
Form 5: Submission on notified proposal for policy statement or plan, change or variation

Pursuant to clause 6 of the First Schedule of the Resource Management Act 1991

To: Timaru District Council (**the Council**)

Name of submitter: Penny Nelson, Director-General of Conservation *Tumuaki Ahurei* (**the Director-General**)

1. This is a submission on the following proposed plan:

Proposed Timaru District Plan

2. I could not gain an advantage in trade competition through this submission
3. The specific provisions of the proposal that my submission relates, and the detailed decisions sought to are set out in **Attachment 1** to this submission.
4. I **seek** the following decision from the Council:
 - a. That the particular provisions of Proposed Plan that I support, as identified in Attachment 1, are retained;
 - b. That the amendments, additions and deletions to Proposed Plan sought in Attachments 1 are made; and
 - c. Further or alternative relief to like effect to that sought in 4. a. and 4. b. above, including consequential changes or changes required for consistency.
5. The decisions sought in this submission are required to ensure that the proposed Timaru District Plan:
 - a. Gives effect to the New Zealand Coastal Policy Statement 2010, the National Policy Statement for Freshwater Management 2020, and the Canterbury Regional Policy Statement;
 - b. Recognises and provides for the matters of national importance listed in section 6 of the Act and to has particular regard to the other matters in section 7 of the Act;

- c. Promotes the sustainable management of natural and physical resources; and
 - d. The changes sought are necessary, appropriate and sound resource management practice.
6. I wish to be heard in support of my submission, and if others make a similar submission, I will consider presenting a joint case with them at the hearing.



Tony Preston

Operations Manager *Pou Matarautaki*

Geraldine District, Eastern South Island Operations Region

Department of Conservation *Te Papa Atawhai*

Acting pursuant to delegated authority on behalf of Penny Nelson, Director-General of Conservation
Tumuaki Ahurei

Date: 15th December 2022

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

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Department of Conservation *Te Papa Atawhai*

ATTACHMENT 1:

PROPOSED TIMARU DISTRICT PLAN SUBMISSION BY THE DIRECTOR-GENERAL OF CONSERVATION

The Chapters that my submission relates to are set out in the table below. My submissions are set out immediately following these headings, together with the reason and the decision I seek from the Council.

The decision that has been requested may suggest new or revised wording for identified sections of the proposed plan. This wording is intended to be helpful but alternative wording of like effect may be equally acceptable. Text quoted from Proposed Plan is shown in *Italics*. The wording of relief sought shows new text as underlined and original text to be deleted as ~~strikethrough~~.

Unless specified in each-submission point, my reasons for supporting are that the provisions are consistent with the purposes of the Act.

Part 1 Introduction and General Provisions/Interpretation – Definitions

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
All Definitions	Support	Support the proposed definitions as providing appropriate clarity and certainty for plan users and aligning with the RMA and higher order documents.	Retain as notified, except where specific changes are requested below.
Biodiversity Management Plan	Support	The D-G supports the inclusion of this definition. It is noted that Biodiversity Management Plans are required as a matter of discretion for vegetation clearance within Significant Natural Areas (SNAs). These are encouraged to assist with the protection or enhancement of indigenous vegetation and habitats.	Retain as notified.
Clearance of indigenous vegetation	Support with amendments	The D-G supports the proposed definition however seeks amendments to make it explicit that this also includes any activity that destroys indigenous vegetation.	Amend the definition of 'Clearance of Indigenous Vegetation' as follows:

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			<p><i>means any activity that destroys or removes indigenous vegetation means the clearing or removal of 'indigenous vegetation' by any means, including clearing, grazing, cutting, crushing, cultivation, spraying, irrigation, chemical application, artificial drainage, overplanting, over sowing, or burning.</i></p>
Department of Conservation Activity	Oppose	<p>The D-G considers that there should be a wider definition for 'conservation activity' rather than making it specific to the Department of Conservation activities. This is given that there are other stakeholders which may undertake conservation activities such as landowners, Forest and Bird and other community groups. This ensures that conservation activities are provided for within the plan which don't fall under Section 4(3).</p> <p>It is also noted that the description in the introduction of the Natural Open Space Zone provides an explanation of the RMA requirements which exempt activities for land managed under the Conservation Act 1987 so it is not considered necessary to be repeat this in a definition.</p> <p>It is also noted that the term 'Conservation Activity' is used in the Rural Zone provisions but there is no definition of what this includes.</p>	<p>Amend the definition as follows:</p> <p>Department of Conservation Activity is an activity listed in APP1-Work or activities of the Department of Conservation. The list includes activities specifically provided for in the Canterbury (Waitaha) Conservation Management Strategy 2016 which it considers meets the requirements of Section 4(3) of the Resource Management Act 1991 for exemptions from land use consents.</p> <p><u>Means the use of land for any activity undertaken for the purposes of management, maintenance and enhancement of ecological values for indigenous vegetation and fauna and their habitats. Examples of component activities of conservation are:</u></p> <ul style="list-style-type: none"> • <u>Restoration planting</u> • <u>Pest and weed control</u> • <u>Track construction and maintenance</u> • <u>Fencing.</u>
Indigenous Vegetation	Support	The D-G supports the definition, which is consistent with the draft NPSIB.	Retain as notified

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Light Sensitive Area	Support with amendments	The definition should also include the Bat Protection Area overlay. Lighting can negatively affect Long-Tailed bat activity and behaviour (refer to Appendix 1: Abstract from the New Zealand Ecological Society dated 28 November). It is therefore recommended that the Bat Protection area be included as a 'light sensitive area'.	Amend the definition of 'Light Sensitive Area' as follows: <i>Includes land in the following areas outside of the Port Zone:</i> <i>a. Wāhi tapu, Wāhi taoka and Wai taoka Overlays</i> <i>b. Significant Natural Areas Overlay</i> <i>c. Outstanding Natural Landscapes Overlay</i> <i>d. Visual Amenity Landscape Overlay</i> <i>e. the Rural Lifestyle Zone;</i> <i>f. Bat Protection Area Overlay; and</i> <i>fg. the Natural Open Space Zone.</i>
Riparian Margin	Support	The D-G supports this definition.	Retain as notified.
Riparian Zone	Support	The D-G supports this definition and notes that it is consistent with the Canterbury Regional Policy Statement.	Retain as notified.
Resource Management Act definitions such as – - 'Biodiversity/Biological Diversity' - 'Coastal Water'	Support	The D-G supports the inclusion of the RMA definitions in the plan such as 'biodiversity' and 'coastal water'. This is helpful when using the E-Plan.	Retain as notified.
Sensitive Environment	Support with amendments	The D-G supports the definition as it includes the Coastal Environment, Significant Natural Areas and other overlays of significance. However, the D-G seeks that the definition is amended to include the Bat Protection Overlay. It is noted that the definition for Sensitive Environment includes the area within	Amend the definition of 'Sensitive Environment' as follows: <i>means</i> <i>1. areas within the following overlays identified on the Planning map:</i> <i>a. Coastal Environment; and</i>

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		<p>100 m from the edge of a riparian margin however it is not clear whether this would capture all of the area identified for Bat Protection. As the Bat Protection Area is not included in the definition list it is also not explicit that bat habitat is included as a 'sensitive environment'. Therefore, it is considered that the long-tailed bat habitat identified on the planning maps should be included as a 'sensitive environment'. This will ensure that the provisions that apply to activities within sensitive environments take into account long tail bat habitat.</p>	<p><i>b. Coastal High Natural Character Areas; and</i> <i>c. Drinking Water Protection Area; and</i> <i>d. Heritage Item; and</i> <i>e. Heritage Item extent; and</i> <i>f. Outstanding Natural Features; and</i> <i>g. Outstanding Natural Landscapes and</i> <i>h. Sites and areas of Significance to Māori; and</i> <i>i. Significant Natural Areas; and</i> <i>j. Visual Amenity Landscapes; and</i> <i>k. Earthquake Fault Awareness Area; and</i> <i>l. High Hazard Areas; and</i> <i>m. Flood Assessment Area; and</i> <i>n. Seawater Inundation Overlay; and</i> <i>o. Within 250 m from Major Hazard Facilities; and</i> <u><i>p. Bat Protection Area Overlay; and</i></u> 2. <i>the below areas:</i> <i>a. The area within 100 m from the edge of a Riparian Margin; and</i> <i>b. The area within 100 m from the edge of a Wetland Area; and</i> <i>c. High Hazard Areas identified in a Flood Certificate issued under NH-S1.</i></p>
Significant Natural Area or SNA	Support with amendments	<p>The D-G supports the identification of SNA's as set out in SCHED7 and on the planning maps.</p> <p>However, SNA status criteria could also be applied to new areas that have not yet been identified and mapped as an area of significant indigenous vegetation, or significant habitat of indigenous fauna. This would require an</p>	<p>Amend the definition of 'Significant Natural Area as follows:</p> <p><i>Means</i></p> <p><u><i>a.</i></u> <i>identified areas of significant indigenous vegetation and significant habitats of</i></p>

