

21 December 2022

Submission on the Timaru Proposed District Plan

To: Timaru District Plan Submissions
By email: pdp@timdc.govt.nz

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

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

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

- How the Plan Works
- Interpretation
- Strategic Direction
- Energy, Infrastructure and Transport
- Hazards and Risks
- Historical and Cultural Values
- Natural Environment Values
- Activities on the surface of water bodies
- Coastal Environment
- Light and Noise
- Zones
- Appendices and Schedules

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

INTRODUCTION

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

Our South Canterbury Branch is active in advocacy for nature protection, and pest plant and animal control in the Timaru District. Forest & Bird owns the Conway's Bush Reserve, a registered Significant Natural Area (SNA) in the operative District Plan, which is maintained by the South Canterbury branch members. Our South Canterbury Forest & Bird branch members take an active interest in nature protection and conservation advocacy on the district's Public Conservation Land (PCL) and have taken a particular interest in protection of the New Zealand Long tailed bat or pekapeka-tou-roa and little penguins or kororā, and their habitat throughout the district, as well as an interest in the protection and restoration of the unique limestone ecosystems and remnant stands of indigenous forest and notable trees and stands of trees, throughout the district. Forest & Bird South Canterbury supporters have also been involved in regional water management and planning, and advocacy for its protection and restoration.

Forest & Bird values its relationship with the Timaru District Council, with its local Branch members actively participating in the Council's Biodiversity Working Group, as well as being dedicated supporters and advocates for the Council's Significant Natural Areas (SNA) programme.

To advance the Society's purpose, Forest & Bird regularly participates in resource management processes. Most recently in Canterbury, this includes advocacy for greater protection of indigenous species and ecosystems on land and in freshwater through direction in the Canterbury Land and Water Regional Plan, and for matters of national importance including outstanding natural landscapes and features, and the shared responsibilities to protect these areas for current and future generations.

Forest & Bird is also concerned about the impact of climate change on people, communities, and native species. The Society strongly supports the aspects of the plan that seek to improve resilience and adaptation to the effects of climate change.

Forest & Bird welcomes the opportunity to provide submissions on the Timaru proposed District Plan (the Plan). This submission includes submission points under the 'Key issues' headings in the following pages, and in the table that follows.

It should be noted some discussions include comments on matters which are also relevant to other parts/topics of/in the Plan.

Key Issues

1. Alignment with national and regional policy direction

- 1.1. Forest & Bird is concerned that the Plan does not adequately give effect to regional and national direction, including NZCPS Policy 1 which sets out the extent of the coastal environment (CE), and Policy 11 which sets out requirements to avoid adverse effects and/or significant adverse effects on various aspects of biodiversity in the coastal environment, and Policy 15 to protect natural features and natural landscapes in the coastal environment from inappropriate subdivision, use and development in the coastal environment.
- 1.2. The Plan needs to give effect to the Canterbury Regional Policy Statement (CRPS). Of particular interest to Forest & Bird are Chapter seven Freshwater, Chapter eight the Coastal Environment, Chapter nine which sets out the councils' responsibilities for identifying and protecting SNAs and for maintaining indigenous biodiversity, and Chapter twelve Landscape.
- 1.3. The Government has indicated that the National Policy Statement for Indigenous Biodiversity (NPSIB) will be gazetted in December 2022.¹ At the time of submitting this has yet to occur however, Forest & Bird consider that the plan should have regard to the NPSIB, in anticipation of its imminent gazettal.
- 1.4. Decision sought:
 - a. Ensure the Plan gives effect to National and Regional Direction and takes into consideration the proposed NPSIB.

2. Climate Change

- 2.1. The impact of climate change is a significant global issue facing all communities.
- 2.2. In response, New Zealand passed the Climate Change Response (Zero Carbon) Amendment Act in 2019. As required under this Act, the New Zealand Government is preparing an Emissions Reduction Plan and a National Adaptation Plan. Under the Resource Management Act 1991 (RMA), local government is required to consider the effects of climate change on communities as a matter of importance, through s6(h) the management of significant risks from natural hazards; and from 1 December 2022, councils when making and amending regional policies, and regional and district plans, must have regard to emissions reduction plans and national adaptation plans.²

¹ Ministry for the Environment. Accessed 21 December 2022 at <https://environment.govt.nz/acts-and-regulations/national-policy-statements/proposed-nps-indigenous-biodiversity/>

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

- 2.3. Forest & Bird strongly supports the strategic direction for Climate Change SD-03. The objective could be further strengthened by setting out how the Plan will have regard to the emissions reduction plan and the national adaptation plan.
- 2.4. Forest & Bird also supports the Natural Hazards and Risks chapter with regards to managing the impact of climate change on people and infrastructure. This chapter could be strengthened by acknowledging the need to manage the impact of climate related natural hazards on native species and their habitat.

Decision sought:

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

3. Identification and protection of SNAs

- 3.1. The Timaru District Council's Significant Natural Areas (SNA) program is one to take pride in. The process that has been used to establish the district's current SNAs can be upheld as a robust model. However, Forest & Bird is concerned that the current list of SNAs is incomplete, and some SNAs have been identified by desktop only and still need to be ground trothed. We recommend that the council consider continuing with a district wide survey to ensure that all the District's SNAs are included.
- 3.2. We are also concerned that the vegetation clearance rules are not adequate to protect SNA and to maintain indigenous biodiversity. The policy and rule framework should provide mechanism to continue to identify, map and protect SNAs.

Decision sought:

- a. The Plan needs to contain provisions to identify further SNAs.
- b. The Plan needs contain provisions to maintain biodiversity, such as general clearance rules and mapping improved pasture
- c. Ensure that all chapters in the Plan give the appropriate level of protection to SNAs, whether in Schedule Four or not.
- d. Ensure all chapters are subject to compliance with the ECO chapter objectives, policies, and rules.

4. Coastal Environment

- 4.1. The mapping of the coastal environment appears inadequate (in some places it looks like it is only 20m or less wide) and needs to be reassessed to appropriately apply Policy 1 of the NZCPS. The coastal environment should extend 1km or more landward.
- 4.2. The plan does not give effect to the NZCPS, and in particular the directive requirements in Policies 11, 13 and 15. The provisions for activities, for example in the Ecosystems and Indigenous Biodiversity (EIB) chapter conflict with the avoid requirements of the NZCPS.
- 4.3. It is not clear which chapters are intended to give effect to those policies or other aspects of the NZCPS. Amendments are required to EC, NATC, NFL and ECO to include policies 11, 13 and 15 of the NZCPS and explain the approach to giving effect to the NZCPS between these chapters in the chapter overviews/introductions.

Decision sought:

- a. Map the coastal environment adequately
- b. Make amendments to all chapters to remove any conflict with the directive requirements of the NZCPS policies 11,13 and 15.

5. **Plantation forestry**

- 5.1. The Plan approach to the National Environmental Standards for Plantation Forestry (NES PF) is uncertain with respect to the protection of SNAs and Outstanding Natural Features and Landscapes (ONF/ONL).
- 5.2. Forest & Bird is also concerned that the potential for dealing with the effects of exotic carbon forestry is not clear in the plan. This issue is part of the Council's obligation to have regard to the Climate Change Response (Zero Carbon) Amendment Act in 2019.

Decision sought:

- a. Amend the plan to ensure SNA, ONF and ONL are protected from plantation forestry and exotic carbon forests.
- b. Amend the plan to have regard to the Climate Change Response (Zero Carbon) Amendment Act in 2019 and any amendments to the NESPF regarding plantation forestry and exotic carbon forests.

