is inconsistent with the WCRPS and s6(b) direction to protect ONFLs. It also does not give effect to the objective.	<p>Amend as follows:</p> <p><u>When determining whether a proposal for land use or subdivision is appropriate, in addition to the above policies, consider the following matters:</u></p> <p>Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision</p>
Natural Features and Landscapes	NFL Rules	Support	Support the references in the rules that any vegetation clearance associated with the various activities is subject to the provisions in the ECO chapter.	Retain references.
Natural Features and Landscapes	NFL R3 and 9	Oppose	This is not an appropriate activity to be permitted or controlled, given the potentially significant effects on the ONFL.	Delete permitted and controlled activities and require restricted discretionary consent. Alternatively limit to emergency hazard mitigation works only and include clear parameters around what is permitted.

			It may be appropriate for emergency hazard mitigation works, with clear parameters around that.	
Natural Features and Landscapes	NFL R6	Oppose in part	This rule needs the reference included in other rules that any vegetation clearance associated with the EW will must comply with ECO chapter provisions.	Amend to include a standard that requires compliance with the ECO provisions for any associated vegetation clearance.
Natural Features and Landscapes	NFL R8	Oppose in part	This rule needs the reference included in other rules that any vegetation clearance associated with the EW will must comply with ECO chapter provisions.	Amend to include a standard that requires compliance with the ECO provisions for any associated vegetation clearance.
Natural Features and Landscapes	NFL R10	Oppose in part	<p>This rule needs the reference included in other rules that any vegetation clearance associated with the EW will must comply with ECO chapter provisions.</p> <p>Also, many of these activities may not be appropriate in an ONFL, and as such, the Council should retain the ability to decline consent. Further, the requirement that the earthworks are 'the minimum necessary' does not prevent significant adverse effects.</p>	<p>Amend to include a standard that requires compliance with the ECO provisions for any associated vegetation clearance.</p> <p>Amend to make restricted discretionary.</p>
Natural Features and Landscapes	NFL R11	Oppose in part	This rule needs the reference included in other rules that any vegetation clearance associated with the EW will must comply with ECO chapter provisions.	Amend to include a standard that requires compliance with the ECO provisions for any associated vegetation clearance.
Natural Features and Landscapes	NFL R12	Oppose in part	This rule needs the reference included in other rules that any vegetation clearance associated	Amend to include a standard that requires compliance with the ECO provisions for any associated vegetation clearance.

			with the EW will must comply with ECO chapter provisions.	
Natural Features and Landscapes	NFL R13	Oppose	This activity should be non-complying, given the significant adverse effects associated with the activity.	Amend to make activity non-complying.
Natural Features and Landscapes	NFL R14 and 15	Oppose in part	This rule needs the reference included in other rules that any vegetation clearance associated with the EW will must comply with ECO chapter provisions.	Amend to include a standard that requires compliance with the ECO provisions for any associated vegetation clearance.
Natural Character and Margins of Waterbodies				
Natural Character and Margins of Waterbodies	NC Whole chapter	Oppose in part	<p>Forest & Bird makes a number of overarching submissions in relation to this chapter:</p> <ol style="list-style-type: none"> 1. The rules should be at least as, if not more, stringent than the rules governing vegetation clearance in the ECO chapter (as amended by our submission). The margins of wetlands, lakes and rivers must be protected in accordance with both s6(a) <i>and</i> potentially s6(c). The objectives and policies only appear to deal with s6(a), it needs to be made clear that the objectives and policies of the ECO chapter will also apply, as these deal with s6(c) matters. 2. In relation to the Earthworks chapter, we submitted that any vegetation clearance associated with earthworks should be managed by the ECO chapter. We make a similar submission here – all vegetation 	The whole chapter needs to be revised in line with submission points.

			<p>clearance associated with earthworks must be governed by rules at least as, if not more, stringent, than the ECO chapter as amended by our submission.</p> <p>3. In terms of wetlands, this chapter appears to duplicate regulation of activities that are regulated in the margins of 'natural wetlands' under the NESFM. The provisions in this chapter are more lenient than the NESFM, contrary to reg. 6 NESFM.</p> <p>4. We support rules applying to works in the margins of all wetlands, not just natural wetlands, as the Council has obligations under the RMA to protect these areas, and not only those dealt with in the NESFM.</p> <p>5. This chapter needs to be thoroughly revised to remove duplication of the NESFM. Those rules will need to be deleted unless they are more stringent than the NESFM. It will also need to include provisions that apply to the margins of wetlands other than 'natural wetlands,' to ensure that these are protected in line with RMA requirements.</p> <p>6. Amendments also need to be made to the Subdivision rules to ensure that waterbodies and their margins are protected in the subdivision process.</p>	
Natural Character and Margins of Waterbodies	NC Overview	Oppose in part	There needs to be a much clearer statement about the relationship between this chapter and the regulations for wetlands in the NESFM. A description of the activities that are regulated in the NESFM, as well as the distances within	Amend overview to include a much more detailed and clear explanation of relationship with NESFM, and activities regulated by NESFM, in line with submission points.

			<p>which they are regulated, should be included, so that Plan users are put on notice that those regulations will apply.</p> <p>The Overview needs to be clearer about the relationship between the provisions in this chapter and those in the ECO and EW chapters.</p>	<p>Also include an explanation of how any wetland provisions in this chapter apply over and above the NESFM regulations.</p> <p>Include a clear explanation about the relationship between the provisions in this chapter and those in the ECO and EW chapters.</p>
Natural Character and Margins of Waterbodies	NC-O1	Oppose in part	<p>The objective does not accurately reflect the requirements of the RMA and the WCRPS. It does not give enough direction to the protection of natural character.</p> <p>Further, amendments need to be made to the subdivision rules to ensure this objective is met. The rules in this chapter do not regulate subdivision.</p>	<p>Replace with objective 1 of the WCRPS:</p> <p><u>Protect the natural character of wetlands, lakes and rivers and their margins, from inappropriate subdivision, use and development.</u></p> <p>Further, amendments need to be made to the subdivision rules to ensure this objective is met. The rules in this chapter do not regulate subdivision.</p>
Natural Character and Margins of Waterbodies	NC-O2	Support		Retain
Natural Character and Margins of Waterbodies	NC-O3	Oppose in part	<p>Activities that have a functional need are not necessarily appropriate, these activities still need to be managed so that the natural character is preserved.</p> <p>'Minimising' adverse effects is not an appropriate approach to effects management.</p>	<p>Either delete completely, or amend as follows:</p> <p>To <u>consider providing</u> provide for activities which have a functional need to locate in the margins of lake, rivers, and wetlands, where they can be undertaken in a way that preserves the in such a way that the impacts on natural character are minimised.</p>

Natural Character and Margins of Waterbodies	NC-P1	Oppose in part	<p>'Minimising' adverse effects is not an appropriate approach to effects management.</p> <p>Development also needs to be included.</p> <p>Further, amendments need to be made to the subdivision rules to ensure this policy is given effect to. The rules in this chapter do not regulate subdivision.</p>	<p>Amend to provide a much more protective direction, for example:</p> <p><u>Avoid</u> Minimise the adverse effects of activities on the natural character of the riparian margins of lakes, rivers, and wetlands by ensuring that subdivision, <u>development</u> and land use maintains the elements, patterns and processes that contribute to their natural character.</p> <p>Amend, or provide additional provisions in the Subdivision rules to ensure this policy is given effect to.</p>
Natural Character and Margins of Waterbodies	NC – P2	Oppose	This policy is completely contrary to the requirements of s6(a) and (c).	Delete.
Natural Character and Margins of Waterbodies	NC-P3	Oppose	<p>This policy is contrary to s6(a) and (c).</p> <p>There should not be policy direction enabling activities within the riparian margins of waterbodies.</p>	Delete.
Natural Character and Margins of Waterbodies	NC-P4	Support	Support this policy.	<p>Retain.</p> <p>This policy does not appear to have any methods to achieve it. Include specific methods in the Plan to achieve this policy.</p>
Natural Character and	NC-All rules	Oppose in part, support	As submitted above, these rules duplicate, and are more lenient than, rules in the ENSFM	Review all rules in this chapter to remove duplications for natural wetlands rules in NESFM.

Margins of Waterbodies		with amendment	<p>regarding works in or adjacent to natural wetlands.</p> <p>As submitted above, the remaining vegetation clearance rules should be at least as stringent as, if not more so, than the vegetation clearance rules in the ECO chapter.</p> <p>The rules should each clearly direct Plan users to the provisions of the ECO chapter, given that it provides policy direction for s6(c).</p>	<p>Include rules to protect all other wetlands meeting the RMA definition of wetland, which are not covered by 'natural wetlands'.</p> <p>As submitted above, the remaining vegetation clearance rules should be at least as stringent as, if not more so, than the vegetation clearance rules in the ECO chapter.</p> <p>The rules should each clearly direct Plan users to the provisions of the ECO chapter, given that it provides policy direction for s6(c).</p>
Natural Character and Margins of Waterbodies	NC-R1	Oppose	These activities are not appropriate in the margins of waterbodies. The standards do not ensure that the natural character (or the biodiversity values) of the waterbody and its margins will be preserved and protected.	Delete, and amend to at least discretionary.
Natural Character and Margins of Waterbodies	NC-R2	Oppose	These activities are not appropriate in the margins of waterbodies. The standards do not ensure that the natural character (or the biodiversity values) of the waterbody and its margins will be preserved and protected.	Delete, and amend to at least discretionary.
Natural Character and Margins of Waterbodies	NC-R3	Oppose	This rule doesn't include any standards to ensure that natural character is preserved. Consent should be required to ensure the Council can manage effects.	Delete, and amend to at least discretionary.
Natural Character and	NC-R3 (second R3), 4 and 5	Support in part	Support at least a discretionary consent requirement for all works in riparian margins, only insofar as:	Retain at least a discretionary consent requirement for activities in riparian margins, but ensure that:

Margins of Waterbodies			<ul style="list-style-type: none"> - this doesn't duplicate, or is more stringent than NESFM rules; and - It is not a more lenient standard than the rules in the ECO or EW chapter 	<ul style="list-style-type: none"> - The rules are not more lenient than the NESFM for natural wetlands - The rules are not more lenient than the ECO or EW rules (as amended by our submission). <p>Include a non-complying rule for activities in riparian margins likely to cause significant adverse effects.</p>
Natural Character and Margins of Waterbodies	New method	Seek new method	The rules do not give effect to P4.	Include new method or rule to give effect to P4.
Financial Contributions				
Financial Contributions	FC – whole chapter, including Overview		<p>See Key Issue above for submission points.</p> <p>The approach inherent in this chapter to using financial contributions to manage adverse effects needs to be reconsidered. In particular, it needs to be clear that this cannot derogate from the requirements elsewhere in the Plan, and in particular in the ECO chapter, to manage adverse effects in accordance with the WCRPS. It also cannot provide a means to avoid the requirements of the RMA and higher order documents to appropriately manage effects. Paying for effects management is not appropriate.</p>	Reconsider approach in this chapter and make amendments. It must be clear that the obligation to manage adverse effects lies with the consent applicant. In particular, any provisions that provides for the payment of a financial contribution for biodiversity effects, or landscape effects, must be deleted.
Financial Contributions	FC P6	Oppose	This is contrary to WCRPS and RMA requirements regarding effects management.	Delete