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		<p>assessment of any new areas against the Criteria in Appendix 5 of the plan. The suggested amendment would also make the definition consistent with the draft NPS-IB definition for SNA and Policy 6.</p> <p>Amend the definition to correct the reference from <i>ECO-SCHED 2</i> to <i>SCHED 7</i>.</p> <p>It is noted that the SNA definition may need to be reviewed in accordance with any future nationally developed criteria under the NPS IB.</p>	<p><i>indigenous fauna, as set out in ECO-SCHED2 SCHED 7 and shown on the Planning Maps; or</i></p> <p><i>b. <u>areas that have been assessed as an area of significant indigenous vegetation or significant habitat of indigenous fauna in accordance with the criteria set out in APP5.</u></i></p>

Part 1 General Provisions/Interpretation - Additional Definitions Sought in Submission

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
New definition – ‘Coastal Environment’	New	<p>The D-G supports the mapping of the coastal environment, however, seeks the inclusion of a definition of coastal environment consistent with Policy 1 of the New Zealand Coastal Policy Statement (NCPS).</p> <p>The Canterbury Regional Policy Statement (CPRS) defines ‘Coastal Environment’ as ‘The extent and characteristics of the coastal environment is defined by Policy 1 of the New Zealand Coastal Policy Statement (2010)’.</p>	Insert a new definition of ‘coastal environment’ consistent with the definition of ‘coastal environment’ in the CRPS.
New Definition – ‘Effects Management Hierarchy’	New	In relation to other submission points made by the D-G, we seek that the effects management hierarchy is defined in the Plan to ensure that there is an appropriate cascade of effects management approaches, starting with	Insert a new definition of ‘Effects Management Hierarchy’ which is generally consistent with the draft National Policy Statement for Indigenous Biodiversity (NPS-IB).

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		<p>avoidance, and ending with offsetting or compensation of residual adverse effects, to appropriate manage adverse effects on significant values.</p> <p>The draft National Policy Statement for Indigenous Biodiversity (NPS-IB) gives meaning to the effects management hierarchy in Clause 1.5(4).</p>	
New Definition – ‘Compensation’	New	<p>Insert new definition for “compensation”, as the term is used within the Ecosystems and Indigenous Biodiversity chapter, it is considered necessary to define the term so it’s meaning is clear.</p> <p>The draft National Policy Statement for Indigenous Biodiversity (NPS-IB) contains a definition for ‘Biodiversity Compensation’ which is recommended.</p>	<p>Insert a new definition for “compensation” as follows (or words to similar effect):</p> <p><i><u>Means any positive actions (excluding biodiversity offsets) to compensate for residual adverse biodiversity effects arising from activities after all appropriate avoidance, remediation, mitigation and biodiversity offset measures have been sequentially applied.</u></i></p>
New Definition – ‘Biodiversity Offset’	New	<p>Insert new definition of ‘Biodiversity Offset’.</p> <p>Providing for the use of biodiversity offset (where the effects management hierarchy has been applied), enables Councils and applicants to address any residual adverse effects, that cannot otherwise be demonstrably avoided, minimised, or remedied as a result of the proposed activity.</p>	<p>Insert a new definition for “biodiversity offset” as follows (or words to similar effect):</p> <p><i><u>“means a measurable conservation outcome that results from actions that:</u></i></p> <p><i>a. <u>redress any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, and</u></i></p>

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		<p>This aligns with Section 104(1)(b) of the RMA and the draft National Policy Statement for Indigenous Biodiversity (NPS-IB) which includes offsetting to address residual effects via the effects management hierarchy.</p> <p>The definition recommended for 'Biodiversity Offset' has been copied from the NPS-IB.</p>	<p><i>remediation measures have been sequentially applied; and</i></p> <p>b. <i>achieves a measurable net gain compared to that lost.</i></p>
New Definition – 'Risk'	New	Insert new definition of 'risk' as this is a term used in the Plan when considering natural hazards.	Insert a new definition for risk consistent with the definition of risk in the New Zealand Coastal Policy Statement (NZCPS).

Part 2 District Wide Matters - Strategic Directions

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
SD-02 The Natural and Historic Environment	Support with amendments.	<p>The D-G supports the intent of the strategic directions for the natural environment but considers that an overarching requirement to promote the increase of indigenous vegetation cover in the district is needed. This is consistent with the draft NPS-IB (Policy 14).</p> <p>The strategic direction should also set out the maintenance and enhancement of indigenous biodiversity outside of SNAs as required by the RMA (Part 2 (7) & Section 31) and Policy 4, 5, 8 & 13 of the draft NPS-IB which seeks to recognise the importance of maintaining and providing for indigenous biodiversity outside SNAs as well as ensuring that biodiversity is resilient to the effects of climate change and</p>	<p>Amend Strategic Direction SD-02 as follows:</p> <p><i>The District's natural and historic environment is managed so that:</i></p> <ul style="list-style-type: none"> <i>i. the health and wellbeing of the community are recognised as being linked to the natural environment;</i> <i>ii. an integrated management approach is adopted that recognises that all parts of the environment are interdependent;</i> <i>iii. the natural character of the coastal environment, wetlands and waterbodies is preserved and protected from inappropriate subdivision, use, and development;</i>

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		<p>managed in an integrated way. This is also consistent with the Canterbury Regional Policy Statement.</p> <p>It is recommended that for SNAs and indigenous biodiversity outside of SNAs, the wording 'restored' is added to (v) and (vi) in line with the Canterbury Regional Policy Statement (Objective 9.2.2) and the draft NPS-IB (Clause 3.21) which requires Local Authorities to promote the restoration of indigenous biodiversity.</p>	<p><i>iv. important landscapes and features are protected from inappropriate subdivision, use, and development;</i></p> <p><i>x. <u>there is an overall net gain in the quality and quantity of indigenous ecosystems and habitat, and indigenous biodiversity</u></i></p> <p><i>v. significant indigenous vegetation and significant habitats of indigenous fauna are identified, and their values recognised, protected, and where appropriate, enhanced, and, <u>where the ecological integrity is degraded, restored;</u></i></p> <p><i>y. <u>indigenous biodiversity is maintained and enhanced; with all indigenous biodiversity having improved connectivity and improved resilience.</u></i></p> <p><i>vi-vii- the life-supporting capacity of ecosystems and resources is safeguarded for future generations;</i></p> <p><i>viii <u>viii</u> the important contribution of historic heritage to the District's character and identity is recognised, and significant heritage and its values are protected from inappropriate subdivision, use, and development.</i></p>
SD-O5	Support	The D-G supports the strategic direction to recognise and provide for Kati Huirapa and recognise their historic and contemporary	Retain as notified.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
		relationship with the District's land, water bodies, wetlands, coastal environment and indigenous species.	

Part 2 District Wide Matters – Energy, Infrastructure and Transport

EI- Energy and Infrastructure

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Objective EI-02 Adverse effects of Regionally Significant Infrastructure	Oppose in part	The D-G supports avoidance of adverse effects in sensitive environments but seeks amendments to align with the draft NPS-IB in applying the effects management hierarchy for infrastructure where effects cannot be avoided due to the functional need and where there are no practicable alternative locations.	Amend the objective as follows: <i>The adverse effects of Regionally Significant Infrastructure and Lifeline Utilities:</i> 1. <i>are avoided in sensitive environments unless there is a functional need for the infrastructure to be in that location <u>and there are no practicable alternative locations</u>, in which case they must be <u>managed by applying the effects management hierarchy remedied or mitigated</u>; and...</i>
Objective EI-03 Adverse effects of other infrastructure	Support	The D-G supports the inclusion of this policy which seeks to avoid, remedy and mitigate adverse effects of 'other infrastructure' on sensitive environments.	Retain as notified.
EI-P2	Support with amendments	The D-G supports the inclusion of this policy and managing adverse effects on the identified values and qualities of the natural environment and specific overlays listed. However, it is considered relevant to include consideration of the effects management hierarchy as included in the draft NPS-IB in	Amend Policy P2 as follows: 1. <i>Provide for Regionally Significant Infrastructure and other infrastructure where any adverse effects are appropriately managed by:</i>

