

Before the Independent Hearing Panel
Appointed by the Timaru District Council

Under Schedule 1 of the Resource Management Act 1991 (**RMA**)

In the matter of Submissions on the Proposed Timaru District Plan

Between **Various**
Submitters

And **Timaru District Council**
Respondent

Elizabeth (Liz) Jane White – Hearing D - Interim Reply

Ecosystems and Indigenous Biodiversity; Natural Character; and Natural Features and Landscapes

18 December 2024

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Introduction

- 1 My name is Liz White. I am a self-employed independent planning consultant (Liz White Planning). I prepared the s42A report on the Ecosystems and Indigenous Biodiversity; Natural Character; and Natural Features and Landscapes provisions. I confirm that I have read all the submissions, further submissions, submitter evidence and relevant technical documents and higher order objectives relevant to my s42A report. I have the qualifications and experience as set out in my s42A report.
- 2 The purpose of this statement is to:
 - (a) respond to direction contained in Hearing Panel Minute 19; and
 - (b) provide an interim reply to the matters raised in evidence before the Proposed District Plan (PDP) Hearings Panel on the Ecosystems and Indigenous Biodiversity; Natural Character; and Natural Features and Landscapes provisions.
- 3 A final reply responding to the unresolved matters will be provided to the Hearing Panel at the conclusion of the hearing process.
- 4 The table attached at **Appendix A** contains my updated recommendations, including reasons, having regard to all of the evidence given by submitters before, during and after Hearing D. That table also includes a section 32AA assessment for all amendments recommended since my section 42A report was published.
- 5 Marked up versions of the ECO, NATC and NFL chapters containing my updated recommendations are attached at **Appendix B**.

Panel directions – Minute 19

- 6 The Panel made a number of directions or asked me to address specific questions. These are set out in **Appendix C**, along with my response to each.

Liz White

18 December 2024

APPENDIX A

Issues Raised in Evidence / Submitter Presentations - Ecosystems and Indigenous Biodiversity; Natural Character; and Natural Features and Landscapes - Hearing D

Notes:

- 1 *Status: The status of the issue reflects my understanding of the status of resolution as between those submitters who pre-circulated evidence for Hearing D. It does not attempt to reflect whether the issue is agreed between submitters who did not pre-circulate evidence for Hearing D.*
- 2 *Status: An asterisk (*) against the status denotes where I have made an assumption based on the amendments I have recommended. However, I am not certain as to that status because the amendments I have recommended are different to that sought by the submitter.*
- 3 *Relevant submitters: Relevant submitters are those who pre-circulated evidence for Hearing D. Other submitters who did not pre-circulate evidence may be interested in the issue (as submitters in their own right, or as further submitters) but they have not been listed here.*
- 4 *Orange shading identifies matters still outstanding. Light orange shading identifies matters partially resolved only. Green shading identifies matters which were identified as outstanding in the Summary Statement but have since been resolved through recommendations included in this Interim Reply.*

Issue	Relevant provision(s)	Status	Relevant submitter(s) / Evidence	Post-Hearing Officer's Interim Reply
Farming activities are undertaken in areas defined as riparian margins and may conflict with natural character values set out in NATC-P1. Changes recommended in s42A Report will enable more certainty around the farming activities.	NATC-P4, NATC-P5, NATC-P6, NATC-R3	Resolved	Rangitata Dairies [44.7, 44.8, 44.9, 44.10]- Letter of Justin O'Brien.	
Rule relating to clearance of trees in Long-Tailed Bat Habitat Protection Area should better align with DOC protocols and not require a qualified ecologist's input for	ECO-R4	Resolved	Port Blakely [94.8] – Evidence of Zachary Robinson, paras 48-55.	Wording now agreed with Port Blakely, ECan and Dir. General Conservation – Refer Row 2 in Appendix C.

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the initial assessment of potential roost trees.				
Accepts recommendations on submissions points	ECO-P2, ECO-P5, ECO-R1.1, ECO-R1.2 and ECO-R1.4 NATC-R1, NATC-R3 NFL-R7.1	Resolved – <i>Noting that Appendix 1 should be relied on in terms of an advice note being included in ECO-R1.4</i>	Port Blakely [94.8] – Evidence of Melissa Pearson, paras 10	
Amend advice notes relating to commercial forestry activities being regulated under the NES-CF to apply them consistently across the ECO and NATC chapters, particularly with respect to the rules applying to earthworks and indigenous vegetation clearance in High Naturalness Water Bodies.	ECO-R1.3 (moved from NATC-R1)	Resolved*	Port Blakely [94.8] – Evidence of Melissa Pearson, paras 11	<p>I agree with Ms Pearson that it is appropriate for the exemption to apply to ECO-R1.3, for the reasons she sets out.</p> <p>I note that Ms Vella has also outlined the observations of the Court in relation to the effect of advisory notes in District Plans, in the context of my recommendations to include an advisory note relating to the regulations on the NES-CF. She notes that an advice note would not legally have the effect of excluding identified activities from the application of the rule, and it would therefore be prudent to ensure that it is clear from the provisions as to how the PDP rules apply to activities regulated by the NES-CF.</p> <p>Taking the above into account, I have considered alternate option to the use of an 'advice note'. In my view, removal of the note would not be clear as to whether or not the rules applied to plantation forestry activities regulated under the NES-CF, i.e. whether or not the Council had intentionally exercised stringency in relation to these provisions. I also note that if instead, the advice note were converted to a 'rule' (e.g. an additional PER standard), this would, in my view, essentially duplicate the provisions in the NES-CF and therefore contradict the direction in s44A of the RMA. What is needed, in my view, and having discussed this with Ms Pearson, is to be</p>

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				<p>clear in the rules which activities are not regulated under the PDP rules (because they regulated under the NES-CF). From a drafting perspective, and to avoid any issues with the status of an "advice note", I recommend that "advice note" is removed, and just a statement setting out what the rule does not apply to, is retained. This then forms part of the rule itself. This is consistent with the approach taken in NOISE-R1 (which lists noise that is otherwise exempt from complying with that rule.) The amendment (to ECO-R1.1, ECO-R1.2, ECO-R1.4 NATC-R3.1, NATC-R3.2) and the wording to be added to ECO-R1.3, is:</p> <p><u>Advice Note</u> <u><i>This rule does not apply to [xx] associated with a commercial forestry activity which is regulated under the National Environmental Standard for Commercial Forestry.</i></u></p> <p>Under s32AA, I consider that removing reference to 'advice note' but retaining the exemption for activities regulated under the NES-CF will provide greater clarity, while still avoiding unnecessary duplication of the NES-CF.</p>
The s42A recommendation uses the word 'practical' rather than 'practicable'	NATC-P4	Resolved	Transpower [159.74] – Evidence of Ainsley McLeod, para 27.	In my Summary Statement (at para 6) I confirmed that the changes recommended to NATC-P4 were intended to refer to " <i>practicable</i> ", and that it was in error that the word " <i>practical</i> " was used. This has been corrected in Appendix B. The s32AA set out in para 8.5.15 of the s42A Report correctly refers to " <i>practicable</i> ".
Need to include cross-reference to National Grid specific policy, if that is accepted in Hearing E	ECO-P5, NATC-P4, NFL-P3, NFL-P4	Resolved <i>(noting this is reliant on changes being made to the Energy and</i>	Transpower [159.71] – Evidence of Ainsley McLeod, paras 26, 28-29.	I agree with this change, if the submitter's request relating to the Energy and Infrastructure chapter is accepted. I note that Mr Willis has recommended a separate new policy specific to the National Grid (EI-PX) in his Section 42A Report for Energy and Infrastructure, Stormwater and Transport. On this basis, I have recommended updating these policies (as set out in Appendix B) to refer to the recommended new Policy EI-PX.