Financial Contributions	FC R1	Oppose	This suggests that the consent applicant does not have to adequately manage adverse effects in line with the rest of the Plan's provisions.	Delete i and ii., or, amend to make clear that this does not derogate from the requirement to manage adverse effects in accordance with the Plan, and that this rule does not provide for financial contributions for effects on biodiversity or landscape.
Financial Contributions	FC R12	Oppose	This is contrary to requirement to manage effects in accordance with the RMA, WCRPS, NZCPS, and the other requirements of this Plan.	Delete
Subdivision				
Subdivision	Overview	Oppose in part	<p>Amend to make clear that subdivision needs to protect not only scheduled/identified areas, particularly given the lack of a comprehensive SNA schedule.</p> <p>This chapter lacks any reference to other relevant chapters.</p>	<p>Amend to make clear that subdivision needs to protect not only scheduled/identified areas, particularly given the lack of a comprehensive SNA schedule.</p> <p>Amend to include reference to other relevant chapters.</p>
Subdivision	Objectives, policies, and rules	Oppose in part	It is not clear that the provisions, and especially the rules, of this chapter adequately protect wetlands. These must be protected in accordance with chapter NC (as well as ECO). Subdivision can adversely impact wetlands and other water bodies by, for example, fragmentation.	Amend provisions of this chapter to ensure wetlands are protected in accordance with s6(a) and the NC chapter (as amended by our submission). Consider including new rules, or amendments to existing rules to avoid effects on waterbodies and their margins in the subdivision process, in a similar way as is sought for SNAs below.
Subdivision	Rules	Oppose	It is not clear whether the subdivision rules ensure that subdivision does not occur within Significant Natural Areas (including those that are not listed in Schedule Four) other than as provided for in the ECO/SUB rules.	Add a condition or rule that ensures the subdivision rules (other than the ECO/SUB rules) apply outside of Significant Natural Areas, such as a requirement that an assessment in accordance with Appendix 1 of the WCRPS demonstrates that

				<p>the clearance and disturbance is not within a Significant Natural Area(s).</p> <p>Change all references to Schedule Four so that they apply to Significant Natural Areas, which includes those that are not in schedule four, as per the definition of Significant Natural Area in the WCRPS.</p>
Subdivision	SUB -R3	Support with amendment	It is not clear if a boundary adjustment could adversely affect a significant natural area.	<p>Add a conditions/standard to SUB – R3 to ensure that the boundary adjustment does not result in a boundary through a Significant Natural Area.</p> <p>Add a matter of control to SUB – R3 for assessment against the significant criteria in Appendix 1 of the WCRPS.</p>
Subdivision	SUB -R5	Support with amendment	Condition 1 needs to exclude all Significant Natural Areas consistent with the approach taken in ECO – R4/SUB – R7.	<p>Amend SUB – R5 Condition 1 as follows: “1. This is not within a Significant Natural Area as identified in Schedule Four and is subject to Rule SUB - R7;”</p>
Subdivision	SUB -R6		<p>Subdivision in the RURZ and MPZ</p> <p>Condition 1 suggests that SUB - R7/ECO – R4 does not apply to an Area of Significant Indigenous Biodiversity beyond that identified as SNA in Schedule Four. This means that areas meeting the significance criteria of the WCRPS Appendix One could be subdivided as a controlled activity in the RURZ under SUB- R6. SUB -R6 does not contain the same conditions for allotment size, legal protection and the area of significant indigenous biodiversity being within a single allotment.</p>	<p>Amend Condition 1 “Where: 1. <u>an ecological assessment shows</u> that this is not within a Significant Natural Area, <u>or an SNA as identified in</u> Schedule Four, and subject to Rule SUB - R7;”</p>

			Note that Forest & Bird are also seeking amendments to the definitions of “area of Significant indigenous biodiversity” and “Significant Natural Area/SNA” to align with the WCRPS and provide clarify to interpreting the Plan. The amendment sought here relies on the proposed wording and may need consequential changes for amendments to definitions.	
Subdivision	SUB -R7	Support with amendment	For the reasons set out at ECO – R4/SUB - R7	Amend as sought for ECO-R4
Subdivision	SUB -R9	Support with amendment	For the reasons set out at ECO – R6/SUB - R9	Amend as sought for ECO-R6
Subdivision	SUB -R15	Support with amendment	For the reasons set out at ECO – R8/SUB – R15	Amend as sought for ECO-R8
Subdivision	SUB -R19	Oppose in part	Subdivision within the Natural Open Space Zone would not generally be appropriate and should not be anticipated by the Plan. A non-complying activity status is more appropriate.	Amend SUB – R19 to exclude NOSZ Add a new SUB non-complying rule for subdivision in the NOSZ.
Subdivision	SUB – R27	Support with amendment	For the reasons set out at ECO – R9/SUB – R27	Amend as sought for ECO-R9. Amend to identify that the rule applies where SUB – R27 is not met.
Subdivision	SUB – S2	Support with amendment	It is not certain that the location of building platforms and access will remain outside of significant natural areas once subdivision is completed.	Add a requirement for an indicative building platform and access to be identified for any allotment with a Significant Natural Area, on subdivision applications and for this to be confirmed in a covenant on the title.
Subdivision	SUB - S9	Support with amendment	The esplanade strips need a clearer calculation. Width should be determined either over the length of the river adjacent to the subdivision and as relevant to the width of the river.	Amend: c. The bank of a river whose bed has an average width of 3m <u>or more, for the river or when calculated for the length/distance of the bed adjoining the allotment(s) of the subdivision.</u>

General District Wide Matters				
Activities on the surface of water	ASW General	Support with amendment	<p>In principle Forest & Bird supports provision for non-commercial non-motorised watercraft on rivers, lakes, and lagoons as a permitted activity.</p> <p>A permissive approach to non-commercial motorised craft, however, is concerning as managing the cumulative adverse effects is high on impossible.</p> <p>It is not clear in the proposed rules whether motorised craft on surface water bodies other than those in ASW -R2 are managed under the Plan, as ASW – R7 applies to craft under permitted and restricted discretionary rules which do not specifically exclude motorised craft other than on the waterbodies identified in AWS – R2 or where they relate to commercial activities under AWS – R6.</p> <p>Non-commercial motorised activities on the surface of water can have adverse effects on indigenous fauna, as a result of noise and disturbance, particularly if it is cumulative.</p> <p>Surface water in the coastal environment, especially that which provides habitat for indigenous fauna that is threatened or at risk, needs to be protected from the adverse effects of any activity including structures. The NZCPS must be complied with.</p>	<p>Consider including more lakes, rivers, and lagoons to the list in ASW – R2 clause 1 to ensure that natural values are adequately protected.</p> <p>Amend ASW P2 to delete ‘significantly’.</p> <p>Amend ASW P3.b. to delete ‘significant’.</p> <p>Amend rules to make consequential changes to give effect to policy amendments, and to ensure that the NZCPS is given effect to in the rules.</p> <p>Amend ASW – R7 so that it applies to “Use of Motorised Watercraft for Non- Commercial Use, Commercial Activities, and Structures on the Surface of Water, <u>other than where the activity is provided for as a not meeting Permitted, Controlled or restricted Discretionary Activity in the ASW rules.</u>”</p>

Coastal Environment				
Coastal Environment	CE - Overview	Oppose in part	<p>The approach to managing adverse effects in the coastal environment is uncertain and is not consistent with the NZCPS.</p> <p>The overview statement says the Plan achieves the NZCPS by identifying and mapping a Coastal Environment overlay. However, that mapping is incomplete. Nor are the coastal overlays sufficient to give effect to the NZCPS.</p> <p>In addition, the mapping of the CE, while inadequate as discussed above in Key Issues above, is not clearly applied in this chapter as reference to overlays within provisions are to other coastal overlays within the CE. There seems to be some disconnect between the “areas”/Overlays and the extent of the “coastal environment”.</p> <p>There are aspects of the NZCPS which also apply beyond the “outstanding” and “high” overlays which do not seem to be recognised by the overview explanation of this chapter. This is also uncertain with respect to Policy 11 of the NZCPS which is only directly referred to in relation to Plantation Forestry and obliquely in relation to “Other relevant” provisions where reference to indigenous biodiversity in relation to vegetation clearance are location in the ECO chapter.</p>	<p>Amend the CE-Overview to clarify the approach taken to mapping the coastal environment with reference to the Planning map overlay. If that overlay is updated as sought in this submission to fully identify the extent of CE consistent with Policy 1 of the NZCPS then reference to the maps can be relied on. However, if that identification of extent has not been included then reference to coastal areas meeting Policy 1 of the NZCPS should be included in the overview explanation.</p> <p>Amend the overview to clearly set out how Policy 11 is given effect to in the Plan and explain the relationship between vegetation clearance and the policy 13 and 15 matters addressed in the CE chapter.</p>

Coastal Environment	CE – O1	Support with amendment	The Objective is worded inappropriately to give effect to the NZCPS and to achieve the purpose of the Act.	Amend CE – O1 as follows: “To preserve the natural character, landscapes and biodiversity of the coastal environment while enabling people and communities to provide for their social, economic and cultural wellbeing in a manner appropriate for the coastal environment. ”
Coastal Environment	CE – O3	Oppose in part	The Objective is worded inappropriately to give effect to the NZCPS.	Amend CE – O3 as follows: “To <u>consider providing</u> e- for activities which have a functional need to locate in the coastal environment in such a way that <u>where</u> the impacts on natural character, landscape, natural features, access, and biodiversity values are <u>appropriately avoided, remedied or mitigated</u> minimised .”
Coastal Environment	CE – P1	Support with amendment	The policy does not capture all relevant aspects of Policy 1 NZCPS. For example, it fails to include “coastal vegetation and the habitat of indigenous coastal species including migratory birds”. And while the proposed policy includes “the built environment and infrastructure which have modified the coastal environment,” urban areas appear to have been excluded from the EC map layer. Nor is it clear under this policy whether such mapping is included in the Plan.	Amend the policy to accurately reflect Policy 1 as it applies to the coastal environment beyond the coastal marine area. Clarify terminology throughout the Plan so it is clear whether the Coastal Environment is an “overlay” or just a map layer.
Coastal Environment	CE – P2	Support with amendment	The Policy fails to include all aspects of Policies 13 and 15 where preservation is to be achieved as set out in the NZCPS.	Amend CE – P2 to accurately capture Policies 13 and 15 of the NZCPS. Make additional amendments as necessary to ensure that vegetation clearance which may adversely affect natural character, natural

				<p>landscapes and features beyond outstanding and high overlays avoids significant adverse effects and avoids, remedies, or mitigates other adverse effects. This will include:</p> <ul style="list-style-type: none"> • the amendments sought to ECO-R1 and ECO – R2 above are as it restricts indigenous vegetation clearance in the CE to certain purposes within limits. • A matter of discretion in ECO – R5 for consideration of adverse effects on natural character, natural landscapes, and features in the CE.
Coastal Environment	CE – P3	Oppose in part	<p>The policy does give effect to Policies 13 and 15 of the NZCPS. The policy is specific to overlays for outstanding and high areas but also seems to provide direction for managing adverse effects on natural character, landscapes, and features beyond those overlays.</p> <p>The policy should be restructured so that it is clearer that adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character is to be avoided.</p> <p>The wording “only allow” also suggests that the matters in this policy are the only requirements needed to be met to allow an activity. There are other requirements in the Plan that will also need to be met and other considerations, for example natural hazards and the need to avoid, remedy or mitigate other adverse effects, where it may be appropriate to not allow an activity. This policy should be clearer that these</p>	<p>Amend CE – P3: “Only <u>consider allowing</u> new subdivision, use and development within the <u>Coastal Environment areas of outstanding and high coastal natural character, outstanding coastal natural landscapes, and outstanding coastal natural features</u> where: a. The elements, patterns, processes, and qualities that contribute to the outstanding or high natural character or landscape are maintained; b. Significant adverse effects on natural character, natural landscapes and natural features; and adverse effects on areas of significant indigenous biodiversity, areas of outstanding natural character and outstanding natural landscapes and features are avoided; <u>and</u> <u>bb. outside the areas in b., significant adverse effects on natural character, natural landscapes and natural features are avoided;</u> and <u>bbb. Other adverse effects on the matters in bb. are avoided, remedied, or mitigated;</u> and</p>