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		<p>accordance with Clause 3.10(3) and (4) for specific infrastructure that provides significant national or regional public benefit, has a functional or operation need to be in that particular location and where there are no practicable alternative locations for the new use or development.</p>	<p><i>a. seeking to avoid adverse effects on the identified values and qualities of Outstanding Natural Landscapes and Outstanding Natural Features, Visual Amenity Landscapes, the Coastal Environment, Significant Natural Areas, High Naturalness Waterbodies Areas, Sites of Significance to Māori, historic heritage, cultural, and archaeological areas, riparian margins and notable trees <u>and applying the effects mitigation hierarchy where adverse effects cannot be avoided</u>; and</i></p> <p><i>b. controlling the height, bulk and location of Regionally Significant Infrastructure and other infrastructure, consistent with the role, function, character and identified qualities of the underlying zone; and</i></p> <p><i>c. requiring compliance with recognised standards or guidelines relating to noise, vibration, radiofrequency fields and electric and magnetic fields; and</i></p> <p><i>d. requiring the undergrounding of network utilities in new areas of urban development; and</i></p> <p><i>e. minimising adverse visual effects on the environment through landscaping and/or the use of recessive colours and finishes; and</i></p> <p><i>f. allow new water infrastructure, including open drains, ponds and structures for the reticulation and storage of water for agricultural and horticultural activities</i></p>

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			<p><i>in sensitive environments where the adverse effects can be minimised; and</i></p> <p><i>g. requiring other infrastructure to adopt sensitive design to integrate within the site, existing built form and/or landform and to maintain the character and qualities of the surrounding area;</i></p> <p><i>while:...</i></p>
Rules/Note	Support with amendments	The D-G supports the cross reference to the matters in Part 2 of the proposed Plan. It is recommended that there is a hyperlink to this chapter.	Amend the note by including a hyperlink to the chapters in Part 2 – District wide matters.

Part 2 District Wide Matters – Energy, Infrastructure and Transport

TRAN - Transport

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Objective TRAN-02 and Policy TRAN-P4	Support	The D-G supports the intent of the proposed objective, policies and rules that give effect to Objective 5.2.3 and Policies 5.3.7 & 5.3.8 of the CRPS.	Retain as notified.
Rules/Note	Support with amendments	The D-G supports the note relating to other rules in the plan that are relevant to transport however it is suggested that hyperlinks are included in the note to specifically reference the relevant sections as has been done under the Energy and Infrastructure Chapter. This provides clarity to the user of the plan.	Amend the note by including a hyperlink to the chapters in Part 2 – District wide matters.

Part 2 District Wide Matters – Historical and Cultural Values

HH-Historic Heritage

PLAN PROVISION	SUPPORT/OPOSE	REASON	RELIEF SOUGHT
SCHED 3: Schedule of Historic Heritage listing HHI-208 <i>Former musterers' hut/Richmond Hut</i>	Support	The D-G supports the inclusion of the Richmond Hut within the schedule.	Retain as notified.

Part 2 District Wide Matters – Historical and Cultural Values

SASM- Sites and Areas of Significance to Māori

PLAN PROVISION	SUPPORT/OPOSE	REASON	RELIEF SOUGHT
SASM Objectives, policies and rules.	Support	The D-G supports the provisions provided in the plan to recognise and protect sites and areas of significance to Māori as well as ensure the sustainability of ecosystems that support taoaka and mahika kai.	Retain as notified

Part 2 District Wide Matters – Natural Environment Values

ECO- Ecosystems and Indigenous Biodiversity

PLAN PROVISION	SUPPORT/OPOSE	REASON	RELIEF SOUGHT
General comments on ECO- Ecosystems and Indigenous Biodiversity chapter		The D-G generally opposes the objectives, policies, and rules in the ECO Ecosystems and indigenous biodiversity chapter. Currently the provisions do not provide certainty that indigenous biodiversity will be protected, maintained, enhanced, and restored.	Specific relief as outlined below.

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		<p><i>Alignment with the draft NPS-Indigenous Biodiversity (NPS-IB)</i> We encourage Council to align its provisions with the exposure draft as much as possible i.e definitions, provisions, and criteria. This recognises that the exposure draft represents the current national best-practice on managing indigenous biodiversity in the RMA context.</p> <p><i>Protection of SNAs and providing a process for the assessment of new SNAs</i> Whilst the D-G acknowledges that comprehensive surveys have been undertaken of the district's SNAs, there are many areas that still need to be assessed and some existing areas that may need to be re-surveyed against current criteria. Therefore, there needs to be a process in the plan for allowing identification and protection of <u>new</u> SNAs.</p> <p><i>The maintenance and enhancement of areas outside of SNAs</i> Further it is noted that whilst some areas outside of mapped SNAs (as well as unmapped SNAs) such as waterbody margins and higher altitudes/steep slopes have specific rules, there are many other areas of indigenous biodiversity outside of these areas that are required to be maintained and enhanced. Examples of these areas are indigenous vegetation associated with uncultivated</p>	

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		<p data-bbox="902 233 1471 480">dryland soils, tussock grasslands, shrublands, short and tall forest remnants, herbfields, and any coastal or dune environments. It is recommended that a set of vegetation clearance thresholds is introduced to ensure that indigenous biodiversity in these areas is appropriately managed.</p> <p data-bbox="902 520 1375 587"><i>Application of the Effects Management Hierarchy</i></p> <p data-bbox="902 595 1447 730">It needs to be made clear in the provisions of the proposed Plan that new subdivision, use and development within a SNA should <u>avoid</u> certain effects as set out in the draft NPS-IB.</p> <p data-bbox="902 770 1471 1018">The effects management hierarchy must also be applied to other effects within a SNA as well as for areas outside of mapped SNAs. This aligns with the requirements of the draft NPS-IB as set out in Clause 1.5(4) and principles applied for biodiversity offset and compensation in Appendix 3 and 4.</p>	
Introduction	Oppose in part	<p data-bbox="902 1062 1471 1377">It should be made clear within the introduction that there are unmapped areas of remnant indigenous vegetation within Timaru (both non-mapped SNAs and indigenous biodiversity that isn't covered under SNAs) that Council is also required to protect in line with the RMA (Part 2, 6(c)), the CRPS (Policy 9.3.1) and the draft NPS-IB (Policy 7 and subpart 2, Clause 3.8(5)).</p>	<p data-bbox="1494 1062 1917 1090">Amend the introduction as follows:</p> <p data-bbox="1494 1134 2107 1305"><i>The District contains a diverse range of habitats that support indigenous plants and animals. Many of these are endemic, comprising forests, shrubland, herbfields, <u>drylands</u>, tussock grasslands, and waterbody margins.</i></p>

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			<p><i>The Council has a responsibility to maintain 'indigenous biodiversity' generally and in particular to recognise and provide for the protection of 'significant indigenous vegetation' and 'significant habitats of indigenous fauna'. The identified significant indigenous vegetation and habitats are collectively referred to as Significant Natural Areas (SNA's) having been assessed and listed in the Plan.</i></p> <p><i>In addition, there are likely to be a range of other areas <u>including remnant, recovering or restored biodiversity not yet assessed, but containing significant indigenous biodiversity values that council is also required to protect, maintain and enhance.</u></i></p>
ECO-01 & ECO-02	Oppose in part	<p>Whilst the D-G acknowledges that these objectives are consistent with the RMA Part 2, (section 6c) it is recommended that they are replaced with an objective that sets an overall target for the District to increase indigenous biodiversity within the district and that the objective describes how this will be achieved by the Plan provisions. This aligns better with the CRPS (Objective 9.2.1, 9.2.2 and 9.2.3).</p> <p>The CRPS notes that there is a need for action to restore fragmented, degraded or scarce natural habitat, to restore essential ecosystem functions, ecosystems and indigenous biodiversity in particular and to extend the area of particular habitat types. Restoration is also needed to provide connections between</p>	<p>Replace ECO-01 and ECO-02 with the following (or similar):</p> <p><u>Overall, there is an increase in indigenous biodiversity throughout the District, comprising:</u></p> <ol style="list-style-type: none"> 1. <u>protected and restored SNAs; and</u> 2. <u>other areas of indigenous biodiversity that are maintained and enhanced, and</u> 3. <u>the restoration and enhancement of areas of indigenous biodiversity is encouraged and supported.</u>

