



Forest & Bird

TE REO O TE TAIAO | *Giving Nature a Voice*

To: Hearing Commissioners

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Hearing A – Overarching Matters, Part 1 and Strategic Directions – Speaking Notes

9 May 2024

Introduction

1. My name is Nicola Lee Snoyink.
2. I am the Forest & Bird Regional Conservation Manager for Canterbury/West Coast.
3. Forest & Bird's key interest in the Timaru District Plan review is the Ecosystems and Biodiversity chapter and to ensure that the Strategic objectives provide appropriate high-level direction to protect and restore the district's indigenous biodiversity, consistent with national and regional policy.
4. The Timaru District and its land occupiers are often upheld as exemplary for protecting and restoring indigenous biodiversity through the district's Significant Natural Areas programme (SNA) and for its careful protection of habitat for the nationally critical pekapeka/ Long tailed bat and for the at-risk declining kororā/Little blue penguins. Forest & Bird commends the Council and land occupiers on the progress that has been made to date to ensure indigenous vegetation and habitat for native species survives and thrives in the Timaru District.
5. However we also acknowledge, that while good, the District's SNA programme is incomplete and there is work to do to ensure that it is completed and that the SNA that have been identified are protected and maintained, and where degraded are restored. The SNA are a key characteristic of the district's natural and cultural heritage and they are also important in providing resilience to the impact of climate change. This should be reflected in the Strategic Direction objectives.
6. Forest & Bird is grateful for the opportunity to be heard.

Interpretation

7. Forest & Bird supports the approach to the Strategic Direction objectives, in that there is no hierarchy between strategic objectives in this chapter and other chapter objectives and policies of the District Plan. Having considered the s42A report, we support the officer's

recommended amendment at point 2 of the Strategic Direction Interpretation section¹, to clarify that this lack of hierarchy applies with respect to other objectives and policies in the plan.

SD-O2 The Natural and Historic Environment

8. In its original submission, Forest & Bird sought to have SD-O2 split into two objectives, recognising the importance of natural and historic heritage to the Timaru district's character. This was deemed unnecessary by the s42A officer. However, the proposed amendments to SD-O2 are supported by Forest & Bird as they strengthen the direction to maintain, protect and restore indigenous biodiversity, particularly where it is degraded; and a separate clause is proposed to be added to recognise the important contribution of historic heritage to the District's character. This is supported.

SD-O3 Climate Change

9. As discussed by the s42A officer² Forest & Bird's submission (156.2) and (156.39) seeks that provisions provide space for native species to adapt to climate change; and to strengthen how the Plan will have regard to the Emissions Reduction Plan (ERP) and the National Adaptation Plan (NAP). The officer explains that it is not clear how ensuring there is room for native species to retreat, if necessary, could be provided for within a district plan, and has suggested buffers on SNA. He cautions that this could "lock up land that might never be needed". This is not Forest & Bird's intention.
10. The s42A officer suggests that this level of detail is not appropriate in the SD chapter and may be better dealt with at the relevant topic chapters³. Forest & Bird accepts that provision for resilience and adaptation may also fit within the topic chapters however the risk is that indigenous biodiversity is not considered when decisions on climate adaptation and for resilience are made, and vulnerable species and habitats could be lost due to a lack of foresight and planning. This issue is better addressed at the SD level to achieve integrated management. We recommend adding a clause regarding promoting the use of nature-based solutions to SD-O3. We suggest adding the following new clause 5 to AD-O3 to broadly give effect to the NPSIB Policy 4, that seeks to manage indigenous biodiversity to promote resilience to the effects of climate change:

5. Using nature-based solutions and providing space for the habitat of indigenous biodiversity to adapt and respond to climate change when considering any of the above, 1- 4."

11. Forest & Bird supports the Officer's proposed amendments to clauses 3 and 4, however with regard to renewable electricity, clause 4 should include in appropriate locations/places.

¹ 59. Hearing Report A s42A report revised Strategic Directions and Urban Form and Development Chapters
² 35 and 108. Hearing Report A s42A report revised Strategic Directions and Urban Form and Development Chapters

³ 112. Hearing Report A s42A report revised Strategic Directions and Urban Form and Development Chapters

SD-O4 Natural Hazards

12. As above in SD-O3 Forest & Bird is concerned that resilience and adaption for indigenous species are not adequately considered when addressing natural hazards. We suggest the following amendments:

Natural hazards risks are addressed so that:

1. areas subject to natural hazards and risk are identified, including habitat of significant indigenous flora and fauna;
2. development is avoided in areas where the risks of natural hazards to people, property and infrastructure are assessed as being unacceptable, including where allowing development would prevent the habitat of significant indigenous fauna and flora from adapting to or having resilience to climate change; and
3. for other areas, natural hazards risks are appropriately mitigated.