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		<i>Infrastructure Chapter).</i>		In terms of s32AA, I note that an assessment of the inclusion of the new policy EI-PX has been undertaken by Mr Willis (his para 6.26.26). In terms of referencing this in the relevant ECO, NATC and NFL chapter provisions, I consider that the changes ensure alignment across the Plan and are therefore more efficient.
Policy direction in relation to the upgrade of the National Grid	ECO-P2, NATC-P5	Outstanding	Transpower [159.70, 159.75] – Evidence of Ainsley McLeod, paras 39-45.	<p>I agree with Ms McLeod regarding the relevance of policy direction in higher order documents, noting that in relation to upgrades these direct:</p> <ul style="list-style-type: none"> - Facilitating upgrades (NPSET objective) - Recognition and provision for upgrades (NPSET Policy 2) - Enabling of minor upgrades (NPSET Policy 5) <p>CRPS Policy 16.3.4 also refers to enabling upgrades, but I note that this is not unfettered, and is subject to adverse effects being managed in the manner directed in that policy.</p> <p>The difference between these higher order directions and ECO-P2.5 and NATC-P5.5 is that these policies are <i>enabling</i> only (and implemented through permitted activity status). I therefore do not agree that amending these policies to enable all upgrades is required to align with the higher order direction.</p> <p>In the s42A Report (at para 7.7.16), I agreed in principle with amending the policy to enable minor upgrades, in order to give effect to Policy 5. However, I suggested that this might need to be accompanied by a definition. However, I note Ms McLeod's comments that because of the NESETA, the rules in the PDP would not apply to the operation, maintenance and upgrading (my emphasis) of existing National Grid transmission lines. I am therefore comfortable that as there is no rule relying on a definition of what is a 'minor upgrade', amending the policy direction to refer to minor upgrades is appropriate to align these policies with NPSET Policy 5. In essence, I</p>

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				<p>consider that “minor upgrades” are those permitted under the NESETA. I therefore recommend the following additional changes,</p> <p>to ECO-P2.5</p> <p>5. <i>for the operation, maintenance, or repair <u>or minor upgrade</u> of the National Grid; or</i></p> <p>and NATC-P5.5:</p> <p>5. <i>earthworks that are for the purpose of:</i></p> <p><i><u>a. maintenance and repair of existing fences, tracks, roads, railways, stock water systems, irrigation systems¹ or regionally significant infrastructure;</u></i></p> <p><i><u>b. the operation, maintenance, repair or minor upgrade of the National Grid;² or</u></i></p> <p><i><u>c. for limited new fencing and tracks.</u></i></p> <p>In terms of s32AA, I consider that the additional reference to minor upgrades at a policy level ensures that the direction in Policy 5 of the NPSET is appropriately given effect to.</p>
The Matters of Discretion that apply to the Natural Character Rules should reference the benefits of network utilities.	NATC-R2, NATC-R3.1, NATC-R5	Resolved	Transpower [159.70, 159.75] – Evidence of Ainsley McLeod, paras 46-54.	In my Summary Statement (at para 10(a)) I agreed with adding consideration of the benefits of activities within the matters of discretion included in the NATC chapter, consistent with the drafting used in the NFL and ECO chapters. The recommended addition is:

¹ Clause 10(2)(b) relating to Rangitata Dairies [44.10], Connolly, S [136.2]

² Transpower [159.75]

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				<p><u><i>any benefits that the activity provides to the local community and beyond.</i></u></p> <p>Under s32AA, I consider that the inclusion of this matter ensures a consistent approach is taken across the Natural Environment Values chapters of the PDP and it allows for the consideration of benefits that are addressed across other chapters of the PDP. I therefore consider this change is appropriate.</p>
<p>Considers that the new provisions recommended align with the Council functions under the RMA and direction of the NPSIB.</p>	<p>Recommended new policies (ECO-PX and ECO-PZ) and rule (ECO-R.1.4)</p>	<p>Resolved</p>	<p>Dir. General Conservation [166.29] – Evidence of Elizabeth Williams, paras 27, 40-41.</p>	
<p>The proposed plan should be amended to give effect to the NPSIB with respect to including policy guidance to avoid adverse effects on SNAs; and apply an effects management hierarchy approach to addressing significant adverse effects on indigenous biodiversity outside of SNAs, consistent with NPSIB clause 3.16</p>	<p>ECO-P3, ECO-P5, ECO-PX</p>	<p>Outstanding</p>	<p>Dir. General Conservation [166.14-16, 166.29, 166.38] – Evidence of Elizabeth Williams, paras 29 - 39.</p>	<p>My view remains as set out in para 7.8.18 of the s42A Report. In particular, I do not consider that it is possible to amend discrete aspects of the PDP to align with the NPSIB, because various provisions in the NPSIB are interrelated, and in my view, need to be considered in an integrated manner when the Council undertakes a plan change to give effect to the NPSIB in full.</p>
<p>The matters of discretion in ECO-R1.2 and ECO-R1.4 should be amended to ensure that if significant indigenous biodiversity is identified as</p>	<p>ECO-R1.2 and ECO-R1.4</p>	<p>Resolved</p>	<p>Dir. General Conservation [1166.29, 66.41] – Evidence of Elizabeth</p>	<p>As noted in my Summary Statement (at para 10(b)), I agree with further amending the matters of discretion in the ECO Chapter as suggested by Ms Williams and making the same change to ECO-R2. The changes are:</p>

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part of the resource consent assessment, the higher order direction to protect areas of significant indigenous vegetation and habitats of indigenous fauna are better considered.			Williams, paras 44-45.	<p><i>whether the indigenous vegetation is significant (when assessed against the APP5 — Criteria for Identifying Significant Natural Areas) and the <u>extent ability to which the proposal</u> retain <u>protects</u> any significant <u>biodiversity vegetation</u>;</i></p> <p>In terms of s32AA, I agree with Ms Williams that these further amendments better align with the wording of ECO-O1 which seeks to protect significant indigenous vegetation and habitats of indigenous fauna, and are therefore more effective at helping achieve that objective.</p>
The rule should be amended to only allow for the maintenance of improved pasture where it does not adversely affect a Threatened or At Risk (declining) species.	ECO-R1.4(8)	Resolved*	Dir. General Conservation [166.11FS] – Evidence of Elizabeth Williams, paras 46-50.	<p><i>Note - The specific wording and s32AA assessment is set out below in response to the evidence of ECan.</i></p>
The provisions within sensitive environments (ECO R1.2 PER-4) relating to clearance within areas of improved pasture should be amended to be consistent.	ECO-R1.2 and ECO-R1.4	Resolved	Dir. General Conservation [166.11FS] – Evidence of Elizabeth Williams, paras 51-52.	<p>As noted in my Summary Statement (at para 10(f)), I agree with amending ECO-R1.2 PER-4(d) to limit clearance within an area of improved pasture to the circumstances set out in other rules (i.e. ECO-R1.1 PER-6 and ECO-R1.4 PER-1.8), as follows, taking into account changes to these rules set out elsewhere:</p> <p>PER-4 <i>The clearance is of indigenous vegetation that:</i> ... d. <i>is within an area of improved pasture <u>and:</u></i> <i><u>i. is caused by grazing, that is not over-grazing/trampling, where grazing has previously been undertaken; or</u></i> <i><u>ii. is for the purpose of maintaining improved pasture outside any originally rare ecosystems within the upper Rangitata and provided the clearance is not of any 'threatened' or 'at</u></i></p>

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				<p><u><i>risk' indigenous species (in the New Zealand Threat Classification System lists); or ...</i></u></p> <p>Under s32AA, I consider that the changes will result in a more efficient rule framework, through providing a consistent approach across the rule framework. Note that the s32AA assessment provided in relation to the detail of the rules (ECO-R1.1 PER-6 and ECO-R1.4 PER-1.8) is set out elsewhere and applies equally to this rule.</p>
Supports the BPA overlay being extended to match the Canterbury maps bat habitat map.	BPA Overlay extent	Resolved	Dir. General Conservation [166.37] – Evidence of Elizabeth Williams, paras 53-54.	
Do not support the matters of discretion referring to an assessment demonstrated through use of an automatic bat monitor.	ECO-R4	Resolved	Dir. General Conservation [166.44] – Evidence of Elizabeth Williams, paras 54-55.	Wording now agreed with Port Blakely, ECan and Dir. General Conservation – Refer Row 2 in Appendix C.
Accepts recommendations on submissions points	ECO-O1, ECO-O2, ECO-P1, ECO-P2, ECO-P3, ECO-P5, ECO-R1, ECO-R5, Significant Natural Areas	Resolved	Silver Fern Farms [172.4-49-63, 172.159] – Letter of Steve Tuck.	