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		<p>currently isolated fragments of natural ecosystems.</p> <p>This submission point also links to our comments on SD-02.</p>	
ECO-P1	Oppose in part	<p>The D-G supports the intent of this policy including identifying SNAs on the planning maps and schedule but seeks to make it clear that there is a process provided in the Plan for identifying new areas of significant vegetation and habitats of indigenous fauna – this is likely to be through the resource consent process.</p> <p>This is anticipated by the provisions in the Plan as, for example, matters of discretion for the clearance of vegetation (ECO-R1-2) within sensitive areas includes identifying <i>whether the indigenous vegetation is significant (when assessed against the criteria in APP5)</i>.</p> <p>The CRPS requires that District Councils continue to work with landowners to identify the location of significant indigenous vegetation and significant habitats of indigenous fauna for inclusion in the district plan (Policy 9.3).</p>	<p>Amend Policy ECO-P1:</p> <p><i>Identify Significant Natural Areas by:</i></p> <ol style="list-style-type: none"> 1. <i>assessing and continuing to identify new areas of indigenous vegetation and habitats of indigenous fauna according to the criteria set out in APP5-Criteria for Identifying Significant Natural Areas; and</i> 2. <i>including Significant Natural Areas on the Planning Maps and in SCHED7 – Schedule of Significant Natural Areas.</i>
ECO-P2	Oppose	<p>It is acknowledged that this policy provides for vegetation clearance for a limited number of activities within SNAs, however activities that have a functional need to be located within SNAs are already provided for in other chapters of the Plan (e.g. Infrastructure) and</p>	<p>Amend policy ECO-P2 as follows (or with words to similar effect):</p> <p><i>Provide for the clearance of indigenous vegetation in Significant Natural Areas where it is</i></p>

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
		<p>points 4 and 5 are a repeat of the reasons set out in point 2.</p> <p>There is no definition for ‘unwanted organisms’ and therefore this should be removed from the policy, or a definition provided of what this would include for the Timaru District to provide clarity to the user of the plan.</p>	<p><i>appropriate for health and wellbeing or customary reasons by enabling clearance:</i></p> <ol style="list-style-type: none"> <i>1. for mahika kai and other customary uses, where this is undertaken in accordance with tikaka protocols; or</i> <i>2. where it is causing imminent danger to human life, structures, or utilities; or</i> <i>3. where necessary to manage plant or animal pests or unwanted organisms; or</i> <i>4. for flood protection works by appropriate authorities where those works are required to protect people and communities from the effects of flooding; or</i> <i>5. for the operation, maintenance or repair of the National Grid and public roads.</i>
ECO-P3	Oppose in part	<p>The D-G considers it necessary to expand on ECO-P3 to highlight the provisions in the plan that maintain and enhance areas of indigenous vegetation and habitats of indigenous fauna that do not meet the significance criteria in SCHED 7.</p> <p>The preferred matters to be addressed in such a policy is provided in this example from the Proposed Waimakariri District Plan.</p> <p><i>Maintain and enhance indigenous vegetation and habitats of indigenous fauna that do not meet the significance criteria in ..(i.e SCHED 7) by:</i></p>	<p>Replace ECO-P3 with a new policy which addresses the maintenance and enhancement of indigenous vegetation and habitats of indigenous fauna that do not meet the significance criteria.</p> <p>Matters that should be set out in the policy are:</p> <ul style="list-style-type: none"> - the ongoing assessment of the current state of indigenous biodiversity within the District; - not only limiting vegetation clearance within sensitive areas but also within areas of indigenous vegetation that contain threatened, at risk or reach their national or regional distribution limits in the District

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
		<ol style="list-style-type: none"> 1. <i>continuing to assess the current state of indigenous biodiversity across the District;</i> 2. <i>limiting the clearance of indigenous vegetation within sensitive areas including riparian areas, wetlands and springs, coastal areas, areas at higher altitudes and areas on steep slopes</i> 3. <i>restricting indigenous vegetation clearance or modification of habitat of indigenous fauna, by recognising that indigenous vegetation within the District contains species that are threatened, at risk, or reach their national or regional distribution limits in the District, and naturally uncommon ecosystems,</i> 4. <i>providing information, advice and advocacy to the landowner and occupier;</i> 5. <i>supporting and promoting the use of covenants, reserves, management plans and community initiatives; and</i> 6. <i>working with and supporting landowners the Regional Council, the Crown, the QEII National Trust, NZ Landcare Trust and advocacy groups.</i> 	<p>or are naturally uncommon ecosystems; and</p> <ul style="list-style-type: none"> - providing support and enabling the use of non-regulatory mechanisms to maintain and enhance indigenous biodiversity.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
ECO-P4	Support with amendments	<p>The D-G supports the protection provided in the plan for long-tailed bats including ECO-Policy 4. Long-tailed bats have the highest threat ranking of Nationally Critical (the same ranking as the Kākāpō and Takahē). South Canterbury supports the only known long-tailed bat population on the east coast of the South Island. The causes of their decline include a combination of cutting of old-age trees for firewood, clearance of lowland forests, clearance of trees for urban expansion and agricultural intensification as well as predation by introduced animals. The proposed overlay identifies areas of important bat habitat and provides for a level of protection from disturbance of habitat by limiting tree removal.</p> <p>We request that the Bat Protection Area overlay is extended to cover the areas identified on the Canterbury maps bat habitat map at Canterbury Maps Viewer.</p>	Retain as notified but extend the Bat Protection Area overlay to match the Canterbury maps bat habitat area.
ECO-P5	Oppose in part	<p>The D-G considers that the policy needs to align with the draft NPS-IB and set out the specific adverse effects on SNAs that must be avoided (NPS-IB, Clause 3.10) which applies to all SNAs.</p> <p>The D-G considers that it is necessary to include a policy setting out the need to protect and <u>restore</u> SNAs and other areas of significant</p>	<p>Re-order ECO-P5 to follow after ECO-P1 and amend ECO-P5 as follows (or similar):</p> <p><i><u>Protect and restore SNAs and those other areas that meet the criteria set out in APP5 by:</u></i></p> <p>1. <i><u>avoiding adverse effects on SNAs including:</u></i></p> <p>a. <i><u>loss of ecosystem representation and extent:</u></i></p>

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
		<p>indigenous biodiversity in line with the RMA (Part 2, Section 6(c)), CRPS (Policy 9.3.1). The draft NPS-IB (Clause 3.21) also requires Local Authorities to promote the restoration of indigenous biodiversity.</p> <p>The policy should set out the measures in the plan which seek to protect and restore SNAs which also gives effect to the suggested amendments to the objective ECO-01 and ECO-02.</p>	<ul style="list-style-type: none"> b. <u>disruption to sequences, mosaics, or ecosystems within an SNA;</u> c. <u>fragmentation of SNAs or the loss of buffers or connection to other important habitats or ecosystems;</u> d. <u>a reduction in the function of the SNA as a buffer or connection to other important habitats or ecosystems;</u> e. <u>a reduction in the population size or occupancy of Threatened, At Risk (Declining) species that use an SNA for any part of their life cycle.</u> <p>2. <u>avoiding the clearance of indigenous vegetation and earthworks within SNAs unless these activities:</u></p> <ul style="list-style-type: none"> a. <u>can be undertaken in a way that protects identified ecological values; and</u> b. <u>are for regionally significant infrastructure and it can be demonstrated that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure in accordance with the effects management hierarchy</u>

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
			<p>3. <u>promoting the restoration and enhancement of significant indigenous vegetation and habitats; and</u></p> <p>4. <u>supporting and promoting the use of covenants, reserves, management plans and community initiatives.</u></p>
ECO-P6	Support	This is consistent with the CRPS which identifies the spread of plant pests being one of the principal threats to ecosystems and indigenous biodiversity in Canterbury.	Retain as notified.
ECO-R1-1	Oppose	<p>The proposed rule provides no certainty that values within an SNA will be protected. The D-G understands small scale clearance may be required however has concerns regarding the absence of any thresholds.</p> <p>In line with the draft NPS-IB, the permitted activities within an SNA should occur within a much tighter threshold than outside of an SNA.</p>	<p>Amend ECO-R1-1 permitted activity to include conditions covering the following:</p> <ul style="list-style-type: none"> - appropriate area thresholds applying to all permitted works in SNAs. - exclusions applying to a threatened species list; and - excluding clearance within sensitive ecosystems (these could be listed within a schedule or determined by using a suitably qualified ecologist).
ECO-R1-1/PER-4	Oppose	As noted above, define what 'unwanted organisms' could include for the Timaru District	Clarify the term 'unwanted organisms' within the rule.
ECO-R1-1/PER-5	Oppose	This could be more specific in terms of what pest plants and pest animals' removal would be permitted.	Make the rule more specific to what is an allowable vegetation clearance within an SNA relating to the removal of pests.
ECO-R1-1 Activity status	Support	Support the non-complying activity status where compliance is not achieved.	Retain as notified
ECO-R1-2	Oppose in part	The D-G supports the inclusion of rules that apply to indigenous vegetation clearance in	Include new rules to be consistent with the amended ECO-P3 (amendments above) to