SD-O1 Residential Areas and Activities, SD-O7 Centres, and SD-O9 Rural Areas

13. In its original submission (156.45) Forest & Bird sought to integrate the protection and maintenance of indigenous biodiversity into the rural area and proposed including another clause to SD-O9: protecting and maintaining indigenous biodiversity in rural areas. The officer considers this unnecessary because indigenous biodiversity is addressed in SD-O2.
14. Forest & Bird's concern is that the proposed approach separates indigenous biodiversity protection and maintenance from the management of environments in which it occurs. For example, indigenous biodiversity is not recognised as a characteristic of the rural environment or urban centres. This results in separate objectives which potentially conflict and could lead to ad-hoc decision making on matters where there could be greater alignment. This does not achieve integrated management.
15. Protecting and maintaining indigenous biodiversity is a district wide matter and as discussed above, it is and should be recognised as a key characteristic of the district in the rural and the urban/residential areas. However we accept that wording Forest & Bird suggested didn't integrate as well as it could have for this objective.
16. Forest & Bird recommends adding the following clause SD-O9:

SD-O9 7. recognising indigenous biodiversity values as an important part of the character, qualities and amenity values of rural areas.

17. Forest & Bird considers a similar amendment should be made to the SD-O1 for residential areas and SD-O7 Centres for consistency and for integration in those areas too:

SD-O1 5. recognising indigenous biodiversity values as an important part of the character, qualities and amenity values of residential areas

SD-O7 4. are maintained to protect and restore indigenous biodiversity.

SD-O9 7. recognising indigenous biodiversity values as an important part of the character, qualities and amenity values of rural areas.

Urban Form and Development

UFD-O1 Settlement Patterns

18. Forest & Bird has some concerns with amendments recommended by the s 42A officer to UFD-O1. Forest & Bird's original submission on the UDF strategic objectives sought to retain "reduces" and add direction to manage adverse effects in SD-O1 and to add another objective for consistency with other provisions in the plan for how adverse effects were to be avoided, remedied or mitigated, as noted in the s42A officer's report,⁴ Forest & Bird (156.47 and 156.48).
19. The officer has recommended accepting Kāinga Ora (229.13) and accepting in part Forest & Bird's submission (156.47) amending UFD-O1 clause 3 by replacing "reduces" with "minimises". The officer considers it is not always possible to "reduce" adverse effects. The original wording would mean considering how new development reduced existing or anticipated impacts, whereas the new wording would only require minimising whatever impact the development may have. This changes the meaning of the clause and is not consistent with Forest & Bird's relief sought.
20. No longer would carbon emissions need to be reduced, rather they would just be minimized, which may mean an increase. Similarly, the change in wording would not prevent an increased adverse effects on the environment. Forest & Bird sought to include "and manage" as this is pragmatic, even where adverse effects are reduced, they still need to be managed. This objective is about consolidated and integrated settlement pattern, it is not about specific activities, as such Forest & Bird considers the wording it supports is more appropriate.
21. The s42A officer⁵ has also recommended an amendment to UFD-O1 clause 6 that inappropriately changes the meaning of that clause in our view. Rather than avoiding such areas the amendment would mean avoiding significant adverse effects on them. This could mean that such areas are not avoided at all and incremental impacts and losses will occur. It would be much clearer to avoid the area in the first place. Again, this objective is about consolidated and integrated settlement pattern, it is not about specific activities. As such Forest & Bird considers the notified wording is more appropriate and that how or the extent to which adverse effects are to be avoided, remedied or mitigated is addressed by other provisions as sought by Forest & Bird (156.48).
22. Forest & Bird accepts that the additional wording it sought may not be needed⁶ however the amendment proposed by the officer to clause 6 does not leave such direction on avoidance of adverse effect to other plan provisions and is not supported by Forest & Bird. We seek that the Commissioners reject the s42A officers recommendation on clause 6.

6. avoids ~~significant adverse effects on~~ areas with important natural, cultural and character values;

⁴ 263 – 264. Hearing Report A s42A report revised Strategic Directions and Urban Form and Development Chapters

⁵ 290. Hearing Report A s42A report revised Strategic Directions and Urban Form and Development Chapters

⁶ 282. Hearing Report A s42A report revised Strategic Directions and Urban Form and Development Chapters

Definitions

Department of Conservation Activities

23. The S42A officer⁷ has recommended deleting the definition “Department of Conservation activities” and has considered including a definition for “conservation activities”⁸. Ultimately the officer has rejected including such a definition, although they consider wording similar to that proposed by the Department of Conservation may be appropriate.
24. Forest & Bird’s submission was in support of the current definition. While we accept the s42A officer’s reasons for deleting that definition, we consider that an alternative definition should be included given the number of provisions which provide for “conservation activities”.
25. However, we are concerned that an alternative definition could provide for a very different scope of activities. In our view any alternative/replacement definition needs to be clearly defined and limited to only those conservation activities where there is certainty as to the appropriateness of the activity. This is because the plan includes directive enabling provisions on this term “conservation activities”.
26. The Department of Conservation recommends a definition for conservation activity, which is generally supported by Forest & Bird. However, we consider there may need to some refinement to the inclusion of “track construction and maintenance” so that activities under this definition are carried out consistent with provisions for protection of SNA and vegetation clearance:

Conservation Activity

Means the use of land for any activity undertaken for the purposes of management, maintenance and enhancement of ecological values for indigenous vegetation and fauna and their habitats. Examples of component activities of conservation are:

- Restoration planting
- Pest and weed control
- Track construction and maintenance
- Fencing.

Thank you for the opportunity to present.

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Canterbury/West Coast

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⁷ 174 - 177. Hearing Report A s42A Part 1 Overarching matters, Introduction and General Definitions

⁸ 266 – 277 . Hearing Report A s42A Part 1 Overarching matters, Introduction and General Definitions