Submissions on specific provisions

Plan section	Provision	Support/ Oppose	Reasons	Decision sought
PART 1 – INTRODUCTION AND GENERAL PROVISIONS				
HOW THE PLAN WORKS				
Relationship between spatial layers				
	Types of spatial layers	Oppose in Part	<p>The explanations need further clarification.</p> <p>It lists only Overlays as district wide layer. However, there are provisions in the District Wide layer that do not have an overlay but apply across the district in general.</p>	<p>Amend to reflect that there is not necessarily an overlay for each District Wide matter and that the provisions of District Wide matter chapters apply over the “Area-specific Layers”.</p> <p>Add to the end of the explanation on District Wide Overlays, that these rules apply in addition to rules on activities in the Area-specific Layers.</p> <p>Under Figure 4. In 2 remove the word “spatial” which is confusing as it is not the same as the heading above that lists “area-specific Layers”</p>
	District Wide Overlays	Oppose in part	There are some district wide provisions that apply across the district in general	Amend to reflect that not all district wide matters have overlays
INTERPRETATION				
Definitions				
Biodiversity/ Biological Diversity			The wording is slightly different to that provided in section 2 of the RMA. This could create inconsistency in applying the definition as to “variability of living	Amend wording to be consistent with the RMA.

			organisms,” rather than “variability among living organisms.”	
Biodiversity Management Plan		Support in part	Only where they are used as a matter of discretion in Rule ECO-R1(2).	Retain as a matter of discretion
Clearance of Indigenous Vegetation		Support in part	<p>The plan needs a definition for vegetation clearance regardless of whether it is indigenous or not. Due to natural habitat loss, some exotic vegetation can be significant habitat of indigenous fauna, for example Long-tailed Bats.</p> <p>Any discrepancies as to when vegetation clearance (exotic and indigenous) versus clearance of only indigenous vegetation can be addressed in the rules.</p> <p>It is important to note that neither the NES-FW or the NES-PF definitions of vegetation clearance qualify it with the word indigenous.</p> <p>This definition also seems to only apply to the complete destruction or removal of vegetation. The definition should reflect clearance that is less than the complete removal of vegetation such cutting, damage or disturbance. This aligns with the definitions in NES-FW and NES-PF.</p>	<p>Change definition to <u>Vegetation Clearance</u></p> <p>Replace with: Means the clearing, <u>felling, disturbance</u>, or removal of <u>any</u> ‘indigenous vegetation’ by any means, including grazing, cutting, crushing, cultivation, spraying, irrigation, chemical application, artificial drainage, overplanting, over sowing, or burning.</p>
Cultivation		Support		Retain
Department of Conservation Activity		Support		Retain

New Domestic Garden		Add New	The word domestic garden is used throughout the plan. It could have very many different meanings which could ultimately result in unintended consequences or effects for bat habitat	Add: <table border="1" data-bbox="1435 272 2033 347"> <tr> <td><i>Domestic Garden</i></td> <td><i>Does not include shelterbelts</i></td> </tr> </table>	<i>Domestic Garden</i>	<i>Does not include shelterbelts</i>
<i>Domestic Garden</i>	<i>Does not include shelterbelts</i>					
Earthworks		Support		Retain		
Farm quarry		Support		Retain		
Fertiliser		Support		Retain		
Functional need		Support	Reflects wording in higher order documents	Retain		
Green infrastructure		Support		Retain		
Improved Pasture		Oppose	The definition is problematic because much of the New Zealand agricultural landscape has been deliberately modified in some way with exotic pasture species. This is particularly relevant to the high country where top dressing and over sowing has modified large areas of indigenous vegetation for livestock grazing. For certainty, improved pasture should be fully converted pasture where indigenous vegetation has been fully removed and that is mapped. Improved pasture (fully converted pasture) should be mapped and understands that maps of NZ agricultural land is available. These will still need to be ground trothed in the district	Replace with: <u>means an area where indigenous vegetation has been fully removed and the vegetation converted to exotic pasture or crops at the time this plan was written, and that has been mapped</u> Tie into maps of improved pasture as they become available.		
Indigenous Vegetation		Support in part	It is also useful to include a reference to the presence of exotic species given that they are ubiquitous in almost all native plant communities throughout New Zealand. This is particularly relevant in the high country	Replace with: means <u>a community of vascular and non-vascular plants, mosses and/or lichens or fungi</u> that in relation to a particular area, are native to the includes species native to the ecological district,		

			and as it relates to the comment on the definition of Improved pasture.	in which that area is located. <u>The community may include exotic species.</u>
Intensively farmed stock		Support		Retain
Maintenance		Support	Note, that the definition of maintenance is different in the exposure draft NPS-IB in regards to maintenance of biodiversity.	Retain
Mining		Support		Retain
Operational need		Support		Retain
Regionally Significant Infrastructure		Support in part	The definition is overly broad and could lead to more than minor effects from these activities. For example, new community land infrastructure, potable water systems and transport hubs could have effects. The RSI provisions should only avail themselves for those activities that are established in the same way as established irrigation	Amend: <i>Regional Significant Infrastructure is:</i> <i>a....</i> <i>f. <u>The National Grid-electricity transmission network</u></i> <i>g. <u>Established ...</u></i> <i>H. <u>Established ...</u></i> <i>I. <u>Established ...</u></i> <i>j. ...</i> <i>k. <u>Established ...</u></i> <i>l. ...</i>
Replacement		Neutral		Retain
Riparian Margin		Neutral		Retain
Riparian Zone		Neutral		Retain
Sensitive Environment		Support in part	These should also reflect areas that are important to highly mobile species	Amend to include identified areas important for highly mobile species.
Significant Natural Area or SNA		Support with amendment	It is possible that not all Significant Natural Areas (SNAs) have been identified, assessed, and mapped. To ensure that those areas that have not yet been identified, assessed, and mapped, the definition should include areas that meet the Significance Criteria in APP5	Amend to include: Means identified areas of significant indigenous vegetation and significant habitats of indigenous fauna, as set out in ECO-SCHED 2, and shown on the planning maps; <u>or any area that meets the</u>

			Criteria for identifying Significant Natural Areas	<u>APP5 Criteria for identifying Significant Natural Areas</u>
Upgrading / upgrade		Support		Retain
Versatile Soil		Support in part	The NPS-HPS clause 3.4 provides that soil classes 1, 2, and 3 are highly productive soils. Presumably, the proposed plan does not reflect the NPS because it predates the NPS. However, the Council should now take the opportunity to reflect the NPS	Amend to reflect NPS-HPS
PART 2 District Wide Matters				
STRATEGIC DIRECTION				
SD Strategic Direction				
	Introduction	Support		Retain
	Interpretation	Support	Agree with the approach that there is no hierarchy between strategic objectives in this chapter and other objectives and policies of the District Plan. Agree applies to plan implementation and resource consents.	Retain
Residential Areas and Activities	SD-01	Support		Retain as notified
The Natural and Historic Environment	SD-02	Support with amendment	Perhaps separate natural and historic environment. Add another objective regarding the historic environment and the contribution of historic heritage to the district. This makes more sense considering the Historical and Cultural Values are separated from Natural Environmental Values in the Plan.	Add a new objective that relates to Historic Heritage and its contribution to the district

Climate Change	SD-03	Support with amendment	The objective should ensure that native species can be enabled to adapt to climate change. This may be by ensuring that there is room for native species to retreat if necessary.	Amend clause ii or add another clause that enables native or indigenous species to adapt to climate change
Natural Hazards	SD-04	Support with amendment	The objective should ensure that natural hazard risks to native species and habitat are identified and appropriately mitigated.	Amend clause ii or add another clause to ensure that risks of natural hazards to native species and habitat, are avoided or appropriately mitigated
Mana Whenua	SD-05	Support		
Business Areas and Activities	SD-06	Support		
Centres	SD-07	Support		
Infrastructure	SD-08	Support with amendment	Incorporate emissions reduction in the objective	Across the District: i. improved accessibility and <u>reduced emissions</u> multimodal connectivity is provided...
Rural Areas	SD-09	Support with amendment	Integrate the protection and maintenance of indigenous biodiversity into the rural area	Include another clause: <u>vii. protecting and maintaining indigenous biodiversity in rural areas</u>
Community and Open Space	SD-10	Support		
UFD Urban Form and Development				
Settlement Patterns	UFD-01(iii)	Support	Whilst it is appropriate to reduce adverse effects on the environment it is also important to manage effects	Amend: <i><u>Reduces and manages adverse effects</u></i>
Settlement Patterns	New UFD	Add	Adverse effects that remain after they are reduced through a consolidated and integrated settlement pattern should also apply the mitigation hierarchy in accordance with other provisions of the plan	New <i><u>Avoids, remedies, or mitigates adverse effects consistent with the provisions of the plan.</u></i>

ENERGY, INFRASTRUCTURE AND TRANSPORT				
EI Energy and Infrastructure and Transport				
Introduction		Oppose in part	The provisions in this chapter do not give effect to the NZCPS, particular the avoid directives in policies 11, 13 and 15. Nor is this the case in combination with other chapters.	Amend provisions of this chapter and of other chapters to give effect to the NZCPS to ensure accuracy of the Introduction. Remove the reference to chapters “cross referenced below” as none are listed, and listing could exclude chapters that are relevant. Include in the introduction: <u>In managing the effects of Regionally Significant Infrastructure and other infrastructure the provisions including rules for Overlays, the ECO, NATC, NFL and CE chapters also apply.</u>
Regionally Significant Infrastructure	EI-01	Support with amendment	Incorporate emissions reduction into the objective	Include: 3. contributes to the economy, <u>emissions reduction</u> , and supports a high standard of living.
Adverse effects of Regionally Significant Infrastructure	EI-02	Oppose	The chapter should not be setting out an objective that is contrary to the s6 and the NZCPS.	Delete
Adverse effects of other infrastructure	EI-03	Oppose	The chapter should not be setting out an objective that is contrary to the s6 and the NZCPS. The reference to “identified” characterises and values is not appropriate as these matters are not identified in the appendix or schedules for most “sensitive environments” and values may not remain constant.	delete