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
		<p>areas next to waterbodies, in the coastal environment, on steep slopes, or at an altitude of 900m or higher. However, it is considered that the rule has missed the opportunity to provide protection for the indigenous vegetation remaining on:</p> <ol style="list-style-type: none"> 1. threatened land environments. 2. naturally rare ecosystems; and 3. threatened ecosystems. <p>For example, these could be found within uncultivated dryland soils, tussock grasslands, shrublands, short and tall forest remnants, herbfields and any coastal or dune environments.</p>	<p>maintain and enhance indigenous biodiversity inside any ecosystems considered to be rare or threatened. For example, indigenous vegetation clearance should not occur where it is identified that there is the presence of threatened plant species or threatened indigenous fauna species.</p> <p>The threatened species and ecosystems for Timaru District could be listed in an attached Appendix.</p> <p>There should be some exclusions for permitted vegetation clearance rules applying to a threatened species and ecosystem list; and excluding clearance within sensitive ecosystems (these could be listed within a schedule or determined by using a suitably qualified ecologist).</p>
ECO-R1-2/PER-5	Oppose in part	This could be more specific in terms of what pest plants and pest animals' removal would be permitted.	Make the rule more specific to what is an allowable vegetation clearance within an SNA relating to the removal of pests.
ECO-R1-2 Activity status where compliance not achieved.	Support in part	The D-G supports the restricted discretionary status for activities that do not comply with these rules and matters of discretion however, application of the effects management hierarchy should be included in line with the draft NPS-IB (Clause 3.16). The principles for biodiversity offsetting and compensation provided within Appendix 3 and 4 of the draft NPS-IB could be referenced here to direct the user to these.	<p>Amend the matters of discretion as follows:</p> <p><i>Matters of discretion are restricted to:</i></p> <ol style="list-style-type: none"> 1. <i>whether the indigenous vegetation is significant (when assessed against the APP5 – Criteria for Identifying Significant Natural Areas) and the ability to retain any significant vegetation then the <u>adverse effects on the indigenous</u></i>

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
		<p>It should also be clarified that if an area outside an already-mapped SNA is assessed as significant indigenous vegetation and significant habitat of indigenous fauna in accordance with the relevant SNA assessment criteria the adverse effects on indigenous biodiversity should be managed as if the area were an SNA.</p>	<p><i><u>biodiversity in the area shall be assessed as if the area is an SNA ; and</u></i></p> <p><i>x. <u>the extent to which any adverse effect can be avoided, remedied or mitigated by applying the effects management hierarchy</u></i></p> <ol style="list-style-type: none"> <i>2. the condition and character of the indigenous vegetation; and</i> <i>3. whether the indigenous vegetation provides habitat for threatened, at risk or locally uncommon species; and</i> <i>4. any adverse effects on indigenous vegetation and habitats of indigenous fauna due to the clearance; and</i> <i>5. any adverse effects on the mauri of the site, mahika kai, wāhi tapu or wāhi tāoka values; and</i> <i>6. whether species diversity would be adversely impacted by the proposal; and</i> <i>7. the role the indigenous vegetation plays in providing a buffer to effects or an ecological corridor; and</i> <i>8. any potential for mitigation or <u>biodiversity offsetting or compensation of more than minor residual</u> adverse effects on biodiversity values <u>in accordance with the principles set out in Appendix 3 & 4 of the NPS-IB</u>; and</i> <i>9. the economic effects on the landholder of the retention of the vegetation; and</i>

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
			<p>10. any site specific management factors to promote the restoration and enhancement of indigenous vegetation and habitats; and</p> <p>11. the potential for use of other mechanisms that assist with the protection or enhancement of significant indigenous vegetation such as QE II covenants and the use of Biodiversity Management Plans; and</p> <p>12. any benefits that the activity provides to the local community and beyond.</p>
ECO-R2	Oppose	The D-G considers that this rule can be removed as it is already covered under Rule ECO-R1-2.	Delete Rule ECO-R2
ECO-R3	Oppose	<p>The D-G considers that it should be clarified that this rule only applies to the maintenance or repair of the existing National Grid and not for an extension.</p> <p>The matters of discretion should include the application of the effects management hierarchy when assessing the effects in line with the draft NPS guidance.</p>	<p>Amend the rule ECO-R3 PER-1 and the matters of discretion as follows:</p> <p>ECO-R3 PER-1 <i>The vegetation clearance is to provide for the operation, maintenance or repair of the National Grid (but not extension), including maintenance of existing access to National Grid support structures; and...</i></p> <p>Matters of discretion are restricted to:</p> <p>1. any adverse effects on indigenous vegetation and habitats of indigenous fauna and proposed mitigation measures <u>and the extent to which any adverse effect can be avoided, remedied or mitigated by</u></p>

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
			<i><u>applying the effects management hierarchy</u></i>
ECO-R4, ECO R4 PER-1, PER-2 and Matters of Discretion	Support in part	The D-G supports the rules relating to the clearance of trees in the Long-Tailed Bat Protection Area but seeks that the Long-Tailed Bat Protection Area Overlay is extended to align with the Canterbury maps bat habitat area for the Timaru District.	Amend the Long-Tailed Bat Protection Area Overlay to align with the ECAN bat habitat map as referred to in the submission point above.
ECO-R5, Restricted Discretionary Activity Status and Matters of Discretion	Support in part	<p>The D-G supports the rules relating to earthworks in a SNA and restricted discretionary status. However, it is recommended that it is clarified that the rule does not apply to any new extension of the existing structures listed and the matters of discretion are extended to be more consistent with the draft NPS-IB and CRPS.</p> <p>The Activity status for where compliance is not achieved should be amended to Discretionary status.</p>	<p>Amend RDIS-1 as follows:</p> <p><i>The earthworks are within 2m, and for the purpose, of the maintenance, repair or replacement <u>(but not extension)</u> of existing lawfully established vehicle tracks, roads, walkways, firebreaks, drains, ponds, dams, waterlines, waterway crossings, or utilities.</i></p> <p>Amend the Matters of discretion to:</p> <ol style="list-style-type: none"> 1. <i>any adverse effects on indigenous vegetation and habitats of indigenous fauna <u>and the extent to which any adverse effect can be avoided, remedied or mitigated by applying the effects management hierarchy and</u></i> 2. <i>the necessity for the earthworks and any alternate options that have been considered</i>

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
			<p>3. <i>the mitigation measures proposed to ensure that the values of the SNA are maintained; and</i></p> <p>4. <i>any adverse effects on the mauri of the site, mahika kai, wāhi tāpu or wāhi taoka; and</i></p> <p>5. <i>opportunities for enhancement <u>and restoration</u>, of indigenous vegetation or habitats of indigenous species; and</i></p> <p>6. <i>methods proposed to monitor or inspect the works undertaken; and</i></p> <p>7. <i>the ability to apply a management plan approach to the works and the content of any management plan; and</i></p> <p>8. <i>the timing of works to minimise adverse effects on significant indigenous species.</i></p> <p>Amend activity status where compliance not achieved as follows:</p> <p>Restricted Discretionary</p> <p>DIS-1 & DIS-2..</p>
ECO-R6 and activity status	Support	The D-G supports the discretionary status of the subdivision of land containing a SNA.	Retain as notified
ECO-R7	Support in part	The D-G generally supports the proposed plant list of pest species, but considers that there are other species which should also be included given their potential for wilding spread.	<p>Amend the list of pest species to include:</p> <p><i>Wilding conifers</i> including (but not limited to): <i>Bishops pine, Contorta (lodgepole) pine, Corsican pine, Douglas Fir, Larch, Maritime pine, Mountain</i></p>

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
		<p>The Canterbury Regional Pest Management Plan identifies any wilding conifer as:</p> <p><i>Wilding conifers are any introduced conifer tree, including (but not limited to) any of the species listed in Table 3, established by natural means, unless it is located within a forest plantation, and does not create any greater risk of wilding conifer spread to adjacent or nearby land, other than the forest plantation that it is a part of.</i></p>	<p><i>pine and dwarf mountain pine, Ponderosa Pine, Radiata Pine, Scots Pine.</i></p> <p>Include a definition for wilding conifers in line with the Canterbury Regional Pest Management Plan, which clarifies the difference between planting by natural means and use for forest plantation.</p>
APP5 – Criteria for identifying significant natural areas	Support in part	The D-G supports the inclusion of criteria for identifying significant natural areas which is consistent with the CRPS. However, it is suggested that the criteria are aligned with the NPS-IB draft criteria as they are likely to become the nationally consistent criteria.	Amend the criteria to align with the draft NPS-IB criteria listed in Appendix 1.
SCHED7 – Schedule of SNA	Support with amendments	The D-G supports all of the SNAs listed within SCHED7.	Retain as notified.