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	Overlay, APP-5 NATC-O1, NATC-P2, NATC-P3, NATC-P4, NATC-R1, NATC-R3, NATC-R4, NATC-R5			
Accepts recommendations on submissions points	ECO-O1, ECO-O2, ECO-P1, ECO-P2, ECO-P3, ECO-P5 ECO-R1, ECO-R2, ECO-R5, Significant Natural Areas Overlay, APP-5 NATC-O1, NATC-P2, NATC-P4, NATC-R1, NATC-R3, NATC-R4, NATC-R5	Resolved	Alliance Group [173.50-67, 173.151] – Letter of Doyle Richardson	

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The PDP contains confusing and unnecessary overlap with consenting for Regional Council activities within the beds of rivers.	ECO-P1 and APP5 (as it applies to the beds of lakes and rivers).	Partially resolved*	Rooney Group Ltd (& others) [174.2, 191.2, 249.2, 250.2, 251.2, 252.2] – Evidence of Nathan Hole, paras 9 – 33.	This is considered in detail in Row 1 and Table 1 of Appendix C. This includes recommendations as to where I consider that the PDP should be amended so that certain rules do not apply to activities in the beds of rivers, on the basis that they are already appropriately regulated under the CLWRP and additional regulation in the PDP is not required in order to achieve the outcomes sought in the PDP.
Opposed to extending the BPA to match the Canterbury Maps overlay on the basis of natural justice.	BPA Overlay extent	Outstanding	Rooney Group Ltd (& others) [174.34, 191.34, 249.34, 250.34, 251.34, 252.34] – Evidence of Nathan Hole, para 36.	I firstly note that Ms Vella has also addressed the recommended extension of the overlay. I accept that increasing the extent of this overlay will increase the number of landowners affected by the rule regime. This was acknowledged in the s32AA evaluation included in the s42A Report (at para 7.10.22), where I noted that extending the area where the controls apply will introduce greater costs, but I considered this to be outweighed by the environmental benefits of protecting roosting/nesting habitat. This remains my view. If the area is not extended, then there is a risk that roost trees in known habitat areas can be felled without any consideration of effects on long-tailed bats. I do not consider that this would be effective at achieving ECO-O1.
ECO-R4 should provide a more efficient and cost-effective pathway for landowners to gain advice prior to clearing any trees within the BPA rather than seeking resource consent.	ECO-R4	Outstanding	Rooney Group Ltd (& others) [174.34, 191.34, 249.34, 250.34, 251.34, 252.34] – Evidence of Nathan Hole, paras 34 - 40.	My view remains as set out in my s42A report at para 7.10.15. I accept that there are consenting implications for landowners wanting to fell trees which are larger than the permitted dimensions. However, Mr Rooney himself accepts that such trees may well provide habitat for the long-tailed bat. I also note that while these submitters are seeking a permitted activity pathway for landowners to remove trees within the BPA, Mr Rooney has not proposed any drafting as to how this might be achieved, or technical evidence to support how such a permitted rule would maintain bat habitat (in order to implement ECO-P4.2) and ensure protection of this significant habitat (in order to achieve ECO-O1).

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				For the avoidance of doubt, I consider that the permitted pathway sought by the submitter is different to the additional permitted rule agreed between me, DOC and ECan (refer below). This is because the latter applies only where a tree is being felled because it presents a risk to the integrity of a public flood or erosion protection scheme, and therefore, its removal will have a wider public benefit. In my opinion, this is different to a more limited private benefit.
Subdivision which does not intersect a boundary of an SNA will not have an impact on an SNA and should not be subject to a discretionary activity status.	ECO-R6	Outstanding	Rooney Group Ltd (& others) – [174.35, 191.35, 249.35, 250.35, 251.35, 252.35] - Evidence of Nathan Hole, paras 41 - 44.	My view remains as set out in my s42A report at paras 7.17.9 & 7.17.11. In this I noted that subdivision fencing or additional roading/accessways arising from a subdivision may affect vegetation that buffers or links an SNA. I have confirmed that Mr Harding agrees with this.
A new rule should be provided for the clearance of indigenous vegetation that is for a quarrying activity, as a restricted discretionary activity.	New rule in ECO Chapter	Outstanding	Rooney Group Ltd (& others) [further submission relating to Road Metals [169.21] and Fulton Hogan [170.22]]– Evidence of Nathan Hole, paras 45 - 48.	My view remains as set out in my s42A report at para 7.19.3. In particular, I note that the NPSIB applies differently to different types of aggregate extraction, and therefore a rule applying to all quarrying would not align with the more nuanced approach contained in the NPSIB. As noted in response to the questions of the Panel, I have also considered whether amendments could be made at a policy level, to provide a policy pathway for aggregate extraction in those circumstances that are contemplated by the NPSIB. However, I consider that to properly give effect to NPSIB would require a range of changes to the policy framework and I do not consider it appropriate to do this in relation to quarrying activities only, ahead of the provisions being fully reviewed to align the NPSIB.
Oppose boundary adjustment subdivisions, or subdivisions facilitating primary production activities being included in the	NFL-R9	Partially Resolved	Rooney Group Ltd (& others) [174.39, 191.39, 249.39, 250.39,	In my summary statement I recommended that NFL-R9 be amended to exclude the application of the rule to boundary adjustments. In terms of s32AA, I consider that for these types of subdivisions, which do not allow for the creation of additional lots, sufficient control is provided through the

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rule, and request VAL overlay being removed in its entirety from the rule.			251.39, 252.39] – Evidence of Nathan Hole, paras 49 - 52.	<p>default controlled activity status otherwise applying under SUB-R1, and therefore excluding them from NFL-R9 will not compromise the achievement of NFL-O1. However, a controlled activity status provides a more streamlined resource consent process which I anticipate will reduce costs, and therefore be more efficient.</p> <p>My view in relation to subdivisions facilitating primary production activities, and subdivisions in the VAL overlay remains as set out in my s42A report at para 9.14.6.</p>
Accepts recommendations on submissions points.	Policies and rules of the Ecosystems Chapter and Natural Character Chapter, ECO-R2, NATC-R1, NATC-R3, NFL-P2, NFL-P4, NFL-R3,	Resolved	OWL [181.61-65, 181.75, FS 181.3-4, FS 181.7, FS 181.11-181.13] – Evidence of Julia Crossman, para 3.3.	
Amend so that an “or” is included after this clause.	NATC-R3 PER-4	Resolved	OWL [181] – Evidence of Julia Crossman, paras 2.2 and 3.5.	As set out in my Summary Statement (at para 7), the exclusion of “or” at the end of this clause was a drafting error, and including it is appropriate to confirm the drafting intent and avoid any possible confusion.
Advice note should be included in ECO Chapter to state that rules do not apply to clearance of vegetation or earthworks within SNAs in the beds of lakes and rivers, which	ECO Chapter	Partially Resolved	OWL [181] – Evidence of Julia Crossman, paras 2.3 and 3.6-3.7.	This is considered in detail in Row 1 and Table 1 of Appendix C. This includes recommendations as to where I consider that the PDP should be amended so that certain rules do not apply to activities in the beds of rivers, on the basis that they are already appropriately regulated under the CLWRP and additional regulation in the PDP is not required in order to achieve the outcomes sought in the PDP. However, my recommendations do not extend

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are activities that are within the functions of the Regional Council.				to excluding application of all PDP rules from applying in riverbeds, as in some cases I consider that the PDP rules are necessary and appropriate to ensure the objectives in PDP will be achieved.
Accepts recommendations on submissions points.	ECO-O1, ECO-O2, ECO-O3, ECO-R2, ECO-R3, ECO-R4, ECO-R5, ECO-R6, ECO-R7	Resolved	Federated Farmers [182.100, 182.101, 182.106, 182.107, 182.108, 182.109, 182.110, 182.111] – Statement of Rachel Thomas and Greg Anderson, paras 6-7, 16-21.	
A new policy should be included to provide for existing activities to occur.	New policy	Outstanding	Federated Farmers [182.104] – Statement of Rachel Thomas and Greg Anderson, paras 8-11.	My view remains as set out in my s42A report at para 7.11.5. While the submitter has provided an additional drafting option taken from the proposed Gore District Plan, it is not clear to me how it is intended that this would be incorporated into the drafting of this district plan. To the extent that I consider it appropriate to provide for the continuation of existing farming practises (beyond existing use rights, which already apply), I consider the previously recommended changes to ECO-P2 are sufficient.
The setback distance from wetlands should be aligned with the NESF, and caution exercised in determining this rule as the RPS and the L&WP	ECO-R1.2	Outstanding	Federated Farmers [182.105] – Statement of Rachel Thomas	My view remains as set out in my s42A report at para 7.13.31, being that the setback distances in the NESF and those in the PDP serve different purposes. More specifically, my understanding is that water body setbacks in the NESF relate to managing the effects of land use on water quality, noting that activities in closer proximity to waterbodies can have greater