			<p>matters are able to be part of those considerations, while also being a direction to avoid effects to protect matters in Policy 11, 13 and 15 of the NZCPS.</p> <p>Once the policy is reworded to clearly give effect to policy 13 and 15, it is not clear whether reference to particular purposes as set out in (d) and (e) are necessary. While we support Poutini Ngai Tahu having policy recognition for example, the requirements of policy 13 and 15 apply to all activities. As such, we have deleted those clauses, but are open to other ways to provide appropriate policy recognition.</p>	<p>c. The development is of a size, scale and nature that is appropriate to the environment.;</p> <p>d. It is for a Poutini Ngai Tahu cultural purpose; or</p> <p>e. It is National Grid infrastructure that has a functional and operational need to locate in these areas."</p>
Coastal Environment	New policy		<p>Depending on what amendments are accepted to Policies CE – P2 and P2 a separate policy may be required to ensure the Plan gives effect to Policy13(b) or 15(b) of the NZCPS</p>	<p>Add new policy: <u>"Manage adverse effects of activities outside of outstanding coastal natural character, outstanding coastal natural landscapes and outstanding coastal natural features by avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects of activities on natural character, natural landscapes and features in the coastal environment in accordance with Policy 13 and 15 NZCPS."</u></p>
Coastal Environment	CE -P4	Support with amendment	<p>In principle Forest & Bird accepts that the Plan should include provision for lawfully established primary production activities. However, there may need to be consideration for activities that are having cumulative effects on an outstanding or high value areas.</p>	<p>Amend Policy CE – P4 as follows "Provide for primary production activities within the outstanding and high natural character, outstanding natural landscapes, and outstanding natural features within the coastal environment where:</p>

			The NZCPS sets direction to protect these matters/areas. It is uncertain what may be considered as degradation. Nor is direction to provide only on the basis of being lawfully established appropriate. There may also be additional matters to consider which would mean providing for an activity on the basis of this policy is inappropriate, for example to protect a threatened species.	<p>a. These are existing lawfully established activities; or and</p> <p>b. The use does not degrade <u>protects</u> the elements, patterns or processes that contribute to the outstanding or high values.”</p>
Coastal Environment	CE -P5	Oppose in part	The direction to “provide” needs to be moderated to a consideration in these circumstances.	<p>Amend Policy CE – P5 as follows</p> <p>“<u>Consider</u> Provideing for buildings and structures within the coastal environment outside of areas of outstanding coastal natural character, outstanding natural landscape, and outstanding natural features where these:</p> <p>a. Are existing lawfully established structures; or</p> <p>b. Are of a size, scale and nature that is appropriate to the area; or</p> <p>c. Are in the parts of the coastal environment that have been historically modified by built development and primary production activities; or</p> <p>d. Have a functional or operational need to locate within the coastal environment.”</p>
Coastal Environment	CE – P6	Support with amendment	<p>While some development will be appropriate and may be preferable in these locations rather than creating sprawl, the current policy wording could be read to provide for activities in a way which is inconsistent with the NZCPS.</p> <p>The inclusion of areas modified by primary production activities goes beyond “settlement and urban” which the policy is addressing.</p>	<p>Amend CE – P6 to make it consistent with the NZCPS. We have suggested amendments below, but others may be more appropriate to achieve this.</p> <p>“Recognise that there are existing settlements and urban areas located within the coastal environment of the West Coast/Te Tai o Poutini</p>

			<p>The Policy looks to be about “new subdivision, buildings and structures.” It is unclear why existing buildings etc are then included. Also, with respect to “buildings and structures” land use consents are not needed to continue having them once constructed, similar for subdivision that has occurred.</p> <p>Forest and Bird agree that land use and activities in existing settlements and urban areas may be appropriate to continue where adverse effects are managed. We have sought inclusion of policy that will provide guidance and direction for management of adverse effects.</p> <p>We also note that some areas will also be subject to natural hazards and that providing for new subdivision, buildings and structures and the continuation of some activities may not be appropriate in that context.</p>	<p>including parts of Westport, Greymouth and Hokitika and where it may be appropriate to:</p> <p><u>1. enable new subdivision, buildings, and structures within and expansion of towns and settlements where when:</u></p> <p>a. These <u>activities</u> are located in areas already modified by built development; and or primary production activities, or</p> <p>b. <u>the area is not subject to a natural hazard overlay</u> Where located in unmodified areas, any adverse impact on natural character can be mitigated; and</p> <p>c. In areas of outstanding or high natural character:</p> <p>i. <u>Avoid encroachment into unmodified areas of the coastal environment; and</u></p> <p>ii. <u>Ensure subdivision and development is of a scale and design where adverse effects on the elements, patterns and processes that contribute to natural character are avoided, remedied, or mitigated consistent with CE-PX [new policy giving effect to Policy 13 (a) and (b) of the NZCPS]; and</u></p> <p>d. <u>significant natural areas are protected;</u></p> <p><u>2. make Pprovisionde for lawfully established land uses and activities that manage adverse effects in accordance with provisions of this Plan to continue;</u></p> <p>3ii. Allow for consider other uses with a functional need to locate in the coastal environment;</p> <p>4iii. Allow for Poutini Ngāi Tahu cultural uses; and</p> <p><u>5. where the area is subject to a natural hazard overlay the activity is consistent with achieving NH objectives.</u></p>
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				<p>iv. Avoid encroachment into unmodified areas of the coastal environment; and</p> <p>v. Ensure subdivision and development is of a scale and design where adverse effects on the elements, patterns</p>
Coastal Environment	New policy		The Plan does not control vehicle access beaches. Amendments are needed to give effect to Policy 20 of the NZCPS.	Add a new policy to restrict vehicle access onto beaches other than where appropriate areas are identified as per Policy 20 of the NZCPS.
Coastal Environment	CE – P8	Oppose	The policy duplicates policy already set out in the ENG chapter specific to the National Grid. The consideration of adverse effects does not clearly relate to effects on the coastal environment which may extend beyond overlay areas. The mapping of the coastal environment area is incomplete and inconsistent. Also, the reference to “Overlay Chapter areas” appears to extend the provision beyond the CE.	Delete
Coastal Environment	CE Rules	Support with amendments	<p>Forest & Bird has identified a number of issues with the proposed CE Rules. This includes that:</p> <ul style="list-style-type: none"> • Permitted activities do not include conditions to manage adverse effects of maintenance activities outside of Outstanding and High overlays. • It is unclear whether maintenance of some infrastructure, for tracks and fences is provided for at the permitted level • Some permitted rules for specified activities include earthworks while others do not. 	<p>Amend and restructuring the CE rules so that:</p> <ul style="list-style-type: none"> • Conditions for earthworks are included within the same rule as the activities to which they, unless the EW rules can be relied upon in which case a condition or information note to that effect should be included. • There in one permitted activity rule for maintenance and repair of lawfully established activities which includes the more restrictive requirement within overlays. • Additions and alterations are addressed across the coastal environment within the

			<ul style="list-style-type: none"> • There seems to be some difference in activities provided for without earthworks and the activities provided for within the earthworks specific rules. • The approach to buildings and structures and to maintenance, repair, upgrades, minor upgrades, reconstruction, and establishment of new buildings is complex, and often has inadequate conditions to manage adverse effects at the permitted activity level. • It is not clear whether the earthworks associate with permitted buildings and structures in the overlays would be permitted under the CE Rules or whether the intent is to limit earthworks in the CE compared to that permitted for activities considered specifically in the Earth Works (EW) chapter or another chapter. • Generally finding that the approach of splitting permitted rules firstly for the CE generally, then for High Natural Character Overlay and then for the Outstanding Coastal Environment Area causes duplication and uncertainty. • Some rules refer to overlay areas while other refer to schedules. <p>Forest & Bird suggested restructuring the CE rules to address these issues.</p>	<p>same rule as for new buildings and structures</p> <ul style="list-style-type: none"> • That provision for minor upgrades on the National Grid may be appropriate at the permitted level given the distinction from other upgrades under the NPS for ET, but that other upgrades for infrastructure more restricted requirements as for new activities should apply. • There is one permitted activity rule for maintenance and repair of natural hazard mitigation structures including earthworks <p>Specific amendments are also sought with respect to specific rules below, however further amendments may be required to give effect to the NZCPS.</p>
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			<p>Forest & Bird also considers that as proposed the rules are not appropriate to give effect to the NZCPS. In some cases, activities which could have adverse effects contrary to the NZCPS do not appear to be captured by the rules (activities relating to structures that are not lawfully established or that do not meet CE-R1 but are not captured in the following rules) and in other cases conditions are inadequate to ensure adverse effects would meet the requirements of the NZCPS.</p>	
Coastal Environment	CE - R1	Support with amendments	<p>Rules CE – R1, R7, R10 and R11 also make provision for maintenance and repair as permitted activities.</p> <p>Forest & Bird accepts that maintenance of the lawfully established matters should be appropriately provided for as a permitted activity where conditions ensure that adverse effects on the environment are no more than minor and would be consistent with implementing objectives and policy of the Plan and the NZCPS. Noting that Forest & Bird seeks amendments to objectives and policies, and it is the amended versions which is referred to.</p> <p>Rather than limiting the scope of the rule to lawfully established activities, the rule should include a condition for the activities to be lawfully established so that any non-compliance with that requirement can be considered by way of resource consent.</p>	<p>Refocus the rule so that it provides for maintenance and repair of lawfully established buildings, structures, infrastructure (including network utilities), fences, accessways, cycle/walking and farm tracks in the coastal environment, including within High and Outstanding areas and with appropriate limits.</p> <p>Delete “lawfully established” from the rule heading</p> <p>Add and amend the following conditions to CE-R1:</p> <p>“Where:</p> <p><u>1. The building, structure, infrastructure, fence, accessway, cycle/walking or farm track is lawfully established; and</u></p> <p><u>2. Any indigenous vegetation clearance complies with ECO-R1; and</u></p>