Part 2 District Wide Matters – Natural Environment Values

NATC – Natural Character

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Natural Character provisions	Support	For the avoidance of doubt, provisions which are not specifically addressed below are supported for the reasons given in the s32 report.	Retain as notified, except where specific changes are requested below.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
NATC-O1	Support	The D-G supports the proposed objective as it is consistent with the RMA, Part 2, Section 6.	Retain as notified.
NATC-P1, P2, P3, P4, P5	Support	The D-G supports the proposed policies in relation to recognising the riparian and aquatic ecology and biodiversity of riparian margins and encouraging the restoration of indigenous biodiversity within the riparian margins of a river.	Retain as notified.
Rules/Note	Oppose	The D-G considers that there should be a note included here that highlights to the user that there are indigenous vegetation clearance rules that also apply within riparian margins.	Amend as follows: <i>Activities not listed in the rules of this chapter are classified as a permitted under this chapter. For certain activities, consent may be required by rules in more than one chapter in the Plan. <u>For example, rules for indigenous vegetation clearance within the river margin are found in the Ecosystems and Indigenous Biodiversity chapter (insert hyperlink).</u> Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW – How the Plan Works - General Approach.</i>
NATC-R2	Support	The D-G supports the proposed rule which encourages indigenous vegetation planting and to restore the ecological values of the riparian margin.	Retain as notified
NATC-R3, PER-2	Oppose in part	The D-G considers that PER-2 is too lenient and should contain a limit to what can be allowed for earthworks to construct a new fence. The current rule is not consistent with point 5 of	Amend the rule to include some limits for earthworks associated with new fencing along a river margin.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
		Policy NATC-P5 as the policy refers to ' <i>limited new fencing and tracks</i> '	

Part 2 District Wide Matters – Natural Environment Values

NFL-Natural Features and Landscape

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Introduction	Support	The introduction provides a clear description of Outstanding Natural Landscapes and Outstanding Natural Features.	Retain as notified.
NFL-01	Support	The proposed objective gives effect to Objective 12.2.1 and 12.3.2 of the CRPS.	Retain as notified.
NFL-P1	Support	The proposed objective gives effect to Objective 12.2.1 and 12.3.1 of the CRPS.	Retain as notified.
NFL-P2	Support	The proposed objective gives effect to Objective 12.2.1 and 12.3.2 of the CRPS	Retain as notified.
NFL-P4	Support in part	The proposed objective gives effect to Objective 12.2.1 and 12.3.2 of the CRPS. Make a correction to the first line of the policy.	Amend Policy NFL-P4 as follows: <i>Avoid subdivision, use and development within outstanding natural features and outstanding natural landscapes that are not provided in NFL-P2, unless it..</i>
NFL-R1-1, R2-1, R3, R4,R5, R6,R7, R8, R9 and R10.	Support	The D-G supports the proposed rule framework for earthworks in outstanding natural features. The thresholds are appropriate to manage effects and protect values.	Retain as notified.
NFL-SCHED 8 and SCHED 9	Support in part	The proposed schedules are consistent with Policy 12.3.1 of the CRPS. However, it is noted that a small area off Dr Sinclairs in Upper Rangitata has been missed on the planning maps (ONL – 1).	Retain the Schedules as notified however, amend the mapping extent of ONL-1 (SCHED 8) on the planning maps to include the small area off Dr Sinclairs.

Part 2 District Wide Matters – Natural Environment Values

PA – Public Access

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Introduction	Support	The proposed introduction is consistent with the RMA requirements (Part 2, Section 6(d)) and New Zealand Coastal Policy Statement (NZPS).	Retain as notified.
PA-O1	Support	This objective gives effect to Objective 4 and Policy 18 & 19 of the NZCPS and Policy 8.1.5 of the CRPS.	Retain as notified.
PA-P1	Support	This policy gives effect to Objective 4 and Policy 18 & 19 of the NZCPS and Policy 8.1.5 of the CRPS.	Retain as notified.
PA-P2	Support	This policy gives effect to Objective 4 and Policy 18 & 19 of the NZCPS and Policy 8.1.5 of the CRPS.	Retain as notified.
PA-P4	Support with amendments	The D-G supports the policy but recommends an additional reason for limiting public access which is consistent with the NZCPS Policy 19.	<p>Amend Policy PA-P4 as follows:</p> <p>Only allow an exemption for the requirement to provide public access or limiting an existing public access, on a temporary or permanent basis, for one or more of the following reasons:</p> <p><i>1. in order to protect:</i></p> <p><i>a. sensitive indigenous species and their habitats;</i> <i>or</i></p> <p><i><u>x. dunes and estuaries and other sensitive natural areas</u></i></p> <p><i>b. sites and activities of cultural value to mana whenua; or</i></p>

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
			<ul style="list-style-type: none"> c. historic heritage; or d. public health or safety; or e. the natural character values of the coastal marine area, wetland or rivers; or f. the stability, performance, maintenance and operation of regionally significant infrastructure; or g. the natural buffers to coastal erosion or river flooding; or <p>2. in order to enable temporary activities including temporary events.</p>
SCHED 11 – Schedule of Public Access Provisions	Support	This objective gives effect to Objective 4 and Policy 18 & 19 of the NZCPS and Policy 8.1.5 of the CRPS.	Retain as notified.

Part 2 District Wide Matters – Natural Environment Values

SUB-Subdivision

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
SUB-01	Support with amendments	The policy should also set out the maintenance and enhancement of indigenous biodiversity outside of SNAs as required by the RMA (Part 2 (7) & Section 31) and Policy 4, 5, 8 & 13 of the draft NPS-IB which seeks to recognise the importance of maintaining and providing for indigenous biodiversity outside SNAs.	<p><i>New subdivisions will:</i></p> <ul style="list-style-type: none"> 1. accord with the purpose, character and qualities of the zone; and 2. respond positively to the physical characteristics of the site and its context; and 3. maintain and enhances amenity values and the quality of the environment <u>including indigenous biodiversity values</u>;

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
			<ol style="list-style-type: none"> 4. <i>be accessible, connected and integrated with surrounding neighbourhoods; and</i> 5. <i>protect significant natural and cultural values; and</i> 6. <i>respond appropriately to hazards, risks and site constraints; and</i> 7. <i>have infrastructure and facilities appropriate for the intended use; and</i> 8. <i>have minimal adverse effects on regional significant infrastructure or intensive primary production; and</i> 9. <i>provide for the health, wellbeing and safety of people;</i> 10. <i>not intentionally prevent, hinder or limit the development of adjoining or adjacent land.</i>
SUB-05	Support	This Objective gives effect to Objective 4 and Policy 18 & 19 of the NZCPS and Policy 8.1.5 of the CRPS	Retain as notified.
SUB-P2	Support	This policy is consistent with the requirements of the RMA and CRPS.	Retain as notified.
SUB-P7 and SCHED 12	Support	This policy is consistent with the requirements of the CRPS and NZCPS Policy 18.	Retain as notified.

Part 2 General District Wide Matters

ASW – Activities on the Surface of Water

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
ASW-O1, ASW-P1, ASW-P2, ASW-P3, ASW-P4, ASW-P5, ASW-P6	Support	The D-G supports the objective and policies which seek to protect the values of the districts rivers, avoid adverse effects of motorised craft and manage the effects of surface water activities on fish spawning areas, habitat of breeding birds and on flora and fauna within riparian margins. The objective and policies are consistent with the RMA Part 2, Section 6c and Section 31(1)(e).	Retain the objectives and policies as notified.
Rule ASW-R2 PER 7	Support	The D-G supports the permitted activity status for the use of motorised craft for specific environmental management including the management of indigenous fish and any other flora and fauna required under the Conservation Act 1987, the Wildlife Act 1953 and the Fisheries Act 1983.	Retain as notified.
Rules ASW-R3, ASW-R4, ASW-R5, ASW-R6	Support with amendment	<p>The D-G supports the provisions that limit the recreational use of motorised craft on specified rivers and ecosystem values at appropriate times of the year.</p> <p>Reference to the SCHED-Schedule of Fishing Area needs to be amended to reflect the correct schedule number.</p>	<p>Retain as notified.</p> <p>Amend Rule ASW-R3 PER 3 as follows:</p> <p><i>The use is not within any of the fish spawning areas identified in SCHED14 <u>13</u>– Schedule of Fish Spawning area.</i></p>
Rule ASW-R7, ASW-R8, and ASW-R9	Support	The D-G supports the approach to make other commercial activities on the surface of the District’s rivers and structures on the surface of	Retain as notified.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
		the District's rivers Discretionary, with non-complying status for all other activities.	
Rule ASW-R10	Support	The D-G supports the prohibited activity status for the use of motorised craft within the fish spawning areas.	Retain as notified.
SCHED-13 Schedule of Fish Spawning Area and planning map overlay.	Support with amendments	<p>The D-G supports the identification of areas of fish spawning for Upland Longjaw galaxias habitat (Schedule reference FSA-5-FSA-9) however it is considered necessary to include a larger extent within the Rangitata River. Upland Long jaw are now understood to be a highly mobile habitat seeker and extend up into the Upper Rangitata River.</p> <p>Additional areas are recommended to be included within the Fish Spawning areas such as estuarine habitat to preserve inanga (At Risk – declining) and Stokells smelt (At Risk-naturally uncommon) spawning, which are also important as they support riverine birdlife.</p>	<p>Extend the Fish Spawning Area to include the Upper Rangitata River as Upland Longjaw galaxias habitat.</p> <p>Review the identified Fish Spawning Areas on the Planning Maps and as listed in Schedule 13 (and associated rules) to consider other native fish within the Timaru District where the associated rules for surface water activities should also apply.</p>
SCHED 17- Schedule of River Protection Areas	Support	The D-G supports the identification of river protection areas as it relates the surface water activity rules.	Retain as notified.