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are yet to be notified and may dictate a different approach.			and Greg Anderson, paras 12-15.	adverse effects. ECO-R1.2 is however about managing the clearance of indigenous biodiversity that is near a waterbody to maintain indigenous biodiversity. In addition, I do not consider it appropriate to amend the rule based on what the new RPS or L&WP may say, which has no weight at this time, and is, in any case, as yet unknown.
The definition does not exclude vegetation clearance which is ancillary to primary production activities which are important for safety reasons and can provide ecological benefits. Farmers should not have to incur unnecessary delay and cost for routine vegetation clearance which will result in no more than minor adverse environmental effects. Definition should also remove reference to grazing.	Definition of 'indigenous vegetation clearance'	Outstanding	Federated Farmers [182.8] – Statement of Rachel Thomas and Greg Anderson, paras 22-28.	<p>I do not agree with amending the definition of 'indigenous vegetation clearance' to remove reference to grazing. The statement appears to rely on the reason for this as being because the recommended new standard in ECO-R1.4 PER-1.8 permits grazing that is not overgrazing/trampling. However, the effect of removing reference to grazing in the definition is that the new standard would never apply, because grazing would not be considered a form of clearance. In my experience, it is common in other plans for grazing to be included in this definition.</p> <p>With respect to excluding any vegetation clearance which is ancillary to primary production activities, I consider that this would render the rule ineffective, as it would essentially allow for any clearance of indigenous vegetation (including in SNAs and in other sensitive areas identified in ECO-R1.2) that was undertaken in relation to a primary production activity. I do not agree that such clearance will result in no more than minor adverse effects, and I consider this approach would allow for clearance that would compromise the protection of SNAs and maintenance of other indigenous biodiversity. Finally, I consider that the change would result in debate and uncertainty as to what clearance is "ancillary" to a primary production activity.</p>
Remove the 2m width clearance limit from PER-1.	ECO-R1.4 PER-1	Resolved	Federated Farmers [182] – Statement of Rachel Thomas and Greg	This is addressed in Row 5 of Appendix C, where I have recommended that the limit be removed, for the reasons set out.

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			Anderson, para 29.	
Accepts recommendations on submissions points.	ECO-O2, ECO-O3, ECO-P1, ECO-P2, ECO-P4, ECO-P5, APP5, 'Indigenous Vegetation' definition, 'Improved Pasture' definition, 'Significant Natural Area or SNA' definition NATC-O1, NATC-P2, SCHED8, SCHED9 NFL-O1, NFL-P1, NFL-R9	Resolved	ECan [183.69, 183.70, 183.71, 183.72, 183.75, 183.167, 183.14D, 183.14C, 183.8] – Evidence of Deidre Francis, paras 31-34, 40-46.	
"Areas of" should be added to the start of the objective to fully align with the language of s6(c) and give effect to CRPS Objective 9.2.3.	ECO-O1	Resolved	ECan [183.68] – Evidence of Deidre Francis, paras 36–39.	As set out in my Summary Statement (at para 10(g)), I agree with a further slight amendment to ECO-O1, as follows: <i>The values of s Areas of sSignificant indigenous vegetation and significant habitats of indigenous fauna across the District are protected.</i>

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				Under s32AA, I consider that this is more appropriate to achieve the purpose of the RMA, as it will better align with the wording used in both s6(c) and CRPS Objective 9.2.3.
<p>The recommended new policy (ECO-PX) and rule (ECO-R1.4) largely address the concerns raised by the submitter, in relation to the clearance of indigenous vegetation and as such give effect to the CRPS. However, this is subject to:</p> <ul style="list-style-type: none"> - the definition of 'improved pasture' being retained; - further clarity being provided over 'cultivated land' in PER-1.6; - the term 'depositional landforms' being further described or possibly mapped to increase the certainty of where these occur in the upper Rakitata catchment <p>Concerns also remain over whether significant habitats for indigenous fauna are adequately covered if the habitat they depend on is not indigenous vegetation.</p>	ECO-R1.4	Resolved*	<p>ECan [183.8] – Evidence of Deidre Francis, paras 47–58.</p> <p>Evidence of Jean Jack, paras 24-29.</p>	<p>As noted in my Summary Statement (at para 10(h)), to provide greater certainty regarding terms proposed to be used in the recommended Rule ECO-R1.4, I support additional definitions, or changes to the wording of the rule being made, in relation to 'cultivated land' in PER-1.6 and 'depositional landforms' in PER-1.8. The Summary Statement noted that in response to the evidence, Mr Harding favoured amending the rule to refer to 'naturally uncommon ecosystems', with these defined by reference to specific sources. Following further discussion with Mr Harding, I suggest that PER-1.8 refers to "<i>originally rare ecosystems</i>", with the definition of this included in the CRPS then included in the PDP. I understand that 'originally rare' and 'naturally uncommon' mean the same thing, with the former commonly used at the time the CRPS was drafted, and the latter used more commonly now. However, to provide certainty, I consider it most appropriate to use the term provided (and defined) in the CRPS. The specific drafting is set out below. (This includes reference to 'threatened' or 'at risk' species as sought by Dir. General Conservation – refer above):</p> <p><u>PER-1</u></p> <p><i>The clearance is for the purpose of:</i></p> <p><u>... 6. maintaining cultivated land where cultivation has been undertaken within the past 15 years.</u></p> <p><u>...8. maintaining improved pasture by way of oversowing and/or topdressing.:</u></p> <p><u>a. outside any depositional landforms originally rare ecosystems within the upper Rangitata; and</u></p>

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				<p><u><i>b. provided the clearance is not of any 'threatened' or 'at risk' indigenous species (in the New Zealand Threat Classification System lists); and ...</i></u></p> <p>Add the following definition to the PDP:</p> <p><u><i>Originally rare ecosystems, in relation to terrestrial ecosystems, "originally" means the ecosystem type was present when Māori arrived, and still exists today. "Rare" means the total extent of each originally rare ecosystem type is less than 0.5 percent of New Zealand's total area – that is, less than 134,000 hectares. A published list of originally rare terrestrial ecosystem types has been compiled by Landcare Research and is available from that organisation.</i></u></p> <p>Under s32AA, I consider that the additional changes to clause 8 will better assist in the achievement of ECO-O1, through limiting clearance in areas, or of species, that would meet the criteria under the CRPS as being significant. This, in turn, ensures that the rule package gives effect to the CRPS. I consider that the changes to clause 6 will ensure that the rule does not allow for clearance of land that has not been cultivated for some time, and as a result, has the potential to support indigenous biodiversity. In my view, this better assists in the achievement of ECO-O1 and ECO-O2. I note that there are costs associated with further limits on the circumstances in which indigenous vegetation clearance is permitted. However, I consider that the benefits of the approach, in terms of protecting significant indigenous biodiversity and maintaining other indigenous biodiversity, outweigh these costs.</p>
Provide an addition to Rule ECO-R4 to provide a permitted activity pathway for both Councils.	ECO-R4	Resolved	ECan [183.79] – Evidence of Jolene Irvine, paras 26-44.	Drafting has been agreed between me, ECan and DOC, to provide for an additional permitted pathway for the clearance of trees which present a risk to the integrity of flood / erosion protection schemes administered by ECan, where specific requirements are met. (The agreed drafting was provided to

