

Timaru District Plan – Hearing D – 13 November 2024

Speaking notes on behalf of Forest & Bird

KEY POINTS

1. Forest & Bird supports the good work that has been done so far to identify and schedule SNAs in the district and would like to see this work completed.
2. Mike Harding's notes in his ecology report that limited resources meant that lower priority sites were not surveyed, but that some of these may support significant indigenous vegetation / habitat.¹ He also notes that access to all high-country properties in the upper Rangitata River valley was declined, and that this part of Timaru District has important biodiversity values, notably those in naturally uncommon ecosystems such as moraines, outwash terraces, and wetlands. Mr Harding considers that it is very likely that there would be additional SNAs in the upper Rangitata.
3. Forest & Bird supports the new policies – ECO-PX to ECO-PZ – that have been recommended in the s42A report.
4. In terms of maintaining indigenous biodiversity (proposed ECO-PX), Forest & Bird supports the reasoning provided by Mr Harding in his ecology report and in the s42A report at 7.1.15. It is essential that the plan includes an effective framework to support the maintenance of indigenous biodiversity across the district, as well as the protection of SNAs. Forest & Bird considers that ECO-PX, together with the recommended new permitted activity rule ECO-R1.4, is an important step in the right direction.
5. However, ECO-PX and ECO-R1.4 would be more efficient and effective if they could be combined with the mapping of areas of fully converted or developed land. This would enable appropriate activities to be enabled and encouraged within these areas, while also limiting and discouraging new conversion of land that is likely to hold indigenous biodiversity values.
6. Forest & Bird supports protection for long-tailed bats in the plan. However, there are some remaining concerns, which relate to bat-habitat outside the proposed overlay (Forest & Bird does not consider the bat habitat mapping to be complete) and to the need for a suitably qualified person to carry out bat monitoring.

¹ Harding at [67]

ECOSYSTEMS AND INDIGENOUS BIODIVERSITY

7. Forest & Bird supports the recommended changes to the introduction, which are broadly consistent with its submissions. Similarly, Forest & Bird supports the recommended changes to ECO-O1.

ECO-P2 – Appropriate indigenous vegetation clearance in significant natural areas

8. Forest & Bird does not support the proposed changes to ECO-P2. Mr Harding has supported a limited exception for grazing areas of improved pasture within SNAs, however the recommended wording in ECO-P2 (permitting “ongoing farming practices” and clearance “arising from grazing”) potentially provides for a wider exception than proposed by Mr Harding.
9. In his report, Mr Harding states that:
 81. It is unlikely that continued grazing (at the same frequency, intensity and scale) at these sites would result in clearance or removal of indigenous vegetation. However, a change in the grazing activity, such as from extensive grazing to mob stocking, or from sheep grazing to cattle or deer grazing, may result in the clearance of indigenous vegetation.
 82. The Partially Operative Selwyn District Plan addresses a similar situation by specifically providing for grazing that is not over-grazing/trampling, though only within an area of ‘improved pasture.’ I support a similar rule being applied in the PDP.
10. Forest & Bird considers that it would be appropriate to include wording in ECO-P2 indicating that, within SNAs, it is grazing at the same frequency, intensity and scale that is permitted – on the basis that this is unlikely to have adverse effects on the existing values of the SNA.
11. Similarly, Forest & Bird considers that the recommended wording in ECO-P2 in relation to “the operation or maintenance of” the electricity distribution network and rail network is not appropriate. The National Policy Statement on Electricity Transmission (NPS-ET) supports a different approach with respect to National Grid activities,² however the rest of the electricity distribution network needs to be managed in accordance with the NPS-IB in terms of adverse effects on SNAs.
12. Policy ECO-P2 as recommended in the s42A report would enable the clearance of SNAs for the operation or maintenance of the electricity distribution network, without any reference to regionally significant infrastructure or the effects

² See also NPS-IB cl 1.3(3), which exempts “electricity transmission network assets and activities” – defined as National Grid – from the NPS-IB.

management hierarchy. This policy would therefore not give effect to the NPS-IB and would be inconsistent with s6(c) of the Act, which includes the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance.

13. Forest & Bird is especially concerned about how extensively the “operation” of the electricity distribution network could be interpreted – for example, potentially allowing clearance within SNAs for new transmission lines. More limited wording, for example referring to trimming for the purposes of maintenance, could be appropriate.

ECO-P3 – Protection of indigenous biodiversity in sensitive areas

14. Forest & Bird’s submission was that sensitive areas should also include areas dominated by native vegetation, and areas with a community of threatened indigenous species.
15. The s42A report considers that this submission has been addressed by the recommended policy ECO-RX (on maintaining indigenous vegetation) and the associated rule ECO-R1.4.
16. It is correct that areas dominated by native vegetation and areas with a community of threatened indigenous species are both potentially captured by the recommended matters of discretion in ECO-R1.4. However, Forest & Bird considers that these areas should nonetheless be included as sensitive areas in ECO-P3. They are areas within which indigenous biodiversity should be protected and including them in ECO-P3 would provide appropriate further policy guidance for relevant RDIS activities under ECO-R1.4.
17. In addition, Forest & Bird’s general submission that lake margins should be included (as well as riparian margins) has not been addressed in this context.

ECO-P4 – Protection for long-tailed bats

18. Forest & Bird remains in support of policies and rules aimed at protecting long-tailed bats. There is still a limited understanding of the location and extent of bat habitat within the district, and the proposed plan framework could be improved by including the ability to increase the bat protection overlay as the understanding of long-tailed bats and their extent in the district increases.
19. The S42A report recommends that expanding the overlay should only happen as part of a Schedule 1 process. The barrier to this approach is the resources that would be needed to carry out a Schedule 1 process. If important habitat for long-tailed bats is

identified outside of the overlay, then it should be possible to recognise and maintain this habitat in an appropriate way without the need for a further plan change.

ECO-P5 – Protection of Significant Natural Areas

20. Forest & Bird supports the recommended approach with respect to the coastal environment which is consistent with the NZCPS.
21. Forest & Bird still has substantial concerns about ECO-P5, but these relate to the definition of “regionally significant infrastructure” and the reference to EI-P2. It is understood that these concerns will need to be addressed at the EI hearing, currently scheduled for February 2025.

ECO-PX – Maintaining Indigenous Biodiversity

22. Forest & Bird supports the inclusion of a policy directed towards the maintenance of indigenous biodiversity. Such a policy is also supported by the expert ecological evidence of Mr Harding, prepared on behalf of the Council, who provides reasons in support and has provided input into the wording of the policy.
23. Forest & Bird maintains that ECO-PX would be more effective and efficient if accompanied by mapping of areas of fully converted land. This would make it much simpler to enable activities with no more than minor adverse effects on indigenous biodiversity values.

ECO-Rules

24. Forest & Bird supports the recommended changes to the rules to refer to the Coastal Environment, rather than 20m of MHWS.

ECO-R1 Clearance of indigenous vegetation

25. **ECO-R1.1** applies within SNAs. Forest & Bird notes that Mr Harding has expressed support for a version of **PER-6** to provide for grazing that is not over-grazing/trampling within areas of improved pasture. In his report, Mr Harding also refers to the potential for a change in grazing activity (such as from sheep to cattle or deer grazing) to result in the clearance of indigenous vegetation.
26. Forest & Bird wants farmers to be able to continue farming in areas of improved pasture that have been scheduled as SNAs, so long as the existing values of the SNA can be protected. There appear to be typos in the wording of recommended PER-6,

which should probably read: “the clearance is caused by grazing”. Forest & Bird’s concern is that this wording does not refer to changes in grazing activity (such as from sheep to cattle or deer grazing) which may potentially have adverse effects on an SNA.

27. **ECO-R1.2** applies in sensitive areas that are not scheduled SNAs. Forest & Bird considers that the provision for clearance within an area of improved pasture in such areas (**PER-4**) should also exclude “over-grazing/trampling”.

ECO-R3 Clearance of indigenous vegetation associated with the National Grid or electricity distribution network

28. The S42A report has recommended including the entire electricity distribution network (not just the National Grid) in ECO-R3. As above, Forest & Bird does not support this approach.
29. Different treatment for the National Grid is appropriate in accordance with the NPS-ET. However, there is no higher-order policy justification for managing the adverse effects on SNAs of the rest of the electricity distribution network differently to other activities (unless it can be established that the infrastructure is nationally or regionally significant, in which case the effects management hierarchy can be applied).

ECO-R4 Clearance of trees in the Long-Tailed Bat Habitat Protection Area

30. Forest & Bird considers that the use of automatic bat monitors would only be appropriate where the assessment is carried out by a suitably qualified person. This is supported by the submissions referred to in the S42A report at 7.10.7, and the by the analysis in the S42A report at 7.10.14
31. Forest & Bird would also prefer this rule to apply to all potential bat habitat in the district. The proposed overlay provides a good starting point but, as above, it is likely that important areas of bat habitat are not included in the overlay. Forest & Bird considers that assessments would be appropriate outside the overlay before potential bat habitat is removed.

ECO-R5 Earthworks in a Significant Natural Area

32. Forest & Bird understands the need to provide for the repair and maintenance of existing infrastructure. However, because of the risk of adverse effects on SNAs, Forest & Bird considers that tighter wording of the rule would be more appropriate.

For example, ECO-R5 could apply where earthworks are required for the purpose of maintenance, repair or replacement of existing lawfully established infrastructure. This would also help to ensure consistency with the NATC rules, which use the word “required” in relation to earthworks.

ECO-R NEW

33. Forest & Bird’s submission seeks a rule to implement the recommended policy ECO-PX on maintaining indigenous vegetation outside scheduled SNAs. Recommended ECO-R1.4 goes some way to addressing this submission. However, as above, Forest & Bird maintains that the mapping of fully converted land would enable the maintenance of indigenous vegetation outside such areas to be achieved in a more efficient and effective way.

NATURAL CHARACTER

NATC-O1

34. Forest & Bird maintains its submission that lake margins should be included in NATC-O1.

NATC-P NEW

35. Forest & Bird has requested a policy to support continuing work to identify further High Naturalness Water Bodies (HNWBs)

NATC-P2

36. As above, Forest & Bird maintains that lake margins should be included in NATC-P2.

NATC-P4

37. Forest & Bird maintains its submissions that “minimising” adverse effects does not give effect to s6(a) RMA, which requires the relevant values to be protected as a matter of national importance.
38. The changes recommended in the s42A report would further weaken NATC-P4 by altering NATC-P4 clause 1 to read: “or if avoidance is not practical possible”. Practicability will refer to the circumstances of the applicant (including financial

resources) and, especially when combined with a requirement only to minimise, this policy will not be effective in protecting the relevant values.

NATC Rules

NATC-R3 - Earthworks

39. Forest & Birds maintains that PER-3 (permitting EW for 3m wide track) is too permissive. In the context of water-body margins, spatial limits should relate to the width of the margin in which the activity is to occur.
40. The S42A report recommends extending PER-4 to include all regionally significant infrastructure (not just the National Grid). If all RSI is to be included (which Forest & Bird does not support) this makes it even more important to include spatial limits. Again, these should relate to the width of the margin in which the activity is to occur.
41. In circumstances where proposed earthworks are substantial and would have significant adverse effects on the riparian margins of an HNWB (**NATC-R3.2**), it would be appropriate for Council to be able to manage these adverse effects through a consenting process.

DATED **12 November 2024**



Tim Williams on behalf of
**Royal Forest and Bird Protection
Society Incorporated**