Part 2 District Wide Matters

CE-Coastal Environment

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Coastal Environment provisions	Support	For the avoidance of doubt, provisions which are not specifically addressed below are	Retain as notified, except where specific changes are requested below.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
		supported as they align with higher order documents.	
CE-O3 Kati Huriapa Values	Support	The D-G supports Objective CE-O3 and provisions as they give effect to Objective 3 and Policy 2 of the NZCPS.	Retain as notified
CE-O4 Coastal Hazards	Support	<p>The D-G supports this objective as it gives effect to Objective 5 and Policy 25 of the NZCPS to avoid increasing the risk of social, environmental and economic harm from coastal hazards.</p> <p>However, it is considered necessary to amend the objective to take into account the effects of climate change as required by Objective 5 of the NZCPS.</p>	<p>Amend the objective as follows:</p> <p><i>People, buildings and structures are protected from unacceptable risks arising from coastal hazards and the effects of climate change.</i></p>
CE-O5 Natural Features and buffers	Support with amendments	The D-G supports the intent of this objective but considers it necessary to amend the wording to make it clearer and to give effect to Objective 5 and Policy 25 & 26 of the NZCPS, in particular the discouragement of hard protection structures and the promotion of alternatives such as natural defences.	<p>Amend the Objective as follows:</p> <p>CE-O5 Natural Features <u>Natural Defences and buffers</u></p> <p><i>Natural defences Natural features and buffers are retained and used for coastal hazard management, in preference to natural hazard mitigation works hard engineering natural hazard mitigation, wherever appropriate.</i></p>
CE-P1 Identifying the CE	Support	The D-G supports this policy and the mapping of the coastal environment on the planning maps as it gives effect to Policy 1 of the NZCPS.	Retain as notified.
CE-P2 Identifying areas of high coastal natural character	Support	The D-G supports the policy and identification of areas of high coastal natural character on the planning maps and identifying the values within SCHED 14. This is consistent with Policy 13 of the NZCPS.	Retain as notified

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
CE-P3 Identifying coastal hazards	Support with amendments	The D-G supports this policy and the identification of coastal hazards. However, the policy needs to take into account the effects of climate change in line with the NZCPS Objective 5 and Policy 24 and the RMA Part 2, Section 7.	Amend the policy as follows: <i>Identify Coastal Hazard Areas on the planning maps, , and take a risk-based approach <u>taking account of climate change</u>, to the management of subdivision, use and development based on the following:....</i>
CE-P4 Role of natural features and vegetation	Support with amendments	The D-G supports this policy as it is consistent with the NZCPS Policy 26. However, it is considered that an amendment is needed to clarify that the wording relates to natural defences. The D-G considers that 'protect and maintain' would also include the management of natural defences to be able to retreat due to the effects of climate change.	Amend the policy as follows: <i>Protect and maintain <u>natural defences including natural topographic features and vegetation</u>, that assist in avoiding or mitigating the risk to human life and property from coastal hazards, and where practicable restore such features and vegetation.</i>
CE-P5 Coastal natural character matters	Support	The D-G supports the policy and the identification of these areas on the planning maps and within SCHED 14 as it gives effect to Policy 13 of the NZCPS.	Retain as notified.
CE-P6 Kati Huirapa Values	Support	The D-G supports Objective CE-O3 and provisions as they give effect to Objective 3 and Policy 2 of the NZCPS.	Retain as notified.
CE-P7 Restoration or rehabilitation of natural character	Support	This policy gives effect to Policy 14 of the NZCPS.	Retain as notified
CE-P10 Preserving the natural character of the CE	Support	This policy gives effect to Policy 13 of the NZCPS.	Retain as notified

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
CE-P11 Preserve the natural character qualities of areas with Coastal High Natural Character	Support with amendments	The D-G supports the intent of this policy but seeks amendments to ensure that all adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character are avoided. This gives effect to Policy 13 of the NZCPS and Policy 8.3.4 of the CRPS.	<p>Amend the policy as follows:</p> <p><i>Only allow subdivision, use and development in areas of Coastal High Natural Character where:</i></p> <ol style="list-style-type: none"> 1. <i>for infrastructure, the development is in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure; and</i> 2. <i>for other activities:</i> <ol style="list-style-type: none"> a. <i>avoids significant adverse effects; and</i> b. <i>avoids, remedies or mitigates all other adverse effects on the identified natural character qualities; and</i> c. <i>demonstrates that it is appropriate by ensuring that the area of Coastal High Natural Character continues to:</i> <ol style="list-style-type: none"> d. <i>recognise and provide for the on-going natural physical processes that have created the Coastal Environment; and</i> i. <i>retain the integrity of landforms and geological features; and</i> ii. <i>retain a sense of remoteness and wildness; and</i> iii. <i>retain areas of indigenous vegetation, and enhance these where possible; and</i> iv. <i>recognise river mouths and lagoons as important breeding, feeding and resting</i>

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
			<i>places for wetland and coastal birds, including waders</i>
CE-P12 Coastal Hazard Areas (excluding regionally significant infrastructure)	Support	The D-G supports this policy as it is consistent with the NZCPS.	Retain as notified.
CE-P13 Regionally Significant Infrastructure in Coastal Hazard Areas	Support with amendments.	The D-G supports this policy as it is consistent with the NZCPS but requests that it is amended to clarify that the activity does not create or exacerbate natural hazards.	<i>Amend Policy CE-P13 as follows: 2. It will not create more than minor adverse <u>or exacerbate adverse</u> coastal hazard effects on adjoining or surrounding land.</i>
CE-P14 Hard Engineering natural hazard mitigation within the CE	Support	The coast is dynamic – it fluctuates about an equilibrium state over time, retreating and advancing depending on factors such as sediment supply, climate and ocean conditions. Hard protection structures are discouraged by the NZCPS because of the potential adverse effects on coastal processes. However, the D-G understands that hard protection structures may be the only option in some cases and CE-P4 and CE-P14 provide the appropriate policy direction to give effect to Policy 25, 26 & 27 of the NZCPS.	Retain as notified.
Rules CE-R1, CE-R2, CE-R3, CE-R4, CE-R5, CE-R6, CE-R7, CE-R8, CE-R9, CE-R10, CE-R11, CE-R12, CE-R13, CE-R14.	Support	The D-G supports the provisions that are consistent with the NZCPS and CRPS and limits to manage adverse effects of activities within the Coastal Environment and Coastal High Natural Character Area Overlay.	Retain as notified