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				<p>the Hearings Panel in the Summary of Evidence Statement of Jolene Irvine.).</p> <p>In terms of s32AA, my view is that there are efficiencies in providing a permitted pathway for such clearance. I note that the circumstances in which clearance is permitted are limited to situations where the integrity of public flood / erosion protection schemes are at risk, and therefore allowing for such clearance will have a wider public benefit. I consider that the requirements ensure that an appropriate assessment is undertaken, including application of the most recent protocols, and there is an opportunity for input from the Council and DOC. I consider that this overall provides a balanced approach which seeks to protect long-tailed bat habitat as far as possible, while still ensuring the integrity of public flood / erosion schemes are not compromised. Overall, I consider that the rule is an efficient and effective way to achieve both the protection of significant habitats of indigenous fauna (ECO-O1) as well as providing for natural hazard mitigation works to reduce risks to people and property (NH-O3).</p>
<p>ECO and NFL schedules should cross-reference to SASM to ensure that the cultural values are fully recognised and protected as required by case law for landscape assessments.</p>	<p>SCHED7 SCHED8 SCHED10</p>	<p>Partially Resolved*</p>	<p>Te Rūnanga o Ngāi Tahu [185.38 -41] – Statement of Rachael Pull, Appendix A.</p>	<p>The Statement refers to the Boffa Miskell Landscape Report stating that it did not include the engagement of cultural specialist advice or Mana Whenua liaison, and generally, a lack of mana whenua involvement in the identification and protection of landscape values. I confirmed with Ms Pfluger that following the assessment undertaken in the Landscape Report, input was sought (and received) from AECL, with this incorporated in what was notified in the NFL schedules – for example, in ONF-4, the following associative values were included as a result of feedback provided by AECL:</p> <ul style="list-style-type: none"> • <i>Claremont Bush below the escarpment provides a habitat for a range of Taonga species, while tī kōuka is present across the escarpment.</i> • <i>The Pureora River was a mahinga kai for mana whenua living in the area. Historic sources specifically associate the river and its catchment with tuna and tī kōuka.</i> • <i>Parts of the Pureora River contain Wāhi Tapu sites.</i>

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				<ul style="list-style-type: none"> • <i>Mt Horrible is the source of Te Wharetawhiti, which is a recorded mahinga kai site.</i> <p>In my Summary Statement, I noted that Ms Pfluger and I both agreed that the associative values (and rating of them) set out in the NFL Schedules should accurately capture the values of these landscapes to mana whenua. I recommended that to the extent that they do not do so already (noting the previous input), they should be reviewed and amended accordingly. An opportunity was therefore provided to Ms Pull to identify those drafting changes she supported. Ms Pull advised that AECL would be best placed to identify if all the values rūnanga want identified are in the schedule.</p> <p>I have therefore discussed this with Ms Hall (a planner at AECL). She noted that while culturally significant aspects of some of the ONLs, ONFs and VALs have been noted, there may be other features or values that could be added. Ms Hall would be able to coordinate such a review by Arowhenua and identify any changes required (Option 1).</p> <p>I understand from Ms Hall that in some cases, the associative values of these landscapes and features are essentially identified in the SASM schedule. This might result (under Option 1) in the detail contained in the SASM schedules being replicated in the NFL schedules. As sought by Ms Pull, an alternate to this (Option 2) is that cross-references to the SASM schedules could instead be included, for example:</p> <p><i>Associative – [High / Moderate to High]</i></p> <p><i><u>The ONL/ONF/VAL also contains the following Sites and Areas of Significance to Māori: [XXXX]. Values pertaining to this/these areas are also set out in SCHED6 and form part of the Associative values of this ONL/ONF/VAL.</u></i></p> <p>If the Hearing Panel prefer Option 1, then I recommend that Arowhenua (via Ms Hall) be given the opportunity to identify specific changes that should be</p>

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				<p>made to the NFL schedule to ensure associated cultural values are identified as fully as possible. If the Hearing Panel prefer Option 1, then the specific drafting to be added to each ONL, ONF and VAL can be provided.</p> <p>For completeness I note that the Hearing Statement also refers to SCHED7 (relating to SNAs). However, the discussion in the Statement relates to landscapes, and I note that SCHED7 does not list values in the same way as the NFL schedules (it instead refers to ecological reports). Taking into account the changes recommended to the ECO Chapter rules (in particular the inclusion of the new rule ECO-R1.4 and associated matters of discretion which refer to effects on the mauri of the site, mahika kai, wāhi tapu or wāhi tāoka values) I do not consider that changes to SCHED7 are required.</p>
Accepts recommendations on submissions points.	NFL-O1, NFL-P1	Resolved	Te Rūnanga o Ngāi Tahu [185.8, 185.82] – Statement of Rachael Pull, Appendix A.	
Remove reference to “visual” amenity values, as amenity values have a broader meaning, and the schedule refers to ‘Landscape values and characteristics’ and the same terminology should be used in the objective.	NFL-O2	Partially Resolved*	Te Rūnanga o Ngāi Tahu [185.81] – Statement of Rachael Pull, Appendix A.	<p>As noted in my Summary Statement (at para 10(i)) I agree with amending the wording of NFL-O2 to refer to “<i>landscape values and characteristics</i>”, rather than “<i>landscape character and visual amenity values</i>”, as the former is more consistent with SCHED10. I note that this is not the wording sought by Ms Pull, but addresses her point about consistency between the terminology used in the objective and that in the schedule. For the same reason (and as a Clause 16(2) change) I recommend that reference to “<i>characteristics</i>” as well as landscape values, is added to NFL-O1, to align it with SCHED8 and SCHED9.</p> <p>Under s32AA, I consider that the changes are relatively minor, but will provide greater clarity to plan users about the connection between that outcome sought in NFL-O2 and the detail on the values and characteristics outlined in SCHED8, SCHED9 and SCHED10. In my view, the alignment of</p>

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				the wording in the objectives with the wording used in the schedules is therefore a more appropriate way to achieve s6(b) of the RMA.
The policy only considers 'non-intensive primary production', however rule NFL-R6 provides for all primary production as a permitted activity, meaning it should be a part of this policy also. There are also other appropriate activities that could be considered here (like conservation) that should not be considered under NFL-P4 (which includes activities not covered under this policy).	NFL-P2	Outstanding	Te Rūnanga o Ngāi Tahu [185.83] – Statement of Rachael Pull, Appendix A.	It is not clear to me what further changes are sought to NFL-P2 (if any). I consider that the drafting in NFL-P2 is consistent with the rule framework, as the policy refers to enabling " <i>certain activities... associated with existing primary production...</i> ", with the rules then detailing what those particular activities are.
<i>Add new policy: "Consider the incorporation of mātauranga Māori principles into the design, development and/or operation of activities in outstanding natural features and landscapes with cultural, spiritual and/or historic values, interests or associations of importance to Kāi Tahu and opportunities for Kāi Tahu to exercise their customary responsibilities as mana whenua and kaitiaki in respect of the feature or landscape."</i>	New Policy	Outstanding	Te Rūnanga o Ngāi Tahu [185.84] – Statement of Rachael Pull, Appendix A.	My view remains as set out in para 9.7.3 of the s42A Report. I consider that the matters raised in Ms Pull's statement are better addressed by the changes to the NFL schedules recommended above, noting that the wording of the policy does not appear to relate to the matters of concern identified by Ms Pull.

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Add permitted rule in NFL for "Kāti Huirapa Activities"	New Rule	Outstanding	Te Rūnanga o Ngāi Tahu [185.85] – Statement of Rachael Pull, Appendix A.	My view remains as set out in para 9.15.3 of the s42A Report. For completeness I note that if such a rule is included, the standards that are recommended to be applied are identified in Row 13 in Appendix C.
Add matters of discretion relating to the extent of any adverse social, cultural and environmental effects, including on any sensitive environments; and potential adverse effects on spiritual and cultural values and beliefs of Kāti Huirapa.	Matters of discretion in NFL-R1, NFL-R2, NFL-R3, NFL-R4, NFL-R5, NFL-R6, NFL-R7 and NFL-R8.	Outstanding	Te Rūnanga o Ngāi Tahu [185.86] – Statement of Rachael Pull, Appendix A.	My view remains as set out in para 9.8.4 - 9.8.5 of the s42A Report. However I consider that the changes to the NFL schedules recommended above will assist in ensuring that the cultural values associated with identified landscapes and features are clearly identified, and therefore able to be considered in any resource consent triggered under the NFL Chapter rules.
Use the term 'rail network' in NATC-P5.5 rather than 'railways'. "Rail network" is more appropriate as it captures all the interlinking and ancillary activities (including sidings, storage racks, tracks, loading and maintenance yards, and mechanical facilities which help to service the network) that are necessary to ensure the safe and efficient operation of the rail network.	NATC-P5.5 NATC-R1	Outstanding <i>(to be considered further)</i>	KiwiRail [187.54] – Letter of Michelle Grinlinton-Hancock, Appendix A.	As noted in my Summary Statement (at para 11), there is an inconsistency in the terminology used in my recommendations across the ECO and NATC chapters. I consider that there is a need for a consistent term to be used, but have not made a recommendation at this stage as to what this term should be, so that it is not considered in isolation from the ongoing discussions with the submitter arising from Hearing B.
Policy should not list out some regionally significant	ECO-P2	Outstanding	Connexa [176.70], Spark	I note that these submitters supported, and did not seek changes to the policy in their primary submission. The changes recommended to ECO-P2,