		<p>The rule fails to include conditions or standards for maintenance and repair activities to ensure effects on indigenous biodiversity are appropriately avoided, remedied, or mitigated. This requires measure to address habitat which may be different to those that relate to indigenous vegetation clearance.</p> <p>It is not clear how non-compliance with “what is necessary” could be determined or enforced.</p> <p>The rule does not limit a change in height of a structure or an increase in the width of tracks. These changes could impact on elements, patterns, processes, and qualities that contribute to the High Coastal Natural Character or the Outstanding Coastal Environment. Such works may not necessarily trigger the ECO or EW rules.</p> <p>It is not necessary to have a condition requiring that the activity does not include installation of new structures as the rule does not provide for new structures. Further the condition wrongly implies that new structures are acceptable outside Outstanding areas under this rule.</p> <p>Advice note 2 sets out a requirement with respect to effects of works on existing hazard mitigation.</p> <p>It is not clear how this would be enforceable other than if this matter were a condition or</p>	<p><u>3. Earthworks and land disturbance does not exceed 50m³ or extend beyond 10 meters of a building or structure and 2 meters of an accessway or track.</u></p> <p><u>4. There is no alteration or addition to the structures height and area footprint is not increased; and</u></p> <p><u>5. The width or length of any access or track is not increased; and</u></p> <p><u>6. Works are not undertaken within 10m of any hazard mitigation/protection measure that exists within the coastal environment; and</u></p> <p>7. When the maintenance and repair is within an area of High Coastal Natural Character or the Outstanding Coastal Environment <u>Area:</u></p> <p>a. The activity is limited to what is necessary to maintain the existing structure, within the footprint or modified ground compromised by the existing structure; and</p> <p>b. The activity does not involve the installation of any new structures.”</p> <p>Set the activity status where compliance is not achieved is Restricted discretionary or discretionary and refer to specific rules where possible</p>
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			standard on the rule. We suggest a possible condition in this respect.	
Coastal Environment	CE - R2	Oppose in part	<p>It is not appropriate to permit activities for “enhancement” as an alternative to “protection” without appropriate conditions. Forest & Bird has sought to amend the definition of “conservation activities” to ensure that with respect to natural and ecological values, the activities are for restoration of ecosystem health and indigenous biodiversity. On the basis that amendment is accepted the rule could be retained.</p> <p>As set out for R1, a note about effects on hazard mitigation is not effective and a condition is required.</p>	<p>Amend the definition of Conservation Activities as sought in the definition section of these submissions.</p> <p>Amend CE – R2 by adding the following condition: <u>2. The Council must be notified in writing 10 days ahead of any works to be undertaken within 10m of any hazard mitigation/protection measure that exists within the coastal environment.</u></p> <p>Retain the advice note that indigenous vegetation clearance is subject to the ECO chapter.</p> <p>Alternatively, delete Rule CE – R2</p>
Coastal Environment	CE - R3	Support with amendment	<p>It is unclear why “buildings” are included within the rule heading when buildings are provided for within the definition for “Māori Purpose Activities”.</p> <p>It is unclear whether these activities could occur within Outstanding coastal area. Relying on a definition of MPA in such circumstances is uncertain for giving effect to the avoidance requirements of Policies 13 and 15 of the NZCPS.</p> <p>The advice note regarding ECO chapter is appropriate. A similar advice note for the EW chapter would also be appropriate.</p>	<p>Amend the heading of the CE – R3 by deleting “and buildings”</p> <p>Include a condition that the activities do not occur within Outstanding coastal areas or include conditions to ensure Policies 13 and 15 of the NZCPS are achieved.</p> <p>Retain the advice note that indigenous vegetation clearance is subject to the ECO chapter.</p> <p>Add an advice note that earthworks are subject to provisions of the EW chapter.</p>

Coastal Environment	CE – R4	Oppose in part	<p>Rules CE-R4, R5 and R10 all provide for buildings and structures. Some activities provided for in these rules, such as maintenance is already provided for in R1. The types of activities captured within these rules also varies and is confusing as to why some are permitted in one overlay and not specified as permitted in the other. There is also a disconnect with for earthworks which are not specifically provided for or restricted in the rule or reflected in the advice notes. The CE earthworks rules for High (CE - R7) and Outstanding areas (CE - R11) do not appear to relate to the same buildings and structures permitted under these rule.</p> <p>Forest & Bird disagrees with the approach of permitting Energy Activities or Network Utilities, including ancillary earthworks, subject to provisions in the Energy, Infrastructure and Transport Chapters of the Plan without measures to protect biodiversity, natural character, landscapes, and features in the coastal environment.</p> <p>The rules in those other chapters do not include conditions or standards to avoid adverse effects on elements, patterns, processes, and qualities that contribute to the High Coastal Natural Character or the Outstanding Coastal Environment. Nor is it clear that other adverse effects would be avoided, remedied, or mitigated on natural character, landscape and features.</p>	<p>Consider amending CE - R4 to capture new structures and buildings including for High and Outstanding areas from R5 and R10</p> <p>Add the following conditions to CE – R4:</p> <p><u>2. new buildings and structures</u></p> <p><u>a. Within the NOSZ - Natural Open Space Zone, OSZ - Open Space Zone and SARZ - Sport and Active Recreation Zones, this is limited to parks facilities or parks furniture undertaken by a network utility provider; or</u></p> <p><u>b. in the Māori Purpose Zone is proved for under CE – R3; or</u></p> <p><u>c. In all other zones:</u></p> <p><u>i. Any new building is no more than 100m ground floor area;</u></p> <p><u>ii. The maximum height above ground level is for any building or structure is 7m;</u></p> <p><u>d. Earthworks are 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; and</u></p> <p><u>e. any earthworks are limited the matters in 2. a, c and d. and to fill, excavation or removal of material being no more than 250m² and 250m³.”</u></p> <p>Amend the following condition in CE – R4:</p>
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			<p>Firstly, those chapters all include a statement that overlay provisions apply. This approach in the rule makes that statement untruthful. Secondly as noted above, those other chapter rules are not the appropriate place to consider activities within the CE, particularly within overlay areas.</p> <p>It may be the case that more than one rule applies, in which case the guidance on how to use the Plan explains such circumstances are expected.</p>	
Coastal Environment	CE - R5	Oppose in part	<p>AS set out with respect to the CE rules generally the rules should be restructured and simplified. It would be clearer to include all permitted activities for new buildings and structures within one rule for the CE with conditions relating to Overlays as appropriate.</p> <p>Condition 1 matters for maintenance and repair are already provided for within R1. We also note that the definition of maintenance for network utilities includes operational requirements.</p> <p>The provision for minor upgrade with respect to the National Grid is consistent with the NPS- ET however extending this to other network utilities and renewable electricity generation creates uncertainty. To address this distinction Forest & Bird suggests that in the coastal</p>	<p>Consider deleting Rule CE - R5 and combining into other rules as appropriate to separate maintenance and repair from other activities.</p> <p>Delete “operation” from condition 1.</p> <p>Limit minor upgrades to the National Grid and retain with maintenance and repair activities.</p> <p>Include upgrades for network utilities or renewable electricity generation activities within rules for new structures (e.g., CE – R8) to ensure that condition for the scale and effects are appropriate or as consented activities.</p> <p>Include clause c. of condition 4 in to CE -R8 as it relates to additions to buildings.</p>

			<p>environment minor upgrades relating to the national grid are provided for in CE-R1 while other upgrades including for network utilities generally are considered with additions and alterations under R8 (note that Forest & Bird is seeking a rule restructure which would allow for R8 to apply to the CE generally as well as overlays).</p> <p>Condition 3 already appears to be provided for within CE- R3 however as discussed at that rule it is not clear whether activities will protect in accordance with Policies 13 and 15 of the NZCPS.</p> <p>Condition 4 is not appropriate to apply in the Natural Open Space zone.</p>	<p>Make amendments to provide for the matters in Condition 3 also outside of High and Outstanding areas. Include amendments so that these matters are limited to provision from network utility providers and council.</p> <p>Clarify the rule so it is clear that Condition 4 does not apply in the NOSZ which is limited to the matters in Condition 2.</p>
Coastal Environment	CE - R6	Support with amendments	<p>As discussed above Forest & Bird submit that the CE rules be restructured to remove inconsistencies and simplify the approach between maintenance and new activities.</p> <p>For Natural Hazard Mitigation activities this means bring CE -R9 matters into CE – R6 to make one rule for Maintenance, Alteration, Repair and Reconstruction of Natural Hazard Mitigation Structures and associated earthworks in the Coastal Environment which includes within High and Outstanding overlays of the Coastal environment.</p>	<p>Consider combining CE – R9 into R6 and as a consequence delete CE – R9.</p> <p>Amend CE - R6 as follows:</p> <p>Amend the heading of CE – R6: Delete “Reconstruction” from the title of the rule and ensure that activity is captured under other rules as for new activities.</p> <p>Amend condition 2. To include limits as follows: “Earthworks and land disturbance is the minimum required to undertake the activity <u>and are within 2m of the structure and involves no more than 100m3 of material excavated, deposited or remove;</u>”</p>

			<p>Amendments are also required to address uncertainty as to the extent of earthworks that can be undertaken as the “minimum required”. An appropriate limit is necessary to ensure that adverse effects are no more than minor and protect the natural character of the coastal environment. The rule needs to include limits as to the extent by area and volume of material excavated, deposited, or removed.</p> <p>The scale of works for “Reconstruction” is uncertain to the potential adverse effects at the permitted activity level. A new consent should be sought where it is no longer a repair but effectively a new structure that is needed to ensure that structure is still appropriate in that location and that effects are addressed appropriate to the site-specific location.</p>	<p>Retain other aspects of the rule.</p>
Coastal Environment	CE - R7	Support with amendments	<p>Delete condition 1. A. as it appears to apply to new tracks etc and does not include limits to the scale of these activities to ensure that Policy 13 requirements would be met.</p> <p>Clarify that condition 1. b. applies to “lawfully established” activities. Without clear limits to upgrades (beyond minor upgrades to the national grid) it is not appropriate to include these activities as a permitted activity without additional limits. Maintenance and repair is already provided for as a permitted activity in CE – R1, including in the High Coastal Natural Character overlay.</p>	<p>Consider combining provisions for maintenance (including operation), repair and minor upgrades of National Grid to CE - R1.</p> <p>Delete condition 1. a. “a. Walking/cycling tracks, roads, farm tracks or fences; or” Amend condition 1. b. “b. Operation, maintenance, repair, upgrade to lawfully established or installation of new network utility infrastructure or renewable electricity generation; or” Amend condition 1. c.</p>

			<p>Amend Condition 1. c. to clarify that existing is at the date the Plan becomes operative.</p> <p>Natural character</p>	<p>“c. Establishment of a building platform and access to a building site in an approved subdivision or where there is no existing <u>at the date this Plan becomes operative</u> residential building on the site;”</p> <p>Retain condition 2.</p>
Coastal Environment	CE - R8	Support with amendment	<p>Rules R8 is the only permitted rule specifically for additions and alterations to buildings and structures. However, Rule CE – R5 also makes provision for addition to buildings and structures as permitted activities while Rule R7 and R10 provide for earthworks to upgrade infrastructure and for renewable electricity generation. The different between upgrades and alteration or additions is not clear.</p> <p>To simplify the CE permitted activity rule Forest & Bird is seeking amendments to combine separate rules for High and Outstanding areas and to apply these rules across the CE so that protection is provided for natural character, landscapes and features consistent with the NZCPS Policies 13 and 15</p> <p>Provision to additions and alteration as a permitted activity should only be for lawfully established buildings and structures.</p> <p>Consistent with comments on preceding rules approach Forest & Bird seeks that upgrades are generally addressed separately to maintenance</p>	<p>Amend CE- R8 so that it applies to the CE generally as well as for Outstanding overlays.</p> <p>Include a condition that the building or structure is lawfully established.</p> <p>Add a condition including upgrades of lawfully established network utility infrastructure and for electricity generation activities where the limits in Conditions 1 and 2 are met.</p> <p>Set the activity status where compliance is not achieved is Discretionary where conditions specific to Outstanding Coastal Environment Areas is not met and otherwise RD.</p> <p>Consider adding the following condition to address earthworks for these activities within the same rule as follows: “4. <u>Any fill, excavation or removal is not more than 100m2 and 100m3.</u>”</p>