Adverse effects on Regionally Significant Infrastructure and Lifeline Utilities	EI-04	Oppose	This provision goes too far and should be limited to existing or authorised RSI and lifeline utilities.	Oppose
Amateur radio configurations	EI-05	Support with amendment	No adverse effects would be preferable and should be included as some adverse effects are to be avoided for example under the NZCPS.	Amend: “Amateur radio configurations are able to be efficiently established with <u>no to</u> minimal adverse effects on the surrounding Environment”
EI Policies				
	EI-P1	Oppose in part	<p>The wording uses terms that are more enabling than terms used in the NPSET and NPSREG and would apply to this to RSI and lifeline utility activities which is broader. Nor is the provision for activities under those NPS’s without the consideration of avoidance of adverse effects.</p> <p>Given the breadth the policy addressing RSI and Lifeline utilities terminology should be the same or less enabling than used in those NPS’s and should be subject to where or when appropriate to take into account other objectives of the plan and appropriate effects management including avoidance.</p> <p>The council should be supporting rather than encouraging coordination of planning for RSI.</p> <p>It is inappropriate to set policy direct to allow for “non-renewable” electricity generation, not is it clear how this fits within the definition of RSI or Lifeline utility.</p>	<p>Recognise the benefits of Regionally Significant Infrastructure and Lifeline Utilities by:</p> <ol style="list-style-type: none"> 1. <u>enabling providing</u> for their operation, maintenance, repair, upgrade, development <u>in appropriate locations</u>; and 2. <u>enabling providing</u> for their removal during an emergency; and 3. recognising their functional needs or operational needs; and 4. <u>encouraging supporting</u> the coordination of their planning and delivery with land use, subdivision, development, and urban growth so that future land use and infrastructure and Lifeline Utilities are integrated, efficient and aligned; and 5. <u>enabling providing</u> for the investigation and development of new small-scale renewable electricity generation activities to support a reduction in greenhouse gas emissions and diversifying the type and/or location of electricity generation; and

				<p>6. allowing providing for large scale renewable generation and non-renewable generation activities where the adverse effects can be minimised or are able to be remediated; and</p> <p>7. supporting Regionally Significant Infrastructure in adopting new technologies that:</p> <ol style="list-style-type: none"> improve access to, and efficient use of, networks and services; allow for the re-use of redundant services and structures and construction materials; increase resilience, safety or reliability of networks and services; <u>avoid adverse environmental effects and result in environmental benefits and enhancements</u>; or promote environmentally sustainable outcomes including green infrastructure and the increased utilisation of renewable resources.
	EI-P2	Oppose	<p>The policy is inappropriate to achieve Part 2 of the Act, in particular with respect to s6 matters.</p> <p>More clarity could be provided in the policy to distinguish those activities that have specific national policy direction.</p> <p>This policy is perhaps trying to do too much and is addressing national policy activities, RSI, and other infrastructure. Perhaps a better option is to split the policy into separate clauses or provide separate policies.</p>	<p>Delete the policy wording and preplace with wording that:</p> <ol style="list-style-type: none"> requires that for National Grid and Renewable electivity generation activities, adverse effects: <ol style="list-style-type: none"> in the coastal environment are avoided in accordance with Policies 11, 13 15 and the NZCPS in all other cases are firstly sought to be avoid, where this is not possibly due to functional and operational needs, adverse effects are remedied or mitigated. where there is no functional or operational need upgrading and development does not occur within an overlay or area meeting the significance criteria in the RPS.

			<p>There are also conflicts within the policy, for example (f) says to allow new water infrastructure in sensitive environments where adverse effects are minimised whilst (a) says to avoid adverse effect on the listed environments which are also sensitive environments. In any regard (f) is inappropriate to give effect to higher order documents for example where certain effects are to be avoided, on significant biodiversity in the coastal environment.</p>	<p>2. For RSI (other than national Grid and Renewable) requires adverse effects:</p> <ul style="list-style-type: none"> a. in the coastal environment are avoided in accordance with Policies 11, 13 15 and the NZCPS b. outside the coastal environment that are significant adverse effects on natural of the coastal environment, wetlands, and the margins lakes and rivers, outstanding natural landscapes, and features, and SNAs (including any unscheduled area meeting the significance criteria in the RPS) to be avoided. c. in all other cases are firstly sought to be avoid, where this is not possibly due to functional and operational needs, adverse effects are remedied or mitigated. c. where there is no functional or operational need upgrading and development does not occur within an overlay. <p>3. For “other infrastructure” effects are to be addressed in accordance with the ECO, NATC, NFL and CE and any other relevant chapters.</p>
	EI-P3	support	<p>Support the provision for maintenance so long as adverse effects on the environment are avoided, remedied, and mitigated as appropriate when considering maintenance for existing and for new development.</p>	<p>Retain clause 2 as being limited to the national grid. Amend rules or standards as necessary to ensure adverse effects on the environment are avoided, remedied, and mitigated as appropriate when</p>

				considering maintenance for existing and for new development of the National Grid.
	EI-P4	Support in part	The word minimise is uncertain as to the extent to which adverse effects will be avoided, remedied, or mitigated. This could create inconsistencies with the NZCPS and other plan provisions.	Amend clause 2(b) b. any adverse effects are <u>avoided, remedied, or mitigated in accordance with the ECO, NATC, NFL and CE provisions and in other cases</u> minimised.
Rules	Notes	Support in part	The directions in the Notes that provisions in Chapter 2 District Wide matters chapters still apply to activities provided for in rule sections A to Section F is generally appropriate. In particular, Forest & Bird considers that all provisions in other chapters which give effect to the NZCPS must apply to activities provided for in the EI rules, however this does not appear to be possible under the matters of discretion identified. Nor is it clear that objectives and policy of other chapters, could be adequately considered where consent is required given the wording of provisions in this chapter. The reference “unless otherwise specified” creates uncertainty and appears to be superfluous as there appear to be no such specifications in the chapter.	Amend the EI objectives and policies to avoid conflicts with other chapters addressing s6 RMA matters and giving effect to the NZCPS In the Rules Note, delete the words: “Unless otherwise specified in this chapter.”
EI Rules	Notes	Oppose in part	It is essential that these rules do not trump or override other district wide matters. Some of the rules are uncertain as to what level of activity is permitted or covered. For example, EI-R5 permits vehicle access tracks for network utilities, it is not clear if this activity covers the earthworks and vegetation	Amend second note to make it abundantly clear that other district wide chapters will apply.

			<p>clearances that may be required for these rules.</p> <p>ECO-R1(2) permits vegetation clearance for maintenance of vehicle tracks within the coastal environment so long as it is within 2 m of the track. Vegetation clearance in an SNA is not permitted under ECO-R1(1) for maintenance of vehicle tracks.</p> <p>The rules or the introduction should make it clear that unless the activity specifically mentions another activity that the more specific district wide and zone chapter rules apply</p>	
	EI-R1	Oppose in part	The scale of activities and effects are uncertain. The permitted activity rules are not appropriate in the coastal environment.	<p>Add the following condition to EI-R1: “The removal is not in the coastal environment”</p> <p>Add the following matter of discretion to EI-R1: “Effects on the coastal environment”</p>
	EI-R2	Oppose in part	The scale of activities and effects are uncertain. The permitted activity rules are not appropriate in the coastal environment.	<p>Add the following condition to EI-R2: “The upgrading is not in the coastal environment”</p> <p>Add the following matter of discretion to EI-R2: “Effects on the coastal environment”</p>
	EI-R3	Oppose in part	The scale of activities and effects are uncertain. The permitted activity rules are not appropriate in the coastal environment.	<p>Add the following condition to EI-R3: “The upgrading is not in the coastal environment”</p> <p>Add the following matter of discretion to EI-R3: “Effects on the coastal environment”</p>
	EI-R5	Oppose in part	The scale of activities and effects are uncertain. The permitted activity status is	Add the following condition to EI-R5:

			<p>not appropriate in the coastal environment or for outstanding landscapes.</p> <p>While it is also not appropriate for within and SNA, the ECO rules address vehicle access tracks.</p>	<p>“The vehicle access track is not in the coastal environment or and outstanding natural landscape”</p> <p>Add the following matter of discretion to EI-R5: “Effects on the coastal environment”</p>
	EI-R11	Oppose in part	<p>The scale of activities and effects are uncertain. The permitted activity rules are not appropriate in the coastal environment.</p>	<p>Add the following condition to EI-11: “The New overhead lines and associated support structures are not in the coastal environment”</p> <p>Add the following matter of discretion to EI-R11: “Effects on the coastal environment”</p>
	EI -R12	oppose	<p>New non-renewable electricity generation should be discouraged and not specially provided for in policy.</p>	<p>Change activity status to non-complying</p>
	EI-R22	Oppose in part	<p>The scale of activities and effects are uncertain. The permitted activity rules are not appropriate in the coastal environment.</p> <p>It is not clear if the rule is providing for the installation of new water, wastewater and stormwater that will connect to existing networks or just the point of connecting.</p>	<p>Add the following condition to EI-R22: “The new water, wastewater and stormwater connections are not in the coastal environment”</p> <p>Add the following matter of discretion to EI-R22: “Effects on the coastal environment”</p>
	EI-R23	Oppose in part	<p>The scale of activities and effects are uncertain. The permitted activity rules are not appropriate in the coastal environment.</p>	<p>Add the following condition to EI-R23: “The construction and upgrading is not in the coastal environment”</p> <p>Add the following matter of discretion to EI-R23: “Effects on the coastal environment”</p>
	EI-R25	Oppose in part	<p>The extent to which the rule provides for new buildings is uncertain. This may not be appropriate within the coastal environment</p>	<p>Add the following condition to EI-R25: “The new buildings and structures are not in the coastal environment”</p>

				Add the following matter of discretion to EI-R25: “Effects on the coastal environment”
	EI-R26	Oppose in part	The extent to which the rule provides for new buildings is uncertain. This may not be appropriate within the coastal environment	Add the following condition to EI-R26: “The new buildings and structures are not in the coastal environment” Add the following matter of discretion to EI-R26: “Effects on the coastal environment”
	EI-R32	Oppose in part	It is not clear what is “small scale” and whether this could affect the habitat of indigenous species such as bird breeding, roosting, and feeding in the coastal environment of bat habitat. The removal of trees including exotic trees that provide for bat habitat should not be a permitted activity.	Add the following condition to EI-R26: “The installation and upgrading is not in the coastal environment” “The installation and upgrading does not include the removal of any trees” Add the following matter of discretion to EI-R26: “Effects on the coastal environment” “Effects on bats”
	EI-R33	Oppose in part	It is not clear what is “small scale” and whether this could affect the habitat of indigenous species such as bird breeding, roosting, and feeding in the coastal environment of bat habitat. The removal of trees including exotic trees that provide for bat habitat should not be a permitted activity.	Add the following condition to EI-R26: “The installation and upgrading is not in the coastal environment” “The installation and upgrading does not include the removal of any trees” Add the following matter of discretion to EI-R26: “Effects on the coastal environment” “Effects on bats”
TRAN Transport				
Transport	Introduction	Neutral		Retain
Safe, efficient, integrated, and sustainable land transport infrastructure	TRAN-01	Support with amendment	Incorporate low emissions into objective	Amend and include: Land transport infrastructure that is well connected, integrated, and accessible and supports low emissions and which:

Transport related effects	TRAN-02	Support	Adverse effects arising from Transport activities should be addressed in other more specific chapters	Retain
Adverse effects on land transport infrastructure	TRAN-03	Neutral		Retain
TRAN Policies				
	TRAN-P4	Oppose in part	<p>The term land transport infrastructure is far ranging and many of these activities should not necessarily be allowed in sensitive environments where they cannot comply with specific district wide chapter policies such and the Natural Environment Chapter</p> <p>TRAN-P4(1)(b) only mentions objectives. The policies in the more prescriptive relevant chapters should also be achieved.</p> <p>Also, in some respects the word protect does not equal the directive wording of avoid. In terms of protection it could for example lead to significant temporary effects.</p>	<p>Amend:</p> <p><i>b. the relevant objectives for the Overlay will be achieved; and</i></p> <p><u><i>c. policies in the Natural Environment chapter will be achieved.</i></u></p>
HAZARDS AND RISKS				
CL Contaminated Land				
Contaminated Land	Introduction			
Management of contaminated land – Objectives	CL-01	Support with amendment	The objective needs to include reference to contaminated land being made safe for indigenous biodiversity.	Amend: Contaminated land is made safe for human health and <u>for the health of indigenous biodiversity</u> , and for its intended use...

			The NES-CL focuses on land that is a risk to human health. The District Plan should go one step further and also ensure contaminated land is made safe for the environment so it can contribute to indigenous biodiversity	
Policies	CL-P1	Support with amendment	See above	Amend: <i>Require ... the risk to huma health and ecosystem health resulting ...</i>
	CL-P2	Support with amendment	See above	Amend: <i>...; and</i> <u>3. Manage contaminated soil to protect indigenous biodiversity</u>
	CL-P3	Support with amendments	See above	Amend <i>... Ensure that the risks to human <u>and</u> <u>environmental</u> health from any ...</i>
Rules / Standards	New	New	The chapter may require another rule or standard in addition to the NES-CL to ensure surrounding environmental health / indigenous biodiversity is protected	Add either a standard or rule to protect environmental health / indigenous biodiversity
NH Natural Hazards				
Objectives	NH-03	Support with amendment	Natural Hazard Mitigation works should reduce the risk to native species also and make provision for expanding their range, as part of the preference for using natural features and buffers.	Amend the objective to include reduce risks to people property, <u>and native species</u> , with a preference for the use of natural features and buffers and <u>restoring and expanding natural habitat</u> .
Policies	NH-P1	Support with amendment	The policy should include the identification and mapping of existing and potential habitat of native species that is subject to natural hazards. This could be coastal	Include a clause that considers the level and severity of risk to native species and habitat from the natural hazard and provide for its ability to recover after a natural hazard event.

			habitat, wetlands, or riverbed/margin/floodplain habitat for native fauna.	
	NH-P3	Support	Healthy, expansive, functioning natural ecosystems provide greater resilience to natural hazards for people as well as native species. Expand policy to include native vegetation and habitat for native species. Remove where appropriate. This would give better effect to the RMA s 6a.	Protect, maintain and restore, where appropriate , natural topographic features and vegetation <u>including native habitat</u> , that assists with avoiding or mitigating the risk to people <u>and native species</u> and significant risk to property from natural hazards.
	NH-P10	Partially oppose with amendments	The policy excludes RSI, however, if RSI is excluded then there is no policy direction for development of RSI in high hazard areas. NH-P11 only addresses natural hazard areas not High Hazard Area	Add a new policy to provide guidance for development of RSI in high hazard areas.
Rules	All	Support with amendment	Ensure the rules protect native species and their habitat from natural hazards and mitigation works.	
HS Hazardous Substances				
Policies	HS-P1	Support with amendments	The policy says hazard facilities should not be located in sensitive environments. However, HS=01 says unacceptable risks are avoided on the environment in general. The policy should also only consider hazard facilities in places where unacceptable risks to the environment other than those sensitive environments are avoided	Amend: <u>5. Ensuring in areas, that are not sensitive environments or Natural Hazard Areas, suitable measure are undertaken to avoid, remedy or mitigate the risk of hazardous substances entering the environment.</u>
Rules	New	New	There are no rules addressing new hazardous facilities. New Hazardous facilities should in that every least be a restricted discretionary	Add

			activity so the location can be controlled and if the risk to the environment is too high to the environment it can be declined	New restricted discretionary activity rule for new hazardous facilities
TREES Notable Trees				
Trees	Introduction		Notable trees, indigenous or exotic may be significant habitat for native species. This should be mentioned in the introduction.	Add before the last paragraph: <i><u>Some notable trees or groups of trees with significant values may also provide habitat for significant indigenous fauna.</u></i>
Trees Objectives	TREES-01	Support		
Trees Policies	TREES-P4	Support in Part	Some notable trees and groups of trees with significant value may provide habitat for significant indigenous fauna. This policy should recognise that and only allow for clearance where it will not endanger the habitat values	Add a sub policy: <i>5. ... <u>and</u></i> <i>6. <u>the removal will not adversely affect the habitat values provided to significant indigenous fauna.</u></i>
Trees Rules	All	Support		Retain
NATURAL ENVIRONMENTAL VALUES				
ECO Ecosystems and Indigenous Biodiversity				
Ecosystems and Indigenous Biodiversity	General	New	The Government has indicated that the NPS-IB will be gazetted in December 2022. The Plan should give effect to the NPS-IB as soon as it possibly can through this Plan change process where it has not already.	Where the plan does not give effect to the NPS-IB (if it is gazetted) then it should do so through this plan review process.
Ecosystems and Indigenous Biodiversity	Introduction	Support with amendment	The Timaru District contains some unique and representative examples of indigenous vegetation and habitat for indigenous fauna, including some at-risk, threatened, and	Amend as follows: <i>The district contains a diverse range of habitats that support indigenous plants and animals, including at-risk, threatened, and endangered</i>