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<p>infrastructure and not others and therefore should be amended to refer to RSI broadly.</p>			<p>[208.70], Chorus [209.70] and One NZ/Fortysouth [210.70] – Evidence of Tom Anderson, paras 9 – 11.</p>	<p>which relate to specific types of infrastructure, arise from the scope of submissions made on this provision – none of which sought an extension of the policy to refer to all RSI. I have also considered the rule which implements the policy (ECO-R1.1) and note that the activities enabled (through a permitted status) are also limited to the specific types of infrastructure listed in the policy. Again, no submissions sought that rule be extended to apply to RSI more broadly. I therefore do not consider there to be scope for the changes sought by Mr Anderson.</p>
<p>Telecommunication facilities in road reserve (within ONLs and ONFs) should be permitted to a higher height of 25m, subject to lower reflectivity standards and a limit on overall width of 1m.</p> <p>Telecommunication facilities anywhere in VALs should be permitted to a height of 25m, subject to a limit on overall width of 1m.</p>	NFL-R3	Outstanding	<p>Connexa [176.73, 176.74, 176.75], Spark [208.73, 208.74, 208.75], Chorus [209.73, 209.74, 209.75] and One NZ/Fortysouth [210.73, 210.74 and 210.75] – Evidence of Tom Anderson, paras 12 – 25.</p>	<p>As set out in my Summary Statement (at para 10(j)), I have recommended some changes to NFL-R3 in relation to VALs – specifically to increase the permitted height for telecommunication facilities within VALs to 13m in the RLZ and 20m in the GRUZ, reflecting the permitted height otherwise applying in these zones. This is based on Ms Pfluger's advice that higher heights can be supported in VALs, given these are less sensitive and more modified rural environments than the more natural landscapes within ONLs. Ms Pfluger also supports the application of a lower reflectivity and maximum diameter to reduce the visual impact from the higher heights.</p> <p>As noted in my Summary Statement, Ms Pfluger considers that the visual effects of a 25m facility would differ from those associated with structures that are otherwise expected in these areas. For ONLs, she further notes that the terrain of ONLs in the Timaru District is comparable to the landscape within the Queenstown context, which has an 8m limit for telecommunication activities. As that is consistent with the height recommended for the PDP, I continue to consider it is appropriate.</p> <p>I accept that a higher height limit as sought by the submitters would better provide for operational and functional needs of these facilities. However, given the potential adverse effects of a higher height on the landscape values and characteristics of ONLs/ONFs and VALs, I do not consider that operational and functional needs justify a permitted status being applied. Instead, higher heights can be considered through a resource consent on a</p>

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				<p>case-by-case basis, to ensure that effects have been appropriately managed, in the manner directed in EI-P2.</p> <p>Overall, I recommend that NFL-R3 is amended to increase the permitted height applying to telecommunications activities (including the pole and antennae) in VALs to 13m in any Rural Lifestyle Zone or 20m in any General Rural Zone; to apply a 1m limit on the diameter of poles; and to require compliance with NFL-S5 (relating to reflectivity). The changes are set out in full in Appendix B. In terms of s32AA, I consider that the changes provide an approach that is more efficient, through providing for higher heights in VALs. I consider that the increased heights will still be effective at achieving NFL-O2, based on Ms Pfluger's comments that higher heights can be supported in VALs, given these are less sensitive and more modified rural environments.</p>
<p>First preference – leave management of activities in riverbeds to regional council (through removal of ONL/VAL from riverbed, or explicit exemption of rules being applied to riverbed areas).</p> <p>Second preference – Provide explicit exemption in rules for existing rock weirs</p> <p>Third preference – provide a permitted activity status for existing rock weirs, through either a new rule or changes to permitted activity rules and standards.</p>	<p>Application of ONLs and VALs to the riverbed</p>	<p>Resolved</p>	<p>Rangitata Diversion Race Management [234.1]</p>	<p>This is considered in detail in Row 1 and Table 1 of Appendix C, where, having considered the gaps and duplication between the PDP and CLWRP, I consider that it is appropriate to exclude application of the earthworks rules within ONLs and VALs to riverbeds. This recommendation aligns with the first preference of the submitter.</p>

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Impact of ECO and NFL rules on submitter's land and farming operations	SNAs and limestone features	Outstanding	Hart, J R [149.1, 149.2]	Row 9 in Appendix C provides details on the rules applying to the submitter's property. I have not recommended any additional changes in response of this submission.
Seeks that NATC-R4 is amended to also provide for a post and netting fence, stating that such a fence will be more appropriate in many situations.	NATC-R4	Resolved	Speirs, B [66.24]	<p>I noted in the s42A Report (at para 8.12.7) that in my view, “<i>post and wire</i>” fencing would include netting. However, I understand from the examples given by submitter and discussions with other s42A authors, that “<i>post and wire</i>” fencing is generally understood in the rural community to be limited to a particular type of fence and would not be understood to include deer fencing or netting required for predator-proofing. As I consider that fencing using netting would have a similar visual impact to a standard post and wire fence, I recommend the rule is amended as follows:</p> <p style="text-align: center;"><i>PER-1</i></p> <p style="text-align: center;"><i>The fence is a post and wire, <u>or post and netting fence</u> only.</i></p> <p>I note that the same concerns were raised by other submitters (Zolve [164.5] and Federated Farmers [182.130]) in relation to NFL-R4 PER-1, and I consider that the same applies to this rule, and therefore the same changes should be made.</p> <p>In terms of s32AA, I consider that the amendment will allow for fences with a similar visual impact to standard post and wire fences, and will therefore not undermine the natural character values sought to be protected in terms of NATC-O1 or the landscape values and characteristics sought to be protected in ONLs and ONFs or maintained in VALs. However, the expansion of the rule to cover more types of wire fences will be a more efficient approach, as it will avoid the costs associated with requiring a resource consent for such fences.</p>

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<p>Considers that in many cases a river is deeply incised in the landscape and there may be no distinct bank and no flood plain present. The submitter seeks that the definition is amended to include an additional diagram of a river without a flood plain (and consequently change the term 'figure' to 'figures').</p>	<p>Definition of 'Riparian Margin'.</p>	<p>Partially Resolved*</p>	<p>Speirs, B [66.6]</p>	<p>I note that the definition relies on the definition of 'bank', which in turn relies on the definition of 'bed', which is a definition from the National Planning Standards (and the RMA). I consider it appropriate to rely on these existing definitions.</p> <p>To avoid the concerns that the diagram used in the Definition of 'Riparian Margin' does not cover all examples, I recommend that the diagram is removed from the definition. Under s32AA, I consider that this will not alter the effect of the definition, but would avoid any confusion that may arise from the use of a diagram that may not apply in all situations.</p>
<p>Accepts recommendations on submissions points.</p>	<p>Recommended new ECO-PX to ECO-PZ, ECO – Introduction, ECO-O1, application of rules to Coastal Environment (rather than only within 20m of MHWS)</p>	<p>Resolved</p>	<p>Forest & Bird, speaking notes, paras 3-4, 7, 24.</p>	
<p>Support ECO-PX, but consider that ECO-PX and ECO-R1.4 would be more efficient and effective if they could be combined with the mapping of areas of fully converted or developed land. This would enable appropriate activities</p>	<p>ECO-PX and ECO-R1.4</p>	<p>Outstanding</p>	<p>Forest & Bird, speaking notes, para 5, 22-23, 33.</p>	<p>My view in relation to the mapping of fully converted land remains as set out in para 7.20.15 of the s42A Report. In any case, given the submitter supports the introduction of ECO-R1.4, it is not clear to me how the mapping referred to would assist with the implementation of the rule, given the rule applies to any areas not otherwise covered in ECO-R1.1, ECO-R1.2 or ECO-R1.3, and does not refer to "fully converted" or "developed land" which might be defined via mapping.</p>