		<p>and include limits add provision for upgrades of lawfully established network utility infrastructure and electricity generation activities in R8.</p> <p>The permitted rules for additions and alteration are not clearly set out, being included with other maintenance activity in R5 and only specified under R8 for Outstanding areas and not set out for the CE generally. The NZCPS sets out requirements for protection of natural character, landscapes and features outside of Outstanding areas, this requires measures within permitted rules to ensure that significant adverse effects are avoided and other adverse effects are avoided, remedied, or mitigated. Permitted rules should also be crafted to ensure that adverse effects on the environment as a result of a permitted activity would be no more than minor.</p> <p>A separate rule providing for small scale additions and alterations should be set out capturing specifications within High and Outstanding areas to simplify and reduce the number of rules and ensure appropriate requirements for the EC generally.</p> <p>Forest & Bird also seeks a separate rule for new buildings, structures and infrastructure and considers this can be achieved through amendment to CE-R4 as set out with respect to that rule in this submission.</p>	
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Coastal Environment	CE - R9	Oppose	<p>Forest & Bird seeks to combine this rule with R6.</p> <p>Both rules are almost identical and combining them reduces duplication. Forest & Bird also considers the provisions in this rule should extend beyond High and Outstanding the full coastal environment for consistency and certainty for effects management of these activities.</p>	<p>Combine with R6 and as a result Delete R9</p> <p>Extend the combined rule to the full coastal environment.</p>
Coastal Environment	CE - R10	Oppose in part	<p>It is not clear how these activities could be carried out without provision for earthworks. Rule CE – R11 which provides for earthworks in the Outstanding Coastal environment does not include provide for earthworks for the erection of a building or structure.</p> <p>Forest & Bird considers that there must be limits to earthworks in the CE for these activities at the permitted level and that this should not prevent the earthworks requirements for the matters under the advice note from also applying where they are more stringent.</p> <p>Forest & Bird also considers that limits should also be more restrictive for Outstanding than for the High natural character overlay given the outstanding nature of these areas.</p> <p>Forest & Bird suggests combining this rule with CE - R6 and possibly with R1 subject to other amendments also sought in these submissions</p>	<p>Amend Rule CE – R10 to be a restricted discretionary Activity</p> <p>Alternatively make amendments to R10 or combine the activities listed into other CE rules that already provide for these activities and for earthworks, within limits that protected the Outstanding Coastal Area. The expectation is that these limits will be more stringent than those set out for other areas of the coastal environment sought in this submission.</p>

Coastal Environment	CE - R11	oppose	<p>Forest & Bird considers that the earthworks provided for in R11 should align with activities that can appropriately be permitted activities in the Outstanding Coastal Environment.</p> <p>The scope of the following R11 earthworks is more maintenance and repair than erection of buildings and structures. Without clear limits to upgrades it is not appropriate to permit these in Outstanding areas.</p>	<p>Delete R11 Alternatively amend R11 to include appropriate limits and to refer to the CE permitted activities it relates to. Ensure that limits for earthworks are not more than required to meet the limits to the scale of permitted activities sought in Forest & Birds submissions.</p> <p>Amend CE - R7 to include upgrades as sought</p>
Coastal Environment	CE - R12	Support with amendment	<p>The rule needs to apply to all of the coastal environment to ensure that consent is required for activities in the Coastal Environment.</p> <p>As currently drafted it is not clear that this rule would provide activities in R6 and R9 where permitted standards of those rules are not met. I could be read that the rule provides for earthworks as a separate activity rather than as associated with natural hazard mitigation structures.</p> <p>For new natural hazard mitigation structures council should retain discretion to decline consent unless confined to specific works where matters of control are adequate.</p> <p>The matters of control in this rule are not adequate to address the activities that could be sought. For example, as a matter for control, location, dimensions, and appearance would</p>	<p>Amend the rule heading to apply to the Coastal Environment</p> <p>Amend CE – R12 to ensure it provides for non-compliance with R6 and R9 as set out in those rules. For example, by including the following condition: “Where: <u>A. the maintenance, alteration, repair, or reconstruction is for natural hazard mitigation structure that has been lawfully established; and</u></p> <p>Amend the conditions as follows: “<u>X. provided that only clean fill is used where fill materials are part of the structure;</u>” 1. These are to protect the <u>existing</u> coastal State Highway, Special Purpose Roads or other <u>lawfully established</u> Critical Infrastructure; 2. These are Westport flood and coastal protection works constructed by a statutory agency or its authorized contractor.”</p>

			<p>not provide adequate scope for decision makers where these aspects of a proposal where in appropriate as consent must be granted. In particular Forest & Bird is concerned that the rule would enable new protection works to facilitate development that is not appropriate in hazard risk areas and that puts further pressure on significant, high, and outstanding natural values.</p> <p>It would be clearer to separate maintenance from new structures and to clarify that new natural hazard mitigation structures under a controlled activity are for specified existing infrastructure.</p> <p>Where specified existing infrastructure cannot be specified as a condition/standard RD activity may be acceptable with appropriate matters for control. In other cases, Discretionary.</p> <p>It is not clear how this rule is relevant to Plantation forestry activities and whether the note in this regard is helpful. If this rule is more stringent than the NES-PF then the note should be retained.</p>	<p>Add the following matters of control: <u>“k. effects on public access; and</u> <u>l. materials used; and</u> <u>m. the extent and quantity of earthworks to be undertaken in association with the natural hazards structure works.”</u></p> <p>Amend the Advice Notes as follows: <u>“1. The rules in the Earthworks Chapter do not apply to Controlled Activities under Rule CE - R11-2.</u> <u>2. This rule also applies to Plantation forestry activities where this provision is more stringent than the NES – PF.”</u></p> <p>Amend the Activity status where compliance not achieved as follows: <u>for maintenance, alteration, repair, or reconstruction with standard 2: Restricted Discretionary, except</u> <u>In all other cases: Discretionary where these are within the Outstanding Coastal Environment Area</u></p>
Coastal Environment	CE - R13	Oppose	<p>Forest & Bird considers that where these activities are outside the Māori Purpose Zone (as provided for at CE – R3) the activity should be discretionary or non-complying under CE – R21 on the same basis as where CE – R16 is not met as sought below.</p>	<p>Make amendments to CE – R13 so in the Outstanding Coastal Environment a Discretionary activity status applies.</p>

Coastal Environment	CE - R14	Support with amendment	The rule fails to include discretion necessary to give effect to Policies 13 and 15 of the NZCPS which provide direction beyond High and Outstanding values.	Consider combining CE – R14 and CE – R15 Add matters of discretion for “ <u>effects on natural character, natural landscapes and features of the coastal environment.</u> ”
Coastal Environment	CE - R15	Support with amendment	The rule fails to include discretion necessary to give effect to Policies 13 and 15 of the NZCPS which provide direction beyond Outstanding values.	Consider combining CE – R14 and CE – R15 Add matters of discretion for “ <u>effects on natural character, including High natural character, natural landscapes and features of the coastal environment.</u> ”
Coastal Environment	CE - R16	Support with amendment.	There seems to be some overlap between R16 and R18 for earthworks associated with new network utilities and renewable A discretionary rule is appropriate to ensure that the NZCPS is given effect to for activities not meeting the permitted activity rules in the Outstanding Coastal Environment area.	Combine CE – R16 with CE – 21 so that the activity is Discretionary on the same condition for natural features.
Coastal Environment	CE - R17	Support with amendment	Consistent with amendments sought for R12 and Rule R19 amend rule R17 to provide for Maintenance, repair, alteration, and reconstruction of natural hazard mitigation structures that do not comply with R12. Amendments are sought to R19 to apply to new natural hazard mitigation structures in all parts of the Coastal environment other than Outstanding areas. For new natural hazard mitigation structures and natural hazard activities R19 discretionary activity is generally appropriate to provide for decision making. Forest & bird has sought	Make similar amendments as sought for CE – R12 above to capture all activities where compliance is not achieved with preceding rules. Amend CE - R17 as follows: “ <u>Maintenance, repair, alteration and reconstruction of Natural Hazard Mitigation Structures and Activities in the High Coastal Natural Character Overlay</u> not meeting Controlled Activity Standards of <u>CE – R12</u> Activity Status Restricted Discretionary Where:

			<p>amendment to objectives and policies to give effect to the NZCPS which can be appropriately considered to guide decisions on for natural hazard mitigation in the coastal environment.</p>	<p>1. These are not within the Outstanding Coastal Environment Area. Discretion is restricted to:</p> <ul style="list-style-type: none"> a. <u>whether the natural hazard mitigation structure is lawfully established;</u> ab. Any requirements for landscape evaluation; bc. Effects on habitats of any threatened or protected <u>flora or fauna</u> species; cd. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification; e. <u>Effects on ecological functioning and the life supporting capacity of air, water, soil, and ecosystems;</u> f. <u>Effects on the intrinsic values of ecosystems;</u> g. <u>effects on public access;</u> <u>Effects on Poutini Ngāi Tahu values and any Sites and Areas of Significance to Māori identified in Schedule Three;</u> h. <u>Landscape and visual effects;</u> di. The extent to which the site is visible from a road or public place; e<i>j</i>. Any effects on the natural character of the coast; k. <u>Location, dimensions, and appearance of the structure.</u> <p>Activity status where compliance not achieved: Discretionary <u>Non-complying</u></p>
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Coastal Environment	CE - R18		<p>As discussed with respect to R11 above it is not helpful to provide for earthworks separately to the activities/purposed for which they relate. Forest & Bird considers that the earthworks provided should align with activities that can appropriately be considered in the Outstanding Coastal Environment. While these activities are set out in Condition 1 it makes the scope of the rule in the heading somewhat unclear.</p> <p>Condition 2 does not add any certainty to the rule. It could be difficult to determine activity status on that condition. As consent is required either way, so long as the matters of discretion are appropriate the condition is not needed for these specified activities.</p> <p>Matter of discretion “i. area and location of vegetation clearance” this implies that earthworks could include vegetation clearance. It is not clear whether or not such vegetation clearance includes “indigenous vegetation clearance”. In our view it should not as indigenous vegetation clearance should be subject to ECO provisions as explained in the Overview of the CE chapter.</p>	<p>Consider amending the rule heading as follows: <u>“Activities and Earthworks within the Outstanding Coastal Environment Area not provided for as a Permitted Activity”</u></p> <p>Retain the scope of activities under this rule as set out in Condition 1.</p> <p>Clarify that “existing” is existing at the time the Plan becomes operative.</p> <p>Delete Condition 2 or set a measurable limit</p> <p>Add matters of discretion: <u>“The location of the activity on the site; and Whether the site includes significant natural area on applying the WCRPS Appendix 1 criteria and effects on the values in that area(s).”</u></p> <p>Retain all other aspects of the rule.</p>
Coastal Environment	CE - R19	Support with amendment	As per amendments sought to R12 and R17, amendments are sought to R19 to provide a Discretionary status to new natural hazard mitigation structures that do not comply with R12 beyond as well as within Outstanding areas.	Amend CE – R19 as follows: <u>“Where CE – R17 is not complied with or for New Natural Hazard Mitigation Structures and Natural Hazard Mitigation Activities in the Outstanding Coastal Environment not meeting Rule CE – R11</u>