			<p>endangered species. The introduction should include a more thorough description of the indigenous vegetation and habitat of native fauna in the district and emphasize the presence of at-risk, threatened, and endangered species, like the nationally critical pekapeka/Long Tailed Bat and the at-risk and declining kororā /Little Penguin.</p> <p>A sentence celebrating the districts SNAs would also be helpful.</p>	<p><u>indigenous species, including the nationally critical pekapeka/Long Tailed Bat and the at-risk and declining kororā /Little Penguin. Many of these habitats are endemic, comprising forests, shrublands, herb fields, tussock grasslands, and waterbody margins, including coastal areas. Some contain exotic species.</u></p> <p><u>The amount and type of indigenous vegetation remaining in the District varies over the rural area, due to many factors. Some areas have been actively conserved by landholders, and some simply left alone.</u></p> <p><u>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. In, addition, there are likely to be a range of other areas not yet assessed, but <u>containing significant values, that meet the APP5 Criteria for identifying Significant Natural Areas, and will be progressively assessed, listed, and mapped in the Plan.</u></u></p>
Protection of significant indigenous biodiversity	ECO- 01	Support with amendment	The RMA s 6c requirement is to protect significant natural areas, not just the values	Amend as follows: The values of s Significant indigenous vegetation and significant habitats of indigenous fauna is are protected

Maintenance and enhancement of indigenous biodiversity	ECO- O2	Support		Retain as notified
Recognition of Ngai Tahu	ECO- O3	Support		Retain as notified
Assessment and identification of significant indigenous biodiversity	ECO - P1	Support		Retain as notified
Ecosystems and Indigenous Biodiversity	ECO - P2	Oppose in part	<p>In the title remove 'Appropriate' as this is uncertain. This policy seems to include provisions that sit better in the rules. This policy should be re-written to simplify.</p> <p>Also, it is not the Council's place to provide for clearance. The Council may consider allowing it in certain circumstances.</p>	<p>Amend as follows:</p> <p>Delete "appropriate" from activity description</p> <p><u>Consider allowing</u> Provide indigenous vegetation clearance in Significant Natural Areas where it is required for health, <u>safety, wellbeing</u> or customary reasons, by enabling clearance:</p> <p>5. for the operation ... Public roads</p>
Ecosystems and Indigenous Biodiversity	ECO - P3	Support with amendment	<p>Sensitive areas should also include areas that are predominantly covered in indigenous vegetation.</p> <p>An absence of rules protecting areas that are dominated by indigenous vegetation but are not significant have resulted in some perverse effects throughout the country.</p>	<p>Amend:</p> <p><u>5. Areas dominated by native vegetation; and</u> <u>6. Areas with a community of threatened indigenous vegetation species.</u></p>

			<p>One example is in the Waimakariri District where many hectares of beech forest was cleared to make way for a deer farm.</p> <p>It should also refer to areas where threatened indigenous species are found. In advertent or intentional cultivation on some farms for example has resulted in the loss of threatened species.</p> <p>These sorts of activities should in the very least require resource consent.</p>	
Ecosystems and Indigenous Biodiversity	ECO - P4	Support in part	<p>Protection for Long Tailed Bats is supported, however, considering the high mobility of bats, the Bat protection area should not be limited to the current Bat Protection Area overlay in the planning maps. Bats may live in native vegetation or exotic vegetation or a mix. This applies to other native fauna. The district has other fauna species that are important and require protection. The policy should not be limited to Long Tailed Bats, the Council is required to maintain indigenous biodiversity so the policy should extend to important habitat of other native fauna, including lizards, invertebrates, and birds.</p>	<p>The Policy should include the ability to increase the bat protection overlay as more information is understood about Long Tailed Bats and their extent in the district.</p> <p>Include a policy that provides protection for all other native fauna species</p>
Ecosystems and Indigenous Biodiversity	ECO - P5	Oppose in part	<p>The definition of RSI is far too wide ranging. Until the definition is tightened up it will result in the loss of SNAs.</p>	<p>Amend</p> <p><i>Avoid the clearance of indigenous vegetation and earthworks with SNAs, unless these activities:</i> <i>1. Can be undertaken in a way that protects the identified ecological values; and</i></p>

				<i>2. are for regionally significant infrastructure and it can be demonstrated that adverse effects are managed in accordance with ...</i>
	ECO-P New	New	<p>There is no policy direction for clearance of indigenous vegetation outside of SNAs, sensitive areas, or the Bat Protection Area. It is important to maintain Indigenous vegetation / biodiversity across the district to meet objective ECO-02</p> <p>This should also be accompanied with maps of improved pasture in line with the relief sought in regard to the definition of improved pasture.</p>	<p>Add:</p> <p><u>Outside of SNAs and sensitive areas provide for low impact activities that may have less than minor adverse effects on indigenous biodiversity values, where these are of wider environmental or community benefit, or enable existing activities.</u></p> <p><u>Identify Areas of improved pasture and map these areas.</u></p>
	ECO-P new	New	<p>The Bat Protection Area is an excellent start to address an issue that has gone unresolved by many councils throughout the country. That is determining a framework for protecting habitats of significant fauna.</p> <p>Another policy should be added to address other fauna that requires protection</p>	<p>Add</p> <p><u>Protect threatened and at-risk species and their habitats by avoiding significant adverse effects and managing other adverse effects of activities on those species and their habitats.</u></p>
Rules	All rules that have the Coastal Environment Overlay within 20 meters area	Oppose	20 meters within the mean high water springs does give effect to the NZCPS, policy 11. Policy 11 applies to all aspects of the Coastal environment not just the 20 meters from MHWS	Amend to give effect to Forest & Bird's relief sought in regard to the spatial area of the Coastal Environment. This rule should apply to all of the coastal environment that is not SNA.
Rules	ECO-R1(1)	Support		Retain
	ECO-R1(2)	Support in Part	If an area is assessed as Significant it should be treated under ECO-R1(1). This accords with the requested relief for the definition of SNAs	Non-compliance should be discretionary
	ECO-R2	Neutral		Retain

	ECO-R3	Oppose in part	Clearance for the National Grid is recognised, however, there should be some constraints on the proximity of the clearance to the National infrastructure	Amend: <i>PER-1</i> <i>The Vegetation clearance is within 2 meters and is to provide ...</i>
	ECO-R4	Support	This rule is supported	Retain
	ECO-R5	Oppose in part	<p>This restricted discretionary rule is supported however, where compliance is not achieved it seems to go to just another restricted discretionary activity</p> <p>Not sure but this seems to be a mistake and the activities relating to the national grid and flood protection works may need to be another rule.</p> <p>The matters for discretion should still apply to the National Grid and the Flood Protection works.</p> <p>The default for all sets of rules in ECO-R5 should remain non-complying</p>	<p>Amend to clarify whether there should be a reference to two different sets of restricted discretionary rules in the two columns or whether there should be two sets of rules</p> <p>Retain matters of discretion for all rules</p> <p>Retain non-compliance as non-complying</p>
	ECO-R6	Oppose	Unless the subdivision is to make an allotment specifically for the SNA the activity should be non-complying	Amend to non-complying
	ECO-R7	Support		Retain
	ECO-R New	Add	<p>There are no general indigenous vegetation clearance rules in this chapter. Neither does the general rural zone include any rules for general clearance.</p> <p>A great deal of the indigenous vegetation in the Canterbury Plains has been lost. There are very few areas in the Canterbury Plains</p>	<p>Add a general indigenous vegetation clearance rule or rules that maintains indigenous biodiversity outside of sensitive areas and SNAs.</p> <p>Utilise and include maps of improved pasture / fully converted farmland in the plan. Then permit vegetation clearance in those areas and</p>