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to be enabled and encouraged within these areas, while also limiting and discouraging new conversion of land that is likely to hold indigenous biodiversity values.				
Supports protection for long-tailed bats in the PDP. However, there are some remaining concerns, relating to bat-habitat outside the proposed overlay (does not consider the bat habitat mapping to be complete) and to the need for a suitably qualified person to carry out bat monitoring. Would prefer this rule to apply to all potential bat habitat in the district. The proposed overlay provides a good starting point but it is likely that important areas of bat habitat are not included in the overlay. Considers that assessments would be appropriate outside the overlay before potential bat habitat is removed.	ECO-P4, ECO-R4	Partially Resolved*	Forest & Bird, speaking notes, paras 6, 18-19, 30-31.	<p>I consider that the changes recommended to the BPA Overlay and to the wording of ECO-R4 go some way to addressing the concerns of this submitter.</p> <p>I consider that the recommendation to extend the BPA to match the Canterbury Maps overlay helps to ensure that the mapped area, and therefore the area within which the rules apply, are based on the most up-to-date information. I consider that it is appropriate for further changes to this to be considered through a Schedule 1 process, should additional mapping be completed.</p> <p>I also note that the wording now recommended in the matters of discretion in ECO-R4 refer to assessments being undertaken by a suitably qualified and experienced expert, and no longer allows for this to be substituted by bat monitoring.</p>
Does not support proposed changes to ECO-P2. Considers that the wording is broader than the exception	ECO-P2	Outstanding	Forest & Bird, speaking notes, paras 8-13.	With respect to grazing, I note that limitations on the frequency, intensity and scale of grazing permitted in SNAs is discussed in Row 11 of Appendix C. For the reasons outlined there, I support changes being made to the rule, but do not consider that it should refer to frequency, intensity and scale.

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<p>supported by Mr Harding, and that the wording should be included which indicates that it is grazing at the same frequency, intensity and scale that is permitted.</p> <p>Also does not support extension of policy to electricity distribution network as this is not subject to NPSET or exempted from NPSIB.</p>				<p>Because of this, I do not consider that the policy should refer to these either, but to align with the changes recommended to the rule, I recommend that the policy (ECO-P2.7) is amended to refer to “continued” grazing.</p> <p>I accept that the NPSET does not apply to the electricity distribution network, nor does the exception provided in the NPSIB for the National Grid. However, the electricity distribution network is regionally significant infrastructure under the CRPS, and the provisions in the PDP must be considered in the context of how they achieve the objectives of both the EI chapter as well as the ECO Chapter. In this context, I continue to consider that the extension of policy to the electricity distribution network is appropriate.</p>
<p>ECO-P3 should be extended to also include areas dominated by native vegetation and areas with communities of threatened indigenous species. It should also cover lake margins.</p>	ECO-P3	Outstanding	<p>Forest & Bird, speaking notes, paras 14-17.</p>	<p>I note that the submitter accepts that these are covered by the recommended new policy ECO-PX and ECO-R1.4. I note that ECO-P3 provides policy direction to support ECO-R1.3, which contains rules which are specific to the areas covered ECO-P3. I therefore consider that including these additional areas in ECO-P3 would result in a less clear ‘line of sight’ between the policies and rules.</p> <p>With respect to lake margins, as set out in the s42A Report (at para 8.1.9) there are no lakes identified within the District in the “ECan Lakes” mapping layer on Canterbury Maps. To the extent that the RMA definition of a lake may capture small manmade freshwater bodies such as irrigation ponds, I do not consider there to be a need to apply setbacks for indigenous vegetation clearance to these areas, noting that the recommended general clearance rule (ECO-R1.4) will apply in these areas in any case.</p>
<p>Recommended approach to coastal environment, consistent with the NZCPS</p>	ECO-P5	Resolved	<p>Forest & Bird, speaking notes, paras 20-21.</p>	<p><i>I note the comments of the submitter that they retain concerns about ECO-P5, but that these relate to the definition of RSI and reference to EI-P2, which are matters to be addressed through Hearing E.</i></p>

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Concerned that the wording in PER-6 does not refer to changes in grazing activity (such as from sheep to cattle or deer grazing) which may potentially have adverse effects on an SNA.	ECO-R1.1 PER-6	Partially Resolved*	Forest & Bird, speaking notes, paras 25-26.	This is discussed in Row 11 of Appendix C. I consider that the changes recommended go some way to addressing the concerns of the submitter.
The provision for clearance within an area of improved pasture in the areas covered in ECO-R1.2 should also exclude "over-grazing/trampling".	ECO-R1.2 PER-4	Resolved*	Forest & Bird, speaking notes, para 27.	As noted above (in relation to Dir. General Conservation), I have recommended ECO-R1.2 PER-4 is amended to align it with the circumstances set out in ECO-R1.1 PER-6 and ECO-R1.4 PER-1.8.
Does not support application of the rule to the electricity distribution network, as this is not subject to NPSET or exempted from NPSIB.	ECO-R3	Outstanding	Forest & Bird, speaking notes, paras 28-29.	I accept that the NPSET does not apply to the electricity distribution network, nor does the exception provided in the NPSIB for the National Grid. However, the electricity distribution network is regionally significant infrastructure under the CRPS, and the provisions in the PDP must be considered in the context of how they achieve the objectives of both the EI chapter as well as the ECO Chapter. In this context, I continue to consider that the extension of the rule to the electricity distribution network is appropriate.
Understands the need to provide for the repair and maintenance of existing infrastructure. However, because of the risk of adverse effects on SNAs, Forest & Bird considers that tighter wording of the rule would be more appropriate, such as applying the rule where the earthworks	ECO-R5	Resolved*	Forest & Bird, speaking notes, para 32.	I agree with the submitter that it is appropriate to align the wording of this rule with that used in the NATC Chapter, and be explicit that the earthworks are "required", i.e. are necessary in order to undertake maintenance, repair or replacement of the listed items. I therefore recommend the following amendment to ECO-R5 PER-1: <i>The earthworks are within 2m, and are required for the purpose, of the maintenance, repair or replacement of existing lawfully established...</i>

Issue	Relevant provision(s)	Status	Relevant submitter(s) / Evidence	Post-Hearing Officer's Interim Reply
are "required", consistent with the NATC rules.				I consider that this change can be made as a consequence of those submissions seeking that the rule was amended to provide a permitted, rather than restricted discretionary pathway (i.e. the change is within the 'bookends' of what was notified and what was sought in submissions). I consider that the s32AA assessment set out in the s42A Report (at para 7.16.21) still generally applies to the changes to this rule, but that this further change will better assist in achieving ECO-01 by ensuring earthworks are limited to those that are necessary to maintenance, repair or replacement activities.
Lake margins should be included in NATC-O1 and NATC-P2.	NATC-O1, NATC-P2	Outstanding	Forest & Bird, speaking notes, paras 34 & 36.	My view remains as set out in my s42A report at para 8.1.9. I note that the submitter has not identified any lakes within the District to which the provisions should apply, and in response to a question from the Panel, Mr Williams appeared to accept that if there are no lakes in the District, then there would not be a need to refer to them.
Request new policy to support continuing work to identify HNWBs.	New Policy	Outstanding	Forest & Bird, speaking notes, para 35.	My view remains as set out in my s42A report at para 8.7.2. I note that no further reasoning for the policy was given in the speaking notes.
"Minimising" adverse effects does not give effect to s6(a) RMA, which requires the relevant values to be protected as a matter of national importance. Changing NATC-P4.1 from "possible" to "practical" will weaken the policy and refers to the circumstances of the applicant (including financial resources) and, when combined with a requirement only to minimise, this policy	NATC-P4	Outstanding	Forest & Bird, speaking notes, paras 37-38.	I note that the policy direction refers to avoiding adverse effects in the first instance. Minimisation is then required only in circumstances where avoidance is not practicable. I note that s6(a) refers to preservation of the natural character of water bodies and their margin and their protection from <i>inappropriate</i> subdivision, use, and development. I consider that the policy direction is consistent with this.