Part 2 District Wide Matters

LIGHT - Light

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Introduction	Support	The D-G supports the intention to control outdoor lighting which could potentially disturb wildlife.	Retain as notified.
Objective LIGHT-O1, Policies LIGHT-P1 and LIGHT-P2	Support with amendments	<p>The D-G supports the inclusion of the policies which seek to provide lighting that protects the identified values and qualities of light sensitive areas and to avoid adverse effects on existing light sensitive areas.</p> <p>As noted above, it is considered that the Bat Protection Overlay is included in the definition of light sensitive areas so that controls are included for artificial outdoor lighting within areas of bat habitat.</p>	Include the Long Tail Bat Protection Area overlay within the definition of Light Sensitive Areas so that the lighting provisions of the plan apply to this area. Make associated amendments to the Objective and Policies.
Rule LIGHT – R3 Light sensitive areas & LIGHT-S1	Support with amendments	<p>The D-G supports this rule however, as submitted above the Long-Tailed Bat Protection area should be included as a ‘Light Sensitive Area’. The rules would require amendment to mitigate adverse effects of artificial outdoor lighting on Long Tailed Bats and their habitat.</p> <p>Artificial lighting can adversely affect the behaviour of Long Tailed Bats reducing the area available to bats for foraging and commuting (refer to Appendix 1).</p> <p>Rule R3-PER-2 and the requirement to have outdoor artificial lighting fully shielded is fully</p>	<p>Amend the provisions to take into account appropriate controls to avoid adverse effects on Long Tailed Bats and their habitat (with the Long-Tailed Bat Protection Area overlay becoming listed as a ‘Light Sensitive Area’).</p> <p>Amend LIGHT-R3 or include a new rule that includes appropriate controls for artificial outdoor lighting within the Bat Protection Area Overlay addressing:</p> <ul style="list-style-type: none"> - Minimising lighting: lighting only the object or area intended, lights point down (emit

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
		<p>supported. However, a new rule or the current rule for sensitive light areas should be amended to consider controls for outdoor artificial lighting where there are bats present.</p> <p>It is recommended that the lux level controls are reviewed with an ecologist and lighting expert for areas within the Long-Tailed Bat Protection Area. A recent study has found that there are only high levels of long-tailed bat activity where there are low lux levels. This research found that keeping lux levels low is important for long-tailed bats use of an area¹.</p> <p>It is noted that the suggested changes in the relief sought are based on the guidelines from the '<i>National Light Pollution Guidelines for Wildlife including marine turtles, seabirds and migratory shorebirds</i>' which outline general principles for lighting. This is an Australian Government document which was endorsed by the Convention on the Conservation of Migratory Species of Wild Animals in February 2020 and was also reviewed by a Department of Conservation Science Advisor. The guidelines are therefore considered appropriate for application in New Zealand.</p>	<p>zero direct upward light), fully shielded and are close to the ground.</p> <ul style="list-style-type: none"> - Using the lowest intensity lighting appropriate (i.e lux levels should be minimised as much as possible based on ecologist guidance) – Lux levels and threshold increment specified in Table 22 & 23 should be reviewed. - Use of lights with reduced or filtered blue, violet and UV wavelength (lights should emit little in the wavelengths below 540nm <u>and</u> their 'colour temperature' is a maximum of 2700K (warm white).

¹ Baseline acoustic monitoring of Long-Tailed Bats for the Southern Links Roading Project, Hamilton 2017 and 2018 (Wildlands 2019)

Part 3 – Area Specific Matters - Zones

RURZ – Rural Zone

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
GRUZ-06, GRUZ-P10 and GRUZ-R10 Conservation Activities	Support with amendments.	The D-G supports the inclusion of this objective, policy and rule as it provides a permitted activity for conservation activities in the general rural zone. As submitted above, it is considered necessary to include a definition of 'conservation activity'.	Retain the objective, policy and rule as notified and include a new definition for 'conservation activity'.
GRUZ-P6 and GRUZ-P7	Support	The D-G supports the management of mining and quarrying activities and rural industries to ensure that adverse effects on sensitive environments are avoided or considered under the effects management hierarchy.	Retain as notified.

Part 3 – Area Specific Matters - Zones

OSRZ – Open Space and Recreation Zone

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Introduction – Natural Open Space Zone NOSZ-O1, NOSZ-O2, NOSZ-P1, NOSZ-P2, NOSZ-P3, NOSZ-P4, NOSZ-P5, NOSZ-P5, NOSZ-P6, NOSZ-P7, NOSZ-R1, NOSZ-R3, NOSZ-R4, NOSZ-R5, NOSZ-R6	Support	The D-G supports the inclusion of these objectives, policies and rules.	Retain as notified.

Part 3 – Area Specific Matters - Zones

SPZ- Special Purposes Zone/PORTZ- Port Zone

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
PREC7-O1, PORTZ-P2	Support	The D-G supports the inclusion of this objective and policy which seek to mitigate adverse effects on sensitive environments and the coastal environment.	Retain as notified.

Appendix 1: Abstracts from the New Zealand Ecological Society conference 28 November – 2 December 2022 on Effects of lighting on Long Tailed Bats



My name is Titia Schamhart, I have a background in endangered species conservation and welfare in the Netherlands and Spain. I'm currently completing a PhD in Biological Sciences at the University of Waikato. My research topic is "The effect of artificial light at night on New Zealand long-tailed bats". I have undertaken several lighting impact studies on long-tailed bats in the central North Island of New Zealand, including a peri-urban population in Hamilton City and rural populations in Waitomo district and Pureora Forest. I am currently analysing these data with the intention of publishing the result in the coming months.

Artificial light at night: does it affect long-tailed bat activity?

📅 Wednesday, November 30, 2022

🕒 11:00 AM- 12:30 PM

📍 Burns 1

📢 Symposium: Aotearoa in the dark- effects and mitigation of artificial light at night

Schamhart T¹, Tempero G¹, Browne C¹, Borkin K², Ling N¹, Pattermore D^{3,4}

¹Te Aka Mātuatua School of Science, The University Of Waikato, Hamilton Waikato, New Zealand

²Terrestrial Science Unit, Department of Conservation, Taupō Waikato, New Zealand

³The NZ Institute for Plant and Food Research, Hamilton Waikato, New Zealand

⁴School of Biological Sciences, University of Auckland, Auckland Auckland, New Zealand

Abstract

Increasing urban expansion and habitat loss are recognised as key threats to many bat species, including the New Zealand long-tailed bat, pekapeka-tou-roa (*Chalinolobus tuberculatus*). Small, remnant populations of long-tailed bats are present in the Waikato region of New Zealand, including Hamilton City. However, there are concerns that increasing urbanisation and associated increases in artificial light at night (ALAN) may negatively impact long-tailed bat behaviour with effects on habitat suitability and connectivity. To determine whether long-tailed bat activity was influenced by ALAN in a peri-urban environment, a small-scale impact study utilising commercially available LED (floodlights) was conducted near Tamahere, south of Hamilton City. Changes in mean bat activity in response to periodic illumination were determined using automated bat monitoring units (ABMs; detectors) and compared to activity rates at a nearby control site over ten weeks. There was 32% less activity on lit nights when compared to the unlit nights at the test site (MLR: $p < 0.05$). Bat passes per night were significantly lower (MLR: $p < 0.05$) in the presence of light (mean 45.3 pass/night) compared to the unlit nights (mean 66.7 pass/night). There was no significant difference at the control site between the two light treatments. The time of the first recorded bat call was also delayed by 1:45h during the lit nights compared to the lit nights at the test site, where it only was 0:10h at the control site. These results indicate that ALAN has a negative effect on long-tailed bat activity and behaviour.

Does white and blue wavelength filtered light influence the activity of rural longtailed bats

📅 Wednesday, November 30, 2022

🕒 2:00 PM- 3:30 PM

📍 Burns 1

📣 Symposium: Aotearoa in the dark- effects and mitigation of artificial light at night

Schamhart T¹, Tempero G¹, Browne C¹, Borkin K², Ling N¹, Pattemore D^{3,4}

¹Te Aka Mātuatua School of Science, The University Of Waikato, Hamilton Waikato, New Zealand

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³The NZ Institute for Plant and Food Research, Hamilton Waikato , New Zealand

⁴School of Biological Sciences, University of Auckland, Auckland Auckland, New Zealand

Abstract

International advice for managing effects of artificial light on bats recommends reducing the amount of blue wavelength light to mitigate effects. Until now, we have had to rely on international guidance to develop best practice around which lights are likely to have less impact on long-tailed bats because there has been little research conducted on the relative effects of lights of different colour temperatures with different amounts of blue wavelength for New Zealand's threatened long-tailed bat (*Chalinolobus tuberculatus*). As a first step to understanding effects of blue wavelength light on long-tailed bats, we investigated relative effects of white light (4000K, more blue wavelength light) and amber light (2700K with a blue cut filter, less blue wavelength light) on a rural long-tailed bat population with minimal exposure to ALAN and compared long-tailed bat activity rates to those at control sites over eight weeks. Although bat activity was generally low, bat passes per night were significantly lower (MLR: $p < 0.05$) when lit with white light (mean 4.8 passes/night) compared to the unlit control sites (mean 18.1 pass/night). Activity in the presence of amber light site was lower (mean 10.9 passes/night), but not significantly different to the control sites (MLR: $p > 0.05$). These results indicate that ALAN has a negative effect on long-tailed bat activity, but impacts may be partially mitigated using light sources with less blue wavelength light. This is in line with international guidance.