			<p>If a natural feature is of sever risk to people and property this is a separate matter to whether natural mitigation structure or active should occur and is not appropriate condition within this rule.</p> <p>Where this rule is not met, activities should be a prohibited activity as sought for CE-R22 below.</p>	<p>Activity Status Discretionary Where: 1. These will not <u>adversely affect</u> destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding; except 2. Where a written report of a suitably qualified natural hazards professional identifies that the Outstanding Natural Feature is a severe risk to people or property.</p> <p>Activity status where compliance not achieved: Non-complying <u>prohibited</u></p> <p>Amend CE – R22 to Prohibited activity status and to capture non-compliance with CE – R19</p>
Coastal Environment	CE - R20	oppose	<p>New Plantation forestry is not appropriate in Outstanding Coastal Environment areas or Significant Natural Areas. By its nature land use change to through afforestation to Plantation forestry has more than minor adverse environmental effects.</p> <p>Given that SNAs are not scheduled in two districts and the identification of SNAs in Grey district was undertaken some time ago with different criteria to that now set in the WCRPS, all afforestation in the coastal environment should require consent as at least a discretionary activity. Where it is in an area of High natural character, Outstanding Coastal Environment area or the area contains indigenous biodiversity meeting the significance</p>	<p>Add a new Discretionary rule for Plantation forestry as follows: “<u>CE – R20A Afforestation with Plantation Forestry in the Coastal environment outside High Coastal Natural Character and Outstanding Coastal Environment Area overlays</u> <u>Activity Status Discretionary</u> <u>Where: the area of afforestation does not include any biodiversity meeting the significance criteria in Appendix 1 of the WCRPS.</u> <u>Advice Note:</u> <u>1. When assessing resource consents under this rule, assessment against the relevant Coastal Environment, Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes policies will be required.</u>”</p>

			<p>criteria in the WCRPS the activity should be non-complying. Amendments are required to give effect to the NZCPS and implement policy in the CE, ECO, and NFL chapters</p>	<p><u>2. This rule also applies to Plantation forestry activities where this provision is more stringent than the NES - PF.</u> <u>Activity status where compliance not achieved: NC</u></p> <p>Amend CE-R20 as follows: “Afforestation with Plantation Forestry in the Outstanding Coastal Environment Area, <u>High Coastal Natural Character overlay</u>, or any Significant Natural Area identified in Schedule Four <u>Schedule Four – R20A</u> in the Coastal Environment, <u>not meeting CE – R20A</u> Activity Status <u>Non-Complying Discretionary</u> Where: 1. These will not destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding. Advice Note: 1. When assessing resource consents under this rule, assessment against the relevant Coastal Environment, Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes policies will be required. 2. This rule also applies to Plantation forestry activities where this provision is more stringent than the NES - PF. Activity status where compliance not achieved: <u>N/A</u> <u>Non-complying</u></p>
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Coastal Environment	CE - R21	Oppose	Activities beyond those considered in the RD rules should not be anticipated in High and Outstanding overlays. A non-complying activity status better reflects this and implements the directive policy.	Amend to a non-complying rule
Coastal Environment	CE - R22	Oppose	The rule is contrary to the NZCPS	Amend CE- E22: “Activities in the Coastal Environment that would destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding <u>or activities not meeting CE - R19 in the Outstanding Coastal Environment Area</u> ” Amend to a prohibited activity status.
Coastal Environment	New CE rule		The scope of activities and area of application of the proposed rules within the CE does not appear to capture all activities consistently or apply to the whole of the CE. Amendments are required to give effect to the NZCPS	Add a discretionary rule for activities in the Coastal Environment that are not specifically provided for under the other CE rules.
Earthworks				
Earthworks	EW Overview	Support in part	This chapter needs to clearly state that it does not address vegetation clearance, and that any vegetation clearance associated with earthworks must comply with the ECO chapter.	Include in the overview clarification of the relationship between EW and vegetation clearance: “ <u>Vegetation will often cover the area to be affected by earthworks. Where that is the case, the earthworks must also comply with the vegetation clearance rules and other provisions in the ECO chapter. This EW chapter does not manage the effects on vegetation, so the Eco chapter must also apply.</u> ”

Earthworks	Other relevant Te Tai o Poutini Plan Provisions	Support in part	See Key Issues for submission points.	Amend in line with decisions sought in Key Issues above, with respect to referring to other chapters in the Plan and the use of the term 'overlay chapters'.
Earthworks	Other relevant regulations	Support in part	The explanation of when a consent may be needed from the Regional Council, in particular in relation to the requirements of the NESFM, should give much more direction to Plan users about the circumstances in which a different consent might be needed. For example, the reference to earthworks that may 'affect wetlands' is very vague and doesn't flag to the user that works within certain margins of wetlands will require consent, as well as where works may drain or partially drain the wetland.	Amend to include much more detail about when a consent from the regional may be needed, including a very clear statement setting out the circumstances in which earthworks near a wetland may require consent.
Earthworks	EC – P1	Oppose in part	The approach set out is not clear that adverse effects that are more than minor should be managed.	Replace 'significant' with 'more than minor'.
Earthworks	EC – P2	Support in part	'Minimising' effects is not an appropriate standard. Effects could still be significant, even where they are minimised. Further, it should be made clear that effects, in particular effects on biodiversity, must be managed in accordance with the ECO provisions.	Replace 'minimise' with 'avoid, remedy or mitigate.' Add an amendment to make it clear that effects on biodiversity at least are managed in accordance with the ECO provisions. Consider amendments to ensure that this chapter does not apply a lesser standard of effects management than other chapters in the Plan, e.g., NFL.

Earthworks	EW – R1	Support with amendment	<p>The general standards must include a requirement that any vegetation clearance that is caused by, or associated with, the earthworks, must be permitted by the ECO chapter.</p> <p>This cannot be limited to ‘overlays’ as it is not clear that this would protect all SNAs, given the lack of an appropriate SNA schedule.</p>	<p>Add the following standard:</p> <p><u>8. Any vegetation clearance that is caused by the earthworks, or by the associated works (e.g., smothering by the excavated materials) must meet the Permitted Activity Standards of the ECO chapter.</u></p>
Earthworks	EW – R2	Support with amendment	<p>Permitted activity status on the basis of “approval” needs to be consistent with a lawful authorization under the RMA.</p>	<p>Clarify the meaning of: “approved subdivision” “approved access” “approved well or bore”.</p>
Earthworks	EW - R3	Oppose	<p>Add a limit for earthworks in the NOSZ</p>	<p>Add to Rule EW – R3 the following conditions: <u>“4. Where the earthworks are in the NOSZ they are:</u> <u>a. A maximum of 250m²/site of land is disturbed in any 12-month period;</u> <u>b. A maximum of 200m³ of material is transported off site in any 12-month period; and</u> <u>c. There is a maximum 1m change of existing ground level.”</u></p>
Earthworks	EW – R3, 4, 5	Support with amendment	<p>See key Issues above for submission points on the use of the term ‘Overlay Chapters’ and ‘Overlay’ area.</p>	<p>Replace term ‘Overlay’, or otherwise clarify in line with Key Issue above.</p>
Earthworks	EW – R6	Oppose	<p>For reasons set out with respect to the BCZ and MINZ that those zones are deleted.</p>	<p>Delete EW – R6</p>

Earthworks	EW R7-R8	Support with amendment	<p>Make it clear in these rules that any vegetation clearance associated with the earthworks must comply with the ECO chapter.</p> <p>Support the matters of discretion including effects on various values (e.g., in R7.e and R8.h.)</p> <p>The advice note includes a reference to ‘Overlay chapters’ This should be amended in line with Key Issue above.</p>	<p>Make it clear in these two rules, by way of a condition, that: <u>any vegetation clearance that is caused by the earthworks, or by the associated works (e.g., smothering by the excavated materials) must comply with the provisions of the ECO chapter.</u></p> <p>Retain matters of discretion.</p> <p>The advice note at the bottom of R8 should be amended in line with Key Issue above.</p>
Light				
Light Section	LIGHT – whole chapter	Support with amendment	<p>The provisions of the chapter do not appropriately protect indigenous biodiversity. Artificial light can have significant adverse effects on indigenous biodiversity. Of particular note is the Westland Black Petrel, which mainly lives near the coast, and which is adversely impacted by activities that involve light. In particular, industrial activities that run around the clock and involve artificial lighting are detrimental to them.</p>	<p>Amend provisions of the chapter to protect indigenous biodiversity more appropriately.</p>
Light Section	LIGHT – O2	Support		Retain
Light Section	LIGHT – P1	Support with amendment	<p>Minor amendment required to broaden paragraph (e).</p>	<p>Include “and avoids adverse effects on indigenous biodiversity” at end of (e).</p>
Light Section	LIGHT – P2	Oppose in part	<p>Light associated with temporary activities should not be enabled in all circumstances. B. should include some direction to avoid effects on indigenous biodiversity where possible.</p>	<p>Delete a.</p> <p>Amend b. Artificial outdoor lighting for the purpose of emergency response or public health and safety, <u>which complies with P2 as much as possible.</u></p>

Light Section	LIGHT – P3	Support with amendment	'Minimises' is an inappropriate standard for managing effects on indigenous biodiversity.	Amend: d. Minimises Avoids adverse effects on the significant habitats of light sensitive native fauna and the species themselves; and
Light Section	LIGHT - Rules	Oppose in part	<p>The rules need to be amended to protect the fauna, in particular the Westland Black Petrel. Consent should be required for any industrial activity (e.g., mining, truck movements) outside of daylight hours in the coastal environment at least. A check needs to be done as to whether the areas in which the rules require consent adequately protect fauna habitats, in particular the Westland Black Petrel. If not, consent must be required.</p> <p>It is not clear that the rules adequately provide for the significant habitats of fauna. The rules provide some extra standards in the Outstanding Coastal Natural Character Overlay, but this will not necessarily capture all areas where biodiversity would be adversely affected by artificial light.</p>	<p>Amend permitted activities to exclude any light sources that are in or near habitat of indigenous fauna, in particular the Westland Black Petrel. No overnight lighting in these areas should be permitted (see next submission point). These activities should require at least a discretionary consent.</p> <p>The hours of 10pm-7am are used as a standard in some rules/permitted activities. This time period is likely to be too long to avoid effects on nocturnal fauna and should be reviewed.</p> <p>Include new rules, or amend existing, to ensure that areas of significant biodiversity (including ones that aren't on Schedule Four), wherever they occur, are protected by the rules. Any artificial light at night in these areas should require consent.</p>
Noise				
Noise Section	NOISE – whole chapter	Support with amendment	The provisions of the chapter fail to appropriately address the effects of noise on indigenous biodiversity, and the need to manage those effects.	Include provisions in the Overview, Objectives, Policies and Rules that recognise and provide for the need to protect indigenous biodiversity from adverse effects caused by noise.
PART 3 - AREA-SPECIFIC MATTERS				

ZONES	All zones	Seek new provisions/ amendments in all zones	See Key Issues for submissions on these matters.	In accordance with the submission made under the 'Key Issues' section of this submission: a. include a section "Other relevant Te Tai o Poutini Plan provisions" and list all relevant chapters with an explanation. Include all Natural Environment Chapters and District Wide Chapters. b. make clear that all vegetation clearance is dealt with by the ECO (and NC) chapter, in both the zone overviews and amend any relevant provisions within each chapter to that effect, including that the ECO objectives and policies may be relevant to other activities c. all mining activities require consent (except NOSZ where they should be prohibited), and an ecological assessment in accordance with Appendix 1 of WCRPS is required for all mining activity consent applications.
Open Space and Recreation Zones	OSRZ Overview		<p>Forest & Bird is concerned with the approach set out in the Energy chapter which suggests that the Open Space and Recreational zone provisions do not apply to activities addressed in that chapter.</p> <p>Both the district wide and specific zone chapter provisions should also apply in all cases/for all chapters.</p> <p>Forest & Bird is seeking that all public conservation land be zoned natural open space zone. This means that the statement with respect to mining on public conservation land under open space zone is inappropriate.</p>	<p>Amend the statement regarding DOC's obligations under the Plan in line with s4 RMA.</p> <p>Add the following to the Overview:</p> <p><u>In addition to the rules in these zone chapters, the provisions in the district-wide chapters will also apply. This includes provisions and rules that apply both within overlays, and outside of them. This includes the following chapters: (List chapters for clarity)</u></p>