Issue	Relevant provision(s)	Status	Relevant submitter(s) / Evidence	Post-Hearing Officer's Interim Reply
will not be effective in protecting the relevant values.				
<p>Considers that PER-3 (permitting earthworks for a 3m wide track) is too permissive, and in the context of water-body margins, spatial limits should relate to the width of the margin in which the activity is to occur.</p> <p>Does not support extending PER-4 to include all RSI.</p> <p>In circumstances where proposed earthworks are substantial and would have significant adverse effects on the riparian margins of an HNWB (NATC-R3.2), it would be appropriate for Council to be able to manage these adverse effects through a consenting process.</p>	NATC-R3	Outstanding	Forest & Bird, speaking notes, paras 39-41.	<p>I note in response to Minute 19, the submitter suggested, as an alternate to deleting NATC-R3.1 PER-3, to limit earthworks to the lesser of 20% of the width of the margin, or 2m in width, or to limit the purpose of the track to that for use of walkers and bicycles.</p> <p>I do not consider it is appropriate to limit the rule to what the use of a track will be, as this does not appear to relate to the effects of such a track. I also note the comments of the submitter that there is no evidential basis for the choice of a % figure or width limit, but that the intent is to ensure that riparian margins should not become dominated by new tracks, to the exclusion of riparian vegetation and habitat. Noting that by definition riparian margins are between 10m and 100m, I do not consider there to be a great difference between 2m and 3m. As such, I am not persuaded of the need to amend the rule.</p> <p>With respect to the other comments, it is my view that the rule contains sufficient limitations to balance the achievement of NATC-O1 alongside EI-O1. In particular, NATC-R3.2 limits earthworks within the riparian margins of a HNWB to those required for the operation, maintenance or repair of existing items. I continue to consider that there are limited environmental costs associated with the changes, because they only allow for earthworks in areas where the ground has already been disturbed, and on a limited basis, thus still being effective at achieving NATC-O1.</p>

APPENDIX B

**Recommended Changes to Provisions - Ecosystems and Indigenous Biodiversity;
Natural Character; and Natural Features and Landscapes - Hearing D**

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

ECOSYSTEMS AND INDIGENOUS BIODIVERSITY

Introduction

The District contains a diverse range of habitats that support indigenous plants and animals, including at-risk, threatened, and endangered indigenous species. Many of these habitats are endemic, comprising forests, shrubland, herbfields, drylands, tussock grasslands, and waterbody margins.¹

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 containing significant values that meet the APP5 Criteria for identifying Significant Natural Areas.²

Objectives

ECO-O1 Protection of significant indigenous biodiversity

~~The values of s~~ Areas of sSignificant³ indigenous vegetation and significant habitats of indigenous fauna across the District are protected.⁴

ECO-O2 Maintenance and enhancement of indigenous biodiversity

The indigenous biodiversity of the District is maintained or enhanced.

ECO-O3 Recognition of Ngāi Tahu

The relationship of Ngāi Tahu whanui with indigenous biodiversity is recognised and provided for.

Policies

ECO-P1 Assessment and identification of significant indigenous biodiversity

Identify Significant Natural Areas by:

1. assessing areas of indigenous vegetation and habitats of indigenous fauna according to the criteria set out in APP5 - Criteria for Identifying Significant Natural Areas; and
2. including Significant Natural Areas on the Planning Maps and in SCHED7 - Schedule of Significant Natural Areas.

ECO-P2 Appropriate indigenous vegetation clearance in significant natural areas

Provide for the clearance of indigenous vegetation in Significant Natural Areas where it is appropriate for health and safety,⁵ wellbeing or customary reasons, or to allow for ongoing farming practises,⁶ by enabling clearance:

1. for mahika kai and other customary uses, where this is undertaken in accordance with tikaka protocols; or
2. where it is causing imminent danger to human life, structures, or utilities, or affecting the safe operation of utilities⁷; or

¹ Forest and Bird [156.97], Dir. General Conservation [166.30]

² Forest and Bird [156.97], Dir. General Conservation [166.30]

³ **ECan [183.68] - Evidence of Deidre Francis**

⁴ Forest and Bird [156.98]

⁵ Forest and Bird [156.102]

⁶ **Clause 10(2)(b) relating to Hart, J R [149.2], Federated Farmers [182.104]**

⁷ Clause 10(2)(b) relating to Road Metals [169.20], Fulton Hogan [170.21]

3. where necessary to manage plant or animal pests or unwanted organisms; or
4. for flood protection works by appropriate authorities where those works are required to protect people and communities from the effects of flooding; or
5. for the operation, maintenance, or repair or minor upgrade⁸ of the National Grid; or
6. for the operation or maintenance of the electricity distribution network, rail network⁹ and public roads; or
7. arising from continued¹⁰ grazing within areas of improved pasture which form part of Significant Natural Areas¹¹.

ECO-P3 Protection of indigenous biodiversity in sensitive areas

Protect indigenous biodiversity by managing the clearance of indigenous vegetation in the following sensitive areas:

1. riparian margins areas, wetlands¹² and springs; and
2. ~~coastal areas; and~~¹³
3. areas at higher altitude; and
4. areas on steep slopes.

ECO-P4 Protection for long-tailed bats

Protect long-tailed bats by:

1. Identifying important habitat for long-tailed bats as a Long-Tailed Bat Habitat¹⁴ Protection Area overlay on the Planning Maps; and
2. maintaining the habitat for long-tailed bats within this overlay.

ECO-P5 Protection of Significant Natural Areas

Except as provided for in ECO-P2¹⁵, avoid the clearance of indigenous vegetation and earthworks within SNAs, unless these activities:

1. are outside the coastal environment and¹⁶ can be undertaken in a way that protects the identified ecological values; and or¹⁷
2. are for regionally significant infrastructure and it can be demonstrated that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure or for the National Grid, EI-PX Managing adverse effects of the National Grid¹⁸.

ECO-PX Maintaining Indigenous Biodiversity¹⁹

Limit the clearance of indigenous vegetation outside areas identified in ECO-P1, ECO-P3 and ECO-PY, in order to maintain indigenous biodiversity, taking into account the value of such biodiversity.

ECO-P6 Avoidance of risk species

Avoid the planting of species that are likely to adversely affect indigenous biodiversity values.

⁸ Transpower [159.70]

⁹ Alpine [55.4], KiwiRail [187.54]

¹⁰ Speaking Notes of Forest and Bird, paras 8-13.

¹¹ Clause 10(2)(b) relating to Hart, J R [149.2], Federated Farmers [182.104]

¹² Clause 10(2)(b) relating to Federated Farmers [182.117]

¹³ Clause 10(2)(b) relating to Forest and Bird [156.5]

¹⁴ Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]

¹⁵ ECan [183.75]

¹⁶ Forest and Bird [156.5]

¹⁷ Clause 10(2)(b)

¹⁸ Transpower [159.71]

¹⁹ Frank, H [90.23], Forest and Bird [156.3, 156.106, 156.107], Dir. General Conservation [166.29]

ECO-PY Indigenous Biodiversity in the Coastal Environment²⁰

In the coastal environment, except as provided for in ECO-P2, avoid adverse effects of activities on:

1. indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;
2. taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;
3. indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;
4. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
5. areas containing nationally significant examples of indigenous community types; and
6. areas set aside for full or partial protection of indigenous biological diversity under other legislation; and

avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:

8. areas of predominantly indigenous vegetation in the coastal environment;
9. habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;
10. indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;
11. habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;
12. habitats, including areas and routes, important to migratory species; and
13. ecological corridors, and areas important for linking or maintaining biological values identified under this policy.

ECO-PZ Restoration of Indigenous Biodiversity²¹

Promote the restoration of indigenous biodiversity through a range of methods, including consent conditions, covenants, reserves, management plans and other initiatives, with prioritisation given to:

1. Significant Natural Areas whose ecological integrity is degraded;
2. threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems;
3. areas that provide important connectivity or buffering functions;
4. natural inland wetlands whose ecological integrity is degraded or that no longer retain their indigenous vegetation or habitat for indigenous fauna; and
5. areas of indigenous biodiversity on specified Māori land where restoration is advanced by the Māori landowners; and
6. any other priorities specified in regional biodiversity strategies or any national priorities for indigenous biodiversity restoration.

Rules

Note: *Activities not listed in the rules of this chapter are classified as a permitted under this chapter. For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.*

²⁰ Forest and Bird [156.5]

²¹ Dir. General Conservation [166.38]

ECO-R1	Clearance of indigenous vegetation (except as provided for in ECO-R2 for flood protection works, or ECO-R3 for National Grid activities or ECO-RX for