			<p>that contain any indigenous vegetation. There are likely to be small pockets of indigenous vegetation that is threatened or at-risk and maybe very vulnerable to further loss.</p> <p>Additionally, Forest & Bird completely supports the identification and mapping of SNAs. However, Forest & Bird considers this is an ongoing exercise and there needs to be triggers through resource consents for further identification of SNAs. As future SNAs are identified the Plan should incorporate these SNAs into the Plan through plan changes.</p> <p>Manaaki Whenua or others are mapping agricultural land in all of New Zealand (North H, Amies A, Dymond J, Belliss S, Pairman D, Drewry J, Schindler J, Shepherd J. 2021. Mapping bare ground in New Zealand hill-country agriculture and forestry for soil erosion risk assessment: An automated satellite remote-sensing method. Journal of Environmental Management. 301 https://doi.org/10.1016/j.jenvman.2021.113812). These maps can be utilised and then ground trothed by the Council</p>	<p>everywhere else have some sort of controls on indigenous vegetation clearance. As these maps are ground-trothed they should be implemented into the plan either through this plan review process or through a variation and then brought up to align with the process.</p>
NATC Natural Character				
General	All	Oppose in part	<p>It is not clear why this chapter only deals with margins of rivers and wetlands. When in the opening paragraph it directly quotes s6(a) RMA which relates to lakes and the coastal environment.</p>	<p>Amend introduction to explain that natural character of coastal environment is dealt with in the Coastal Environment Chapter.</p>

			<p>Presumably, coastal environment issues are not covered in this chapter but in the specific coastal environment chapter. This should be clearly outlined in the introduction.</p> <p>Unless there is another chapter that deals with the natural character of the margins of lakes then lake margins should be dealt with in this chapter. However, if there are no lakes in the district then this relief is not applicable</p>	Amend entire chapter so it applies to lake margins as well.
Objectives	NATC-01	Oppose in part	It is not clear why this chapter does not include management of the margins of lakes. Section requires the preservation of the natural character of lakes and their margins	Amend to include lakes and their margins
	NATC-O new	New	Add a new objective seeking restoration of natural character where it has been degraded	Add <i><u>Restoration of the natural character of wetlands, rivers, lakes, and their margins where degradation has occurred.</u></i>
Policies	NATC-P1	Oppose	This policy refers to a natural state criterion and sets it at what appears a high level of consideration then other matters this is inappropriate for natural character assessments.	<p>Delete and replace with:</p> <p><i>Recognise the following natural elements, patterns, processes, and experiential qualities which contribute to the natural character values of wetlands, rivers, lakes, and their margins:</i></p> <ol style="list-style-type: none"> 1. <i>Is in their natural state or close to their natural state;</i> 2. <i>landforms and landscapes, biophysical, geologic, and morphological aspects;</i> 3. <i>hydrological and fluvial processes, including erosion and sedimentation;</i>

				<ol style="list-style-type: none"> 4. <i>indigenous biodiversity, habitats, and ecosystems;</i> 5. <i>water flow and levels, colour and clarity, and water quality;</i> 6. <i>the cultural values of the water body to Kāti Huirapa, including values associated with traditional and contemporary uses and the continuing ability of the water body to support taoka species and mahika kai activities.</i> 7. <i>the experience of the above elements, patterns, and processes.</i>
	NATC-P New	New	<p>There is no policy direction for the identification of further High Naturalness Water Bodies, the CRPS has identified some but the Timaru District Council should endeavour to locate more and look at the values of other rivers. Further the introduction of the chapter says the rules allow for identification and assessment of natural character.</p>	<p>Add</p> <p><i>Identify, map and schedule significant freshwater bodies</i></p> <p><i>Continue the identification, mapping, and scheduling of wetlands, rivers, lakes, and their margins with one or more recognised natural character attributes, where the following apply:</i></p> <ol style="list-style-type: none"> 8. <i>the wetland, river, lake, and their margins have high indigenous species and habitat values, where they support threatened, at risk, or regionally distinct indigenous species;</i> 9. <i>the presence of distinctive geological features, such as fault traces, fossil localities, geoscience and geohistoric values, or represents a unique geomorphic process;</i> 10. <i>cultural, spiritual or heritage associations of Ngāi Tūāhuriri to the freshwater body,</i>

				<p>including the ability to undertake customary practices; and</p> <p>11. importance of the freshwater body to provide access and connections to areas of recreational use.</p>
	NATC-P4	Oppose in part	This policy conflicts with the requirements of s6 RMA.	<p>Amend:</p> <p>Preserve the natural <u>character values</u> of <u>wetlands, lakes, rivers, and their margins</u> riparian margins by only allowing subdivision, use and development that: and protect those values by</p> <p>12. avoids, or if avoidance is not possible, minimises any adverse <u>effects</u> on the elements, patterns, processes, and experiential qualities outlined in <u>NATC-P1</u>;</p> <p>13. <u>Ensure that the location, intensity, scale, and form of subdivision, use and development of land takes into account the natural character values</u></p> <p>14. <u>Require setbacks of activities, including buildings, structures, impervious surfaces, plantation forestry, woodlots, and shelterbelts;</u></p> <p>15. <u>Maintaining natural character values which have been modified but are highly valued;</u></p> <p>16. <u>restores or enhances natural character values in circumstances identified in NATC-P2; and</u></p> <p>17. <u>avoids or, where that is not possible, does not exacerbate bank erosion.</u></p>

	NATC-P5	Oppose in part	It is not appropriate for the Council to provide for activities	Amend <u>Consider allowing Provide ...</u>
Rules	NATC-R1	Oppose in part	Per-3 and Per-4 are too far reaching and should have spatial limits associated with them if they relate to indigenous vegetation clearance	Either make it clear that the rule does not include clearance of indigenous vegetation or affix a spatial limit to any clearance
	NATC-R3(1)	Oppose in part	Per-3 is too wide, there would be instances where 3 meters would incorporate the entire margin. PER-1 and Per2 need spatial limits and these spatial limits may vary from the size of the margin	Delete Per-3 Add spatial limits to Per1 and Per 2 which relate to width of the margin within which the activity is to occur.
	NATC-R3(3)	Oppose in part	Spatial limits are required	Affix spatial limits to the activities
NFL Natural Features and Landscapes				
Whole chapter	All	Oppose in part	Ensure that the chapter gives effect to the CRPS Natural Features and Landscapes.	Amend to give effect to the CRPS
VS Versatile Soil				
Policies	VS-P1	Support in part	There is no requirement to map highly versatile soil. The NPS also applies to LUC 3	Amend to include identify and map versatile soil. Amend to add LUC 3
	VS-P New	New	NPS restricts urban rezoning of highly productive land	Add policy direction for avoiding urban rezoning unless certain matters are met as set out in the NPS.
	VS-R2	Oppose	The NPS sets out clear requirements for subdivision, this policy does not reflect those.	Make a discretionary activity
GENERAL DISTRICT WIDE MATTERS				

Activities on the surface of water				
Activities on the surface of water	ASW Introduction	Support with amendment	<p>The district contains the Rangitata River which has a Water Conservation Order. The introduction should recognise the value of the Rangitata WCO.</p> <p>Motorised craft activities on the surface of water bodies should be discouraged during river bird breeding season.</p>	<p>Include: Activities on the surface of water can have potential adverse effects on the ecological values, natural character values, recreational values and cultural values associated with the district's rivers. <u>The Water Conservation (Rangitata River) Order 2006 sets out the special features of the river and to be protected from adverse effects.</u> The provisions of this chapter seek to manage these adverse effects, while providing for the sustainable use of motorised craft.</p>
Protecting the values of the district's rivers	ASW-O1	Support		Retain as notified
Recreational use of non-motorised craft	ASW-P1	Support		Retain as notified
Use of motorised craft for specified activities	ASW-P2	Support		
Recreational use of motorised craft within specified areas of identified rivers	ASW-P3	Support		
Commercial activities	ASW-P4			
Motorised craft within fish spawning areas	ASW-P5	Support		Retain as notified

Other non-commercial activities	ASW-P6			
Coastal Environment				
Coastal Environment	CE Introduction	Oppose in part	<p>The introduction does not reflect the NZCPS or explain which aspects of the NZCPS are addressed by other chapters of the plan which apply to the coastal environment, other than zones.</p> <p>The reference to the coastal environment being a narrow strip reflect the mapping which does not appear to have applied the NZCPS appropriately.</p> <p>The provisions in this chapter make blanket assumptions and provision for activities in the coastal environment without recognising that they may not in fact be appropriate when considering aspects of the NZCPS that are not addressed in this chapter.</p>	Amend to give effect to the NZCPS and where the coastal environment does not extend at least a kilometer inland then extend the coastal environment map inland one kilometer.
	General mapping of coastal environment	Oppose in part	<p>The coastal environment in the Timaru district seems to be remarkably small. The Coastal environment in many respects could extend for kilometres inland from the mean high-water springs depending on the landscape.</p> <p>Some of the Timaru District coastline is relatively flat but that should not detract from the interdependence and complex nature of the coastal environment.</p>	Recommend where the coastal environment does not extend more than a kilometer inland from the mean high springs that the map is adjusted to at least 1 kilometer from the mean high-water springs