			<p>The statement regarding the Department of Conservation is also not completely accurate. Section (4)(3) RMA provides that DOC is only exempt under the RMA if the work or activity is consistent with a conservation management strategy, conservation management Plan, or management Plan established under the Conservation Act or other relevant Act.</p>	<p>Amend: “The NOSZ - Natural Open Space Zone is where the Plan recognises and provides for open spaces that contain high natural and ecological values. The Zone is made up of the most <u>ecologically</u> significant open space and reserves where natural values predominate such as National Parks, Nature Reserves, Scientific Reserves, Wilderness Areas and Specially Protected Areas as well as other areas of public conservation land identified with very high natural values. <u>This includes private land held under QEII covenant, areas owned and managed by Forest & Bird for conservation purposes and may include for continuity significant natural areas over private land.</u></p> <p>Amend the following paragraph: “The OSZ - Open Space Zone is open spaces that are used predominantly for a range of passive and active leisure and recreational activities, along with limited associated facilities and structures. A large area of the public conservation lands administered by the Department of Conservation falls within this zone. At a district level the open spaces... ... The nature of the West Coast, with its extensive mineral deposits, combined with 84% of the land area being located in public conservation estate, means that <u>some</u> provision is also made</p>
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				for mineral extraction within the Open Space Zone.”
Open Space and Recreation Zones	OSRZ - Open Space and Recreation Zones Policies	Oppose in part	The generic acronyms and the division of provisions between generic and specific opens space zones is complex and could result in interpretation issues.	Re-label the policies to reflect the specific open space zone they apply to. E.g., OSZ-P11 to P14, SARZ-P15 to P17 and NOSZ – P18 to P20 Put specific zone policies within the section/chapter they relate to. Add an explanation in the overview of each open space chapter that the generic OSRZ objectives and policies also apply.
Open Space and Recreation Zones	OSRZ - P2	Oppose in part	Not all open space will have a purpose and classification under an Act to provide guidance to activities that may be appropriate within the zoning. Even where such information is available it may not be designed or adequate for the purpose of policy direction in this Plan.	Add or amend policies to set out the characteristics where possible and/or describe how these are determined for each OSRZ zone.
Open Space and Recreation Zones	OSRZ - P4	Oppose in part	The addition of the last sentence clause is inappropriate, at least in respect of PCL.	Delete: ‘or where it has a link with the open space and recreation resource’.
Open Space and Recreation Zones	OSRZ - P6	Oppose in part	This policy ignores the need to protect natural values in the provision of commercial recreation activities.	Add a requirement that natural values are protected.
Open Space and Recreation Zones	OSRZ - P7	Oppose in part	‘Promote’ is a weak standard, particularly as this is the only general policy touching on the need to protect natural values.	Replace ‘promote’ with ‘require’.

Open Space and Recreation Zones	OSRZ - P9	Oppose in part	<p>The policy refers to “the open space values.” It is not clear how these are to be identified, and as such this is a weak basis for ensuring that the natural values of each zone, and in particular the NOSZ, are protected.</p> <p>Further, many of the activities are not appropriate in the NOSZ.</p>	<p>Amend: <u>Outside the NOSZ, and provided that natural values can be protected, consider providing for a Provide for the range of purposes where compatible with the open space values including:</u></p>
Open Space and Recreation Zones	OSRZ - P10	Support in part	<p>Support in principle the provision for subdivision and development to provide for opens space needs generated by those activities, however it is not clear how this can be effective when considering subdivision and development within an existing OSRZ.</p>	<p>Amend to ensure that the purpose and character of OSRZ is not compromised by subdivision and development. Consider adding this policy or similar to the SUB chapter to apply to zones outside of OSRZ.</p> <p>Consistent with amendments sought to SUB provisions, make amendments as appropriate to support the approach that subdivision in NOSZ is not generally appropriate or an anticipated activity in the Plan.</p>
Open Space and Recreation Zones	OSRZ - P11-P14	Support in part	<p>These policies are not appropriate to apply to PCL.</p>	<p>We have sought that all PCL is rezoned as NOSZ. Provided that is done, these policies are mostly appropriate. However, the OSZ may still retain natural values. The policies must be amended to include a requirement to protect those values.</p>
Open Space and Recreation Zones	OSRZ - P14	Oppose	<p>Oppose a blanket provision for mining.</p>	<p>Either delete or amend to make clear that all natural values must be protected in accordance with the ECO chapter (as amended by F&B submissions), and change ‘provide’ to ‘consider providing’.</p>

Open Space and Recreation Zones	OSRZ - P18	Support		Retain
Open Space and Recreation Zones	OSRZ - P19	Oppose in part	<p>It is not clear how the ‘intended purpose, character, and qualities’ of the NOSZ will be ascertained to a level that would assist in consent decision making.</p> <p>A blanket enabling approach in particularly inappropriate in this zone.</p>	<p>Replace ‘enable’ with ‘consider providing for’</p> <p>Amend to include more clarity on what is to be achieved by a.</p>
Open Space and Recreation Zones	OSRZ - P20	Oppose in part	<p>Buildings and structures that are ancillary to a permitted activity should not be enabled. Either they are a permitted activity or not.</p> <p>‘Conservation values’ is too narrow.</p>	<p>Either delete policy, or:</p> <p>Delete a.</p> <p>In b., replace ‘conservation’ with ‘biodiversity and natural’.</p>
Natural Open Space Zone	NOSZ Overview	Support with amendment	<p>Include in the first sentence “and includes all public conservation land”.</p> <p>Amend wording of last sentence “have regard” to “be consistent with”</p> <p>Add National Parks Act 1980</p> <p>Include a clause to phase out existing mining on public conservation land.</p>	<p>The purpose of the NOSZ- Natural Open Space Zone is to... and landscape values; <u>and includes all public conservation land.</u></p> <p>All activities will also have regard to <u>be consistent with any relevant reserve management Plans, national park management Plans or national legislation (Reserves Act 1977 or Conservation Act 1997 or National Parks Act 1980).</u></p> <p><u>New mining activity on public conservation land is prohibited and existing mining activity will be phased out on public conservation land as resource consents and permits expire.</u></p>
Natural Open Space Zone	Rules - all	Support in part	As submitted elsewhere, each zone chapter should clearly refer to the relevant district wide chapters, including an explanation that the so-	As submitted elsewhere, each zone chapter should clearly refer to the relevant district wide chapters, including an explanation that the so-

			<p>called 'overlay chapters' include provisions that apply both inside and outside of identified overlays. In particular, it must be made clear that the ECO and NFL chapters apply.</p> <p>Amend the introduction to the zone rules, and where appropriate also specific rules, to make this clear.</p>	<p>called 'overlay chapters' include provisions that apply both inside and outside of identified overlays.</p> <p>As is done in the OSZ section, list specific chapters that are relevant.</p> <p>Amend introduction to this zone, and rules to make this clear.</p> <p>In particular, it must be made clear that the vegetation clearance rules in the ECO chapter apply to all activities in this zone. If that is not made clear, we oppose these rules.</p>
Natural Open Space Zone	Rules – permitted R1-R6	Oppose in part	Buildings and structures will not always be appropriate in this zone. Having this as a permitted activity could also lead to significant cumulative adverse effects.	Amend so that buildings and structures are discretionary, rather than permitted, in this zone.
Natural Open Space Zone	NOSZ-R16	Oppose in part	<p>Mineral Extraction Activities should be prohibited in the NOSZ. This should also be extended to all mining activities, including prospecting, exploration, extraction, processing, and ancillary activities.</p> <p>Lawfully established mineral extraction and processing areas activities on public conservation land should be identified and listed in Schedule nine.</p>	Amend activity status to prohibited, and include all mining activities, including prospecting, exploration, extraction, processing, and ancillary activities.
Open Space Zone	Overview	Support with amendment	Forest & Bird submits that all public conservation land be NOSZ. Remove the words "and large areas of public conservation land" from the second paragraph.	<p>Historic Reserves and large areas of public conservation land fall within this zone.</p> <p>All activities will also have regard to <u>be consistent with</u> any relevant reserve management Plans</p>

			Amend wording of last sentence “have regard” to “be consistent with” Remove Conservation Act 1980 because all public conservation land should be NOSZ.	Reserves Act 1977 or Conservation Act 1987
Open Space Zone Section	Other relevant Te Tai Poutini Plan Provisions	Support in part	As submitted elsewhere, the Plan lacks a coherent approach to directing Plan users to other relevant chapters. The approach taken in this zone chapter is supported, in that it lists the relevant chapters, rather than making a vague reference to the fact that other chapters may be relevant. However, reference to the ECO chapter is missing. Its vegetation clearance rules will apply to this zone.	As set out in the Key Issue above, retain approach of listing all relevant chapters. Include ECO chapter and make clear that its provisions apply both generally and to identified SNAs in Schedule Four. All vegetation clearance is dealt with under the ECO chapter.
Open Space Zone	OSZ-R11, R19, R22	Oppose	Mineral Prospecting and Mineral Exploration should not be permitted or restricted discretionary in the OSZ. The purpose of OSZ is to provide a range of passive and active leisure and recreational activities. This is important for community wellbeing and as such is fundamentally incompatible with mineral prospecting and exploration. The OSZ is also likely to include areas of indigenous vegetation and habitat for indigenous fauna that meets one or more of the WCRPS significance criteria. Amend the activity status for all mining activities to non-complying and require a full assessment of effects and a significance assessment.	Delete Permitted and Restricted Discretionary Activities. Include at least a discretionary consent requirement for all mining activities, including prospecting, explorations, extraction, processing, and ancillary activities. Include a requirement in that rule/those rules to undertake an ecological assessment in accordance with Appendix 1 of the WCRPS. Also include a note that all vegetation clearance associated with mining activities is dealt with under the ECO chapter.

Open Space Zone	OSZ-R12	Oppose	Agricultural, Horticultural or Pastoral Activities could be incompatible with the main purpose of Open Space Zone and may have adverse effects on areas of significant biodiversity. These activities should not be permitted. They should be at least discretionary activities and require a full effects assessment and a significance assessment.	Amend to make discretionary. Include a requirement in that rule/those rules to undertake an ecological assessment in accordance with Appendix 1 of the WCRPS. Also include a note that all vegetation clearance associated with mining activities is dealt with under the ECO chapter.
Sport and Active Recreation Zone Section		Support with amendment	Support approach of listing all relevant chapters. ECO chapter is missing.	As set out in the Key Issue above, retain approach of listing all relevant chapters. Include ECO chapter and make clear that its provisions apply both generally and to identified SNAs in Schedule Four. All vegetation clearance is dealt with under the ECO chapter.
Commercial and Mixed-Use Zones	CMUZ – 02 and consequential amendments	Support with amendment	Ensure that “high-quality built environment character” is one that is designed to maintain, and is integrated with, natural values and provision for biodiversity.	Amend in line with submission point and make any consequential changes to the policies and zone rules to give effect to this.
Commercial and Mixed-Use Zones	CMUZ – 03 and consequential amendments	Support with amendment	Ensure that a “high-quality urban environment” is one where natural values and biodiversity are maintained and provided for.	Amend in line with submission point and make any consequential changes to the policies and zone rules to give effect to this.
Industrial Zones Section	INZ, GIZ, LIZ – all provisions	Support with amendment	The zone provisions need to be clear that the natural Environment and District Wide chapters all apply, and that no lesser standard of effects management is applied, in particular on biodiversity values.	Amend overviews, objectives, policies, and rules as necessary to give effect to submission point.

