

**BEFORE THE HEARING PANEL**

**IN THE MATTER** of the Resource Management Act 1991

**AND** of the proposed Timaru District Plan

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**Hearing D: Response to Minute 19**  
**From Elizabeth Williams**  
**on behalf of the Director-General of Conservation *Tumuaki Ahurei***

**Submitter No. 166 Further Submitter No.166**  
**Dated: 4 December 2024**

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## Introduction

1. The Hearings Panel, in Paragraph 12 of Minute 19, asked me to analyse the differences between the significance criteria in the Canterbury Regional Policy Statement (CRPS)/ Proposed District Plan (PDP) Appendix 5(APP5) and the National Policy Statement for Indigenous Biodiversity (NPS-IB), and to identify any material differences between the two sets of criteria.

## DG's Submission

2. Before responding to this request, I draw the Panel's attention to the DG's submission, at submission point (166.48), which requested that the PDP Appendix 5 (APP5) significance criteria align with the NPS-IB criteria.
3. I did not address this submission point in my evidence as I was generally comfortable with the approach taken in the s42A report, which was to retain APP5 as notified<sup>1</sup>. The s42A Officer stated that:

*"I do not consider it to be appropriate to amend the criteria in APP5 to align with the NPSIB at this time. This is because the currently identified sites have been assessed against the criteria set out in the PDP, and if the criteria are amended, then the sites would need to be reassessed against the new criteria. While I accept that this is something that the Council must do in order to give effect to the NPSIB, I consider that the appropriate time to do so is when the Council undertakes a plan change to align the District Plan with the NPSIB, in accordance with the timeframes set out within it. At this point in time, including the NPSIB criteria would result in an internal inconsistency within the Plan which I do not consider to be appropriate<sup>2</sup>."*

4. Further, as I noted at the hearing, I understand the Government has signalled further changes to the significance criteria in the NPSIB<sup>3</sup>. Further legislative change was a possibility I took into account when considering the s42A officers' recommendation. For the above reasons, I agree with the reporting

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<sup>1</sup> Refer to my planning evidence for Hearing D, 29 October 2024, paragraph 13.

<sup>2</sup> S42A: Ecosystems and Indigenous Biodiversity; Natural Character; and Natural Features and Landscapes, Paragraph 7.6.9, page 47

<sup>3</sup> 'Scope of Significant Natural Areas review revealed' news release, HON Andrew Hoggard, 28 August 2024 and Message from the Ministry for the Environment outlining amendments to National Direction instruments (environment.govt.nz).

officer's conclusion that "*I do not consider it to be appropriate to amend the criteria in APP5 to align with the NPSIB at this time*".

### **Comments on the proposed District Plan APP5 (CRPS criteria) and the NPS-IB significance criteria**

5. The discussion document prepared by MFE on the proposed NPS-IB (released in 2019) explains that significance is defined using a standard set of ecological criteria for terrestrial biodiversity<sup>4</sup>. The criteria were developed based on best practice, recent guidance and some criteria currently used by councils. The intention was for there to be a nationally consistent approach so that an area qualifies as an SNA if it meets any one of the attributes of the four criteria, being representativeness, diversity and pattern, rarity and distinctiveness, and ecological context.
6. The CRPS criteria, on which the PDP APP5 is based, is tailored to the Canterbury Region, in particular its patterns of land use and remaining natural areas, including wetlands<sup>5</sup>. The ecological significance criteria set for Canterbury Region incorporates four matters, representativeness, rarity/distinctiveness, diversity and pattern, and ecological context. Each matter has one or more criteria that describe the thresholds for significance.
7. Whilst the CRPS and NPSIB both refer to the same four matters, the NPS-IB expands on them by providing *Key Assessment Principles* and *Attributes of diversity and pattern*. The NPS-IB also includes qualifiers around rarity, context and how assessments are to be undertaken.
8. It is my assessment that there is likely to be a material difference between the two sets of criteria when applied in practice. The NPSIB applies a national approach, whereas the Canterbury Regional Policy Statement takes a regional approach. It is also relevant to note that the significance criteria for the CRPS were developed in 2013. The NPSIB criteria has been developed more recently.

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<sup>4</sup> He Kura Koiora I hokia Discussion document on a proposed National Policy Statement for Indigenous Biodiversity 2019, page 33-34

<sup>5</sup> Guidelines for the application of ecological significance criteria for indigenous vegetation and habitats of indigenous fauna in Canterbury Region, Wildlands, June 2013.

9. In line with my position in my original evidence, I confirm that I am generally comfortable with the S42A report officers' recommendation that it would be appropriate for the PDP to be updated to align with the NPS-IB criteria at the time a plan change is undertaken to give full effect to the NPS-IB.
  
10. It is also relevant to note (as identified in the legal submissions) that, under the Resource Management (Freshwater and Other Matters) Amendment Act 2024, the SNAs identified in the proposed plan qualify as 'NPS-IB SNAs' regardless of whether the Appendix 1 NPS-IB criteria were used. The definition of an SNA in Clause 1.6 of the NPSIB includes areas that, on the commencement date, were already identified in a plan (including a proposed plan) as an area of significant indigenous vegetation or significant habitat of indigenous fauna (regardless of how it is described).



Elizabeth Williams

**RMA Planner**

DATED this 4 December 2024