			<p>It also does not appear that the Coastal Environment is actually mapped.</p> <p>There is only in some chapters reference to a zone that is with 50 meters of Coastal</p>	
	Outstanding natural features and landscapes	Oppose	<p>There are no provisions for protection of Outstanding Natural Features and landscapes in the coastal environment.</p> <p>There are not that many ONFs or ONLs that would appear to be located in the coastal environment but there is at least one ONF-5</p> <p>Presumably ONF-5 comes under Chapter NFL of the proposed plan. However, the NFL chapter does not give effect to the requirements of the NZCPS</p>	<p>Add in a new objective policy and rule regime that protects ONLs and ONFs in accordance with the NZCPS.</p> <p>This is the same for any ONCs that are identified.</p>
	Mapping ONLs, ONFs, and ONCs	Oppose	<p>It is not clear if this plan mapped in accordance ONLs, and ONFs, with the NZCPS in mind when they were considered.</p> <p>There is no reference to any ONCs in the Timaru District. It is not clear if this exercise was undertaken, and none were found</p>	<p>Reassess mapping with the NZCPS in mind for ONF and ONL and map ONCs.</p>
Coastal Environment	CE Objectives			
Coastal Natural Character	CE – O1	Oppose in part with amendment.	<p>The objective conflates s5 with s6 of the RMA which is not appropriate. It also intermingles objectives from the NZCPS.</p> <p>NZCPS, Objective 6 does not say enable people and communities to provide for the social, economic, and cultural wellbeing at</p>	<p>Amend CE-O1: “The natural character of Timaru’s Coastal Environment is preserved and protected from inappropriate subdivision, use and development, while enabling people and communities to provide for their social, economic, and cultural wellbeing and their health and safety.”</p>

			<p>the expense of the environment. It says to enable these features through use and development in in appropriate places.</p> <p>The NZCPS requires a great deal of identification of indigenous biological feature, natural features, ONLS and ONFs, amongst others. These are inappropriate places for development</p>	
Quality of the Coastal Environment	CE – O2	oppose	<p>The objective is subjective as to what “quality” of the coastal environment is. The alternative of enhancement to maintaining is also uncertain in terms of achieving s6 of the RMA and the NZCPS. While we are no opposed the access considerations in the objective, the wording is not clear. It appears to be more about access to beaches and public spaces, than the coastal environment generally.</p>	Delete
Kati Huirapa values	CE – O3	support		Retain
Coastal Hazards	CE – O4	Oppose in part with amendments	<p>The objective does not capture natural hazard, climate response and adaption.</p>	<p>Delete or amend CE-O4: “People, buildings and structures are protected from unacceptable risks arising from coastal hazards, <u>whilst taking account of climate change, through location and design of buildings and infrastructure, considering responses such as manged retreat for existing development.</u>”</p>
Natural features and buffers	CE – O5	Oppose in part with amendments	<p>The NZCPS, objective 5 requires the protection of natural features, it is not clear if being “used for coastal hazard management” is appropriate wording.</p>	<p>Amend title of section</p> <p><u>Natural defences features and buffers to coastal hazards</u></p>

				Amend <i>Natural defences features and buffers to coastal hazards are protected, restored, and retained. Natural defences and buffers are used for coastal hazard management ...</i>
Existing urban activities	CE – O6	Support in part.	Provision for Port Timaru is already captured by the RSI provisions in the EI chapter. Not all existing activities can be assumed to be appropriate. Some may not even be lawful. In addition, when considering “appropriate” under the NZCPS, this is in the context of what is to be protected. If an existing activity does not protect, it would not be appropriate. Any provision for such activities should be set out in policy with direction for protection.	Amend: “Recognise that parts of the coastal environment are highly modified by existing urban activities, <u>and that these activities may not be inappropriate. including the Port of Timaru, and provide for these ongoing activities.</u> ”
Identifying the Coastal Environment	CE – P1	Support in part	While the policy is supported, the mapping does not appear to be accurate or adequate.	Retain Amend the coastal environment as shown on the maps to capture the full extent of the coastal environment inland of the CMA. This should be at least a kilometre inland from mean high water springs.
	CE-New	New	There is no policy requiring the identification and mapping of Outstanding Natural Character in the coastal environment. The Natural Character chapter does not address outstanding natural character in the coastal environment.	Add: New policy to give effect to NZCPS policy 13 Once ONCs are identified they need to be mapped and included in a schedule perhaps SCHED14 (which will require renaming.

Identifying the areas of high coastal natural character	CE - P2	Support in part	There is no requirement in the policy to map these areas	Amend <i>Identify <u>and map</u> the natural character</i>
Identifying coastal hazards	CE – P3	Oppose	This policy is far from giving effect to NZCPS, policy 24 and 25	Delete and create policy that gives effect to NZCPS policies 24 and 25
Role of natural features and vegetation	CE – P4	Oppose in part	This policy appears to be giving effect to NZCPS policy 26 and 27. It also adds in words such as ‘topographical’ that were not present in the objective. It also uses a different test to that set out in the NZCPS i.e., a practicable test for restoration	Amend <i>Protect, and maintain, restore, or enhance natural defences such as <u>topographic features and vegetation</u> beaches, estuaries, wetlands, intertidal areas, coastal vegetation, dunes, and barrier islands, that assist in avoiding or mitigating the risk to human life and <u>significant existing development, property from coastal hazards, and where practicable restore such features and vegetation; and protects significant biodiversity, cultural or historic heritage or geological values from coastal hazards.</u></i>
Coastal natural character matters	CE – P5	Support in part	Under NZCPS, policy 13(2) says natural character may include the listed matters in CE-P5. However, NZCPS, policy 13(2) is not an exclusive list. CE-P5 is an exclusive list.	Amend <i>Recognises that the following matters contribute to the coastal natural character of the terrestrial part of Timaru’s coastal environment <u>may include matters such as:</u> ...</i>
Kati Huirapa values	CE – P6	Neutral		Retain
Restoration or rehabilitation of natural character	CE – P7	Oppose in part	This policy does not necessarily give effect to NZCPS policy 14. CE-P7 also use the word enhancement rather restore or rehabilitate. Enhancement has a slightly different meant to rehabilitate and means something complete different from restore.	Amend Enable <u>Promote</u> and encourage restoration or rehabilitation of the coastal natural character of the coastal environment and require consideration of opportunities for <u>restoration or</u>

				rehabilitation enhancement where a proposal has an adverse effect on coastal natural character q
Maintain and/or enhance the quality of the coastal environment	CE – P8	Oppose	This does not give effect to the NZCPS	Delete
Anticipated activities	CE – P9	Oppose	Does not give reflect the NZCPS, particularly policy 6	Delete
Preserving the natural character of the coastal environment	CE – P10	Oppose	<p>This policy does not reflect the NZCPS, policy 13 in full. For instance, there is no mention of Outstanding Natural Character.</p> <p>This plan needs to identify both ONC and High Natural Character.</p> <p>It may be that the Timaru District has used the language incorrectly and high is Outstanding, but this is not clear.</p> <p>Nevertheless, there should be at least three classifications of natural character in the coastal environment, i.e., ONC, High Natural Character and other natural character</p>	Delete and bring in line NZCPS policy 13
Preserve the natural character qualities of areas with Coastal High Natural Character	CE – P11	Oppose	Does not give effect to NZCPS, for example EI elevates many forms infrastructure to RSI	Delete and bring in line NZCPS policy 13
Coastal Hazard Areas (excluding Regionally	CE – P12	Support in part	Should also direct where new development should occur	Amend to give effect to NZCPS

Significant Infrastructure)				
Regionally Significant Infrastructure in Coastal Hazard Areas	CE – P13	Oppose	Does not accurately reflect the NZCPS	Amend <i><u>Only allow</u> Discourage Regionally ... Timaru, and <u>only consider allowing Regionally significant infrastructure in areas subject to coastal hazards where ...</u></i>
Hard engineering natural hazard mitigation within the Coastal Environment	CE – P14	Oppose	Does not accurately reflect the NZCPS.	Delete and create a new one that better reflects the requirements of NZCPS policy 27
CE Rules	General	Oppose	There are no rules or overlays that discuss Outstanding Natural Character, or ONFs. The plan does not give effect to the NZCPS without avoiding adverse effects on ONCs and ONFs	Add a raft of new rules to avoid adverse effects on Outstanding Natural Character areas. And ONFs.
	General Rules	Oppose	It is difficult to support any of the rules given the deficiencies in the objective and policy development	Amend all rules to give effect to the NZCPS
	CE-R2	Oppose	Will depend on whether High Natural Character is actually ONC or not. If its ONC then forestry should not be permitted. It is also difficult to see how afforestation should be a permitted activity in the coastal environment with significant controls	Delete CE-R2(1) amend to require a discretionary consent for afforestation. Replanting should also require a consent and a larger setback than the NPS-PF provides is required. Keep CE-R2(2) non-complying
	CE-R4	Neutral		Retain
	CE-r5	Oppose in part	There should be a spatial limit on the Also, earthworks for underground utilities can be quite big depending on the method of	Require all earthworks to be at least within 2 meters of the Per-1 activities Delete Per-2

			installation. If the activity includes using a digger to dig a trench, then that should require a consent for the coastal environment. If it is drilling, then perhaps that could be a permitted activity.	
	CE-R6	Oppose	Difficult to ascertain what this sort of activity permits.	Delete
	CE-R7	Oppose in part	This rule should just be for maintenance and operation. It should not cover increases in the size of infrastructure or upgrades that increase scale and footprint of the activity	Delete upgrade from activity and create a new rule for upgrade that increase the size of the activity to a restricted discretionary activity.
	CE-R8(1)	Oppose	It is not appropriate to construct RSI in the coastal environment as a permitted activity	Delete
	CE-R8(2)	Oppose	This depends on whether these areas are meant to be ONC or the lesser high natural character	Change to non-complying
	CE-12	Oppose in part	There are no matters for discretion for effects on indigenous biodiversity	Add new matter for discretion <i>Effects on indigenous biodiversity.</i>
	CE-13	Support		Retain
	CE-14	Oppose	Given the size of the coastal environment in Timaru it is difficult to see how mining could be acceptable. Within the Coastal Environment is should be a prohibited activity	Prohibit mining in the Coastal Environment Retain non-complying for quarries.
Light				
Light	LIGHT – whole chapter	Support with amendments	Ensure that the impact of artificial light on native fauna is considered in the plan	Amend provisions to ensure light on indigenous fauna is considered particularly in relation to the identified Bat Overlay.
Noise				
Noise Section	NOISE – whole chapter	Support with amendment	Ensure that the impacts of noise on native fauna is considered.	Include a policy that ensures that the impact of noise on native species is avoided or minimised.

AREA SPECIFIC MATTERS				
NOSZ	Whole chapter	Support with amendment	<p>This zone should also be characterised by habitat for indigenous fauna, this is not necessarily indigenous vegetation, particularly or species like long tailed bats or Korora.</p> <p>More of the coastal environment and all the district's public conservation land should be mapped as NOSZ. This would help give effect to the national adaptation plan.</p> <p>The matters of discretion should include the ability to protect significant and maintain other indigenous biodiversity (flora and fauna).</p>	<p>Include a reference to habitat for indigenous fauna in the introduction and in NOSZ-O2 clause 2.</p> <p>Map all public conservation land as NOSZ and more of the coastal environment, particularly around the river mouths, river flood plains and hapua.</p> <p>Include a matter of discretion regarding impacts on and the ability to protect and maintain indigenous fauna for all activities in the zone.</p>
APPENDICES				
APP5	App5	Support in part	It is noted that the NPSIB is planned to come out Dec 2022. The plan should give effect to the NPSIB in regard to the criteria for significance.	Retain
Schedules				
SCHED 5	Notable Trees 3, 14, 40, 73, 90, 114, 119, 129, 132, 143, 154, 155, 160, 156, 167, 168, 161, 5 and SG-9	Support	These trees should be included SCHED 5	Retain
	Notable Trees	Support with Amendments	These trees were recommended for inclusion in SCHED5 earlier but do not appear to be included in the Notified SCHED5	<p>Include:</p> <p>Kowhai – Kingsdown south of Timaru, east of SH1 about opposite Campbell Road</p>

				<p>Kowhai – Pareora east of SH1 in a paddock near the bridge over the Pareora River</p> <p>Kowhai – on the escarpment near Davison Rd east of Cave</p> <p>Kahikatea – Gunnions Bush Temuka Domain, a fine specimen which was planted by Mayor Gunnion in 1912, as is understood – the juvenile itself came from Kakahu Bush according to the records. This tree is a far better specimen than the nearby forked totara which has been listed as a notable tree. So, recommend the kahikatea also be listed as a Notable Tree.</p> <p>Kanuka – one sole original small native tree on the northeast side of the Upper Orari Bridge, SH 79.</p> <p>Totara – one fine medium sized specimen, on Rise Road east of Winchester, and before the Factory Rd intersection. It is growing just inside the fence line on the SW side of Rise Road. (recommended)</p>
	Notable Trees	Oppose	Oppose the inclusion of some of the trees are possibly pest trees under the Canterbury Regional Pest Plan and should not be protected under the RMA. It also seems contrary to the purpose of ECO-R7 which makes the planting of sycamores, ash, and other pest trees a non-complying activity.	<p>Delete:</p> <p>Tree #SG-13 and tree #144</p> <p>There may also be other trees, such as ash and sycamore, that should be deleted because of their status under the Canterbury Regional Pest Plan.</p>

			<p>In particular ash and sycamore trees, which can spread widely by the production of large quantities of seed that is carried by wind.</p> <p>In particular there is a stand of sycamore which have been included as Notable trees, SG-13 (located at Flatmans Crescent / McKenzie St, Geraldine). This tree is close to the Talbot Forest which is an important and significant stand of native bush and trees.</p> <p>Also tree 144 a sycamore, in the Temuka Domain is not supported.</p>	
SCHED7	SNAs	Support in part	Support the inclusion of all the SNAs. However, that this is an ongoing process, and the Council should add more SNAs as they become known to the schedule	Retain and add to as new SNAs become known.
SCHED9	Outstanding Natural Features	Support in part	Support the inclusion of all the ONFs. However, that this is an ongoing process, and the Council should add more ONFs as they become known to the schedule	Retain and add to as new ONFs become known.
SCHED 8	Outstanding Landscapes	Support in part	Support the inclusion of the existing ONLs. ONL 2 should be called Mt Peel and the Four Peaks Range. The schedule needs to include the Two Thumb, Hall, and Gammack Range ONL that straddles the boundary between the Timaru and Mackenzie Districts. This would better give effect to the CRPS.	Retain and correct the name of ONL 2 Add the Two Thumb, Hall, and Gammack Range ONL as set out in APP 4 of the CRPS
SCHED 14	Attributes/Qualities of Coastal High	Support in part	Support the inclusion of all coastal high natural character areas. However, that this is an ongoing process, and the Council should	Retain and add as new areas become known.

	Natural Character Areas		add more coastal high natural character areas as they become known to the schedule	
SCHED 17	River Protection Areas	Support in part	<p>In Forest & Bird's view the entire river is a protection area. This is consistent with a Te Mana o te Wai, the overarching objective of the National Policy Statement for Freshwater Management.</p> <p>While it is positive that the plan includes stretches of rivers considered for protection, rivers are dynamic and genuinely protecting particular stretches is reliant on the protection of the river as a whole. For example, the Rangitata Water Conservation Order applies to the whole of the river from its source to the sea. Unless</p>	Retain and add more stretches and preferably the whole of a river from its source to the sea.

Jane Marine

From: PDP
Sent: Friday, 23 December 2022 9:32 am
To: Nicky Snoyink
Subject: RE: SAVED CM: FW: F&B Submission to Proposed Timaru District Plan

Good Morning Nick Snoyink,

Thank you for your submission for Forest and Bird. You will be provided with a unique identifier and a copy of your submission when it has been uploaded into the system. Following the consultation period all submissions will be summarised and a 'Summary of Submissions' will be published for further submission.

regards

From: Nicky Snoyink <N.Snoyink@forestandbird.org.nz>
Sent: Wednesday, 21 December 2022 4:36 pm
To: PDP <pdp@timdc.govt.nz>
Subject: SAVED CM: FW: F&B Submission to Proposed Timaru District Plan

Good afternoon,

Please find attached an updated submission from Forest & Bird to replace the submission sent last Thursday 15 December 2022. In the event that the Hearing Chair has accepted our waiver and exemption request, please replace the current version of the submission with this version.

Thank you very much.

Merry Christmas & best wishes for 2023.

Kind regards,
Nicky

From: Nicky Snoyink
Sent: Thursday, 15 December 2022 5:01 pm
To: pdp@timdc.govt.nz
Subject: F&B Submission to Proposed Timaru District Plan

Kia ora,

Please find attached Forest & Bird's submission on the proposed Timaru District Plan.

Please note that the submission is incomplete. Forest & Bird has applied for a waiver and extension of four working days until close of business Wednesday 21 December 2022. Should the waiver and extension be granted a final submission will be filed on this day and this one withdrawn.