Residential Zones Section	RESZ, GRZ, LLRZ, MDRZ – all provisions	Support with amendment	The zone provisions need to be clear that the natural Environment and District Wide chapters all apply, and that no lesser standard of effects management is applied, in particular on biodiversity and natural values.	Amend overviews, objectives, policies, and rules as necessary to give effect to submission point.
Rural Zones Section	All rural zones	Requesting amendments and new provisions	See Key Issues above for these submission points.	In accordance with the submissions made under the ‘Key Issues’ section of this submission: <ul style="list-style-type: none"> - include a section “Other relevant Te Tai o Poutini Plan provisions” and list all relevant chapters with an explanation. - make clear that all vegetation clearance is dealt with by the ECO chapter - all mining activities require consent (except NOSZ where they should be prohibited), and an ecological assessment in accordance with Appendix 1 of WCRPS is required for all mining activity consent applications.
RURZ Objectives and policies	RURZ overview			See above submission points regarding cross referencing chapters.
RURZ Objectives and policies	RURZ O5	Oppose	This blanket support is inappropriate given the requirements of the RMA.	Delete.
RURZ Objectives and policies	New objective	New objective sought	There is no objective recognising the need to maintain and protect natural values while providing for rural uses.	Include a new objective requiring the maintenance and protection of natural values in these zones.

RURZ Objectives and policies	New policy or amend existing policies	New policy/ several amendments	The policies are almost silent on the need to maintain and protect natural values in these zones.	Include a new policy requiring the maintenance and protection of natural values in these zones.
RURZ Objectives and policies	RURZ P18	Oppose	This policy is inadequate to appropriately manage adverse effects, in particular it does not give effect to Chapter 7 WCRPS.	Either delete or amend to ensure that natural values must be protected in accordance with Chapter 7 WCRPS. Other natural values may also need specific reference for protection.
RURZ Objectives and policies	RURZ P20	Oppose in part	Because there is no consistent SNA schedule, this is inadequate to protect significant biodiversity.	Amend to ensure that all natural values are protected.
RURZ Objectives and policies	RURZ P21	Support with amendment	Amend to require an ecological assessment in accordance with Appendix 1, WCRPS. Also amend to require effects management in accordance with Chapter 7 WCRPS.	Amend to require an ecological assessment in accordance with Appendix 1, WCRPS. Also amend to require effects management in accordance with Chapter 7 WCRPS.
RURZ Objectives and policies	RURZ P24	Oppose	Forest & Bird opposes the MINZ.	Delete.
RURZ Objectives and policies	RURZ P25	Oppose	This policy is contrary to the WCRPS, including the direction to manage effects on biodiversity in accordance with chapter 7.	Delete, or amend to give effect to the WCRPS and RMA requirements.
General Rural Zone Section	GRUZ	Seek amendment	See Key Issues for submission points	Include at least a discretionary consent requirement for all mining activities, including prospecting, explorations, extraction, processing, and ancillary activities. Include a requirement in that rule/those rules to undertake an ecological assessment in accordance with Appendix 1 of the WCRPS.

				Also include a note that all vegetation clearance associated with mining activities is dealt with under the ECO chapter.
GRUZ	Overview	Support with amendment	Acknowledge the presence of indigenous vegetation and habitats of native species interspersed in the GRUZ landscape	Amend paragraph three to include: The GRUZ - General Rural Zone is characterised by an open, vegetated landscape <u>that includes original and regenerating indigenous vegetation and habitats of indigenous fauna, interspersed with pasture and low-density buildings and structures...</u> "
GRUZ	Other relevant Te Tai Poutini provisions	Support with amendment	See Key Issues submission points.	As set out in the Key Issue above, retain approach of listing all relevant chapters. Include ECO chapter and make clear that its provisions apply both generally and to identified SNAs in Schedule Four. All vegetation clearance in this zone is dealt with under the ECO chapter.
GRUZ	GRUZ – R1	Oppose in part	This appears to allow for farm quarries in Schedules 1-8, contrary to P20. It also does not protect SNAs not yet on schedule 4.	Amend to remove quarrying from the permitted activity.
GRUZ	GRUZ - R11	Oppose	See Key Issues above.	Delete
GRUZ	GRUZ - R12	Oppose	See Key Issues above.	Delete

GRUZ	GRUZ - R18		<p>Mineral Extraction and Mineral Prospecting and Exploration not meeting Permitted Activity standards</p> <p>This rule only applies to Schedule Ten, previously mined areas. However, no areas have been identified. It is also not certain that previously mined areas won't now contain important biodiversity values.</p>	Delete, and delete Schedule 10 as it is empty.
GRUZ	GRUZ - R20	Oppose	Intensive Indoor Primary Production	<p>Add the following conditions: Not in overlays or in SNAs Not in coastal environment No clearance of indigenous vegetation – vegetation clearance is managed by ECO rules</p> <p>Non-compliance of overlays should become NC activity</p>
GRUZ	GRUZ – R25	Oppose	Mineral Extraction See Key Issues above.	Delete.
GRUZ	GRUZ - R32	Support with amendment	Mining Activities	<p>As submitted above, all mining activities should require discretionary consent. This also needs to include a requirement to undertake an ecological assessment in accordance with Appendix 1 WCRPS. The rule should make it clear that any vegetation clearance associated with mining activities is regulated by the ECO chapter, and that the objectives and policies of that chapter apply.</p>

Rural Lifestyle Zone Section	RLZ - R16	Support	Support that Intensive indoor primary production is a non-complying activity	retain
SPZ - Special Purpose Zones Section				
All Special Purpose Zones	Seek new provisions/ amendments in all zones	Seek new provisions/ amendments in all zones	See Key Issues for submissions on these matters.	In accordance with the submission made under the 'Key Issues' section of this submission: a. include a section "Other relevant Te Tai o Poutini Plan provisions" and list all relevant chapters with an explanation. Include all Natural Environment Chapters and District Wide Chapters. b. make clear that all vegetation clearance is dealt with by the ECO (and NC) chapter, in both the zone overviews and amend any relevant provisions within each chapter to that effect, and further that the ECO objectives and policies may be relevant to other activities c. all mining activities require consent (except NOSZ where they should be prohibited), and an ecological assessment in accordance with Appendix 1 of WCRPS is required for all mining activity consent applications.
Buller Coalfield Zone	BCZ – whole chapter	Oppose	This zone is completely inappropriate, for the reasons set out in the Key Issues section above.	Delete the Buller Coalfield Zone and rezone the affected land as follows: <ul style="list-style-type: none"> - GRUZ for private land in pasture - NOSZ for private land that has high natural values - NOSZ for all public conservation land - In other cases, zone consistently with adjacent land zone as appropriate.

Future Urban Zone Section	Overview	Oppose in part	It is inappropriate to provide for subdivision and urban development ahead of rezoning other than through a separate Plan change process.	Amend as follows: The zone is a holding zone where land can continue to be used for a range of rural activities and subdivision and urban development are discouraged until a structure Plan is prepared, or <u>and</u> the land is rezoned.
Future Urban Zone	FUZ – all rules	Support with amendment	The rules should make clear that any vegetation clearance associated with the activities is governed by the ECO and/or NC chapters.	Amend rules in line with submission point.
Future Urban Zone	FUZ-R10	Oppose	This appears to allow permitted activities to occur ahead of rezoning Plan change. This is inappropriate as a rezoning Plan change could make changes to a structure Plan and may issue on the site that require specific management not achieved under the permitted zone rules. If it is intended not to apply until after rezoning Plan change is operative, then there is no need for the rule in any case.	delete
Future Urban Zone	FUZ - R19 and 23	Support	Support that Intensive indoor primary production is a non-complying activity	Retain
Mineral Extraction Zone Section	MINZ – whole chapter	Oppose	This zone is completely inappropriate, for the reasons set out in the Key Issues section above.	Delete the Mineral Extraction Zone and rezone the affected land as follows: <ul style="list-style-type: none"> - GRUZ for private land in pasture - NOSZ for any private land that has high natural values - NOSZ for all public conservation land - In other cases, zone consistently with adjacent land zone as appropriate.

Māori Purpose Zone Section	MPZ – whole chapter	Support with amendment	<p>Forest & Bird supports this chapter, provided that it is made clearer that the provisions of the ECO chapter, as amended by this submission, apply. We presume that is the intent, given the reference to ‘overlay chapters’ in the Overview.</p> <p>Also, the fact that none of the RDA rules have matters of discretion dealing with biodiversity, landscape, natural character, or other natural values suggests the intent is for those effects to be managed by objectives, policies and rules elsewhere in the Plan.</p> <p>As submitted elsewhere, the reference to the ECO chapter must make clear that its provisions apply both within and outside of identified overlays.</p>	<p>Make clear in the Overview, and in the rules for this zone, that the provisions of the ECO chapter (as amended by the F&B submission) also apply. Also specify the other chapters that are relevant, including CE, EW, NC, NFL.</p> <p>Otherwise, this chapter fails to give effect to various RMA requirements, including s6(c), and must be significantly amended to include new or amended provisions to protect natural values, by way of consent requirements.</p>
PART 4 - SCHEDULES				
SCHEDULES	Schedule Two – Notable Trees	Support		Retain
SCHEDULES	Schedule Four - SNAs	Support with amendment	<p>The introduction needs amendment to make clear that a consistent region wide SNA survey has not been undertaken, and that within the Grey District, there may be further SNAs.</p> <p>Also, an amendment is needed to clarify when an ecological assessment may be required.</p> <p>Support retention of the current contents of Schedule Four.</p>	<p>Amend:</p> <p><u>A regionally consistent assessment against the criteria in Appendix 1 WCRPS to identify all areas of significant indigenous biodiversity has not yet been completed.</u></p> <p>Only <u>previously identified</u> areas within Grey District have been included in Schedule Four</p>

				<p>scheduled as Significant Natural Areas in Te Tai o Poutini Plan.</p> <p>Within the Buller and Westland District, <u>and in the Grey District outside of Schedule Four areas</u>, an assessment of significance will be undertaken at the time any resource consents are applied for in relation to the Ecosystems and <u>Indigenous Biodiversity Rules</u>. <u>An ecological significance assessment will also be required for any mining activities.</u></p>
SCHEDULES	Schedule Five	Support		Retain
SCHEDULES	Schedule Six	Support		Retain
SCHEDULES	Schedule Seven	Support		Retain
SCHEDULES	Schedule Eight	Support		Retain
SCHEDULES	Schedule Nine: Lawfully Established Mineral Extraction and Processing Areas	Oppose	<p>As submitted above, we seek the deletion of the MINZ and BCZ.</p> <p>If this schedule is to be retained, include more detailed information. Include consent expiry dates.</p> <p>The introduction should make clear that there is no further implied or express permission, status or priority, or policy intent to provide for the listed activities/areas beyond their already consented status.</p>	Amend in line with submission or delete.
SCHEDULES	Schedule Ten	Oppose	This schedule is empty. It is not clear what purpose it serves.	Either delete or clarify the purpose of this schedule.

			Previously mined areas may contain important natural values. It is not appropriate to provide for activities in this area as of right.	
PART 5: APPENDICES				
Appendices	Appendix Seven	Oppose	Mineral Extraction Management Plans only feature in the BCZ chapter, in one rule. As we have sought the deletion of the BCZ, we also seek the deletion of this appendix. A management Plan is not an appropriate replacement for rules.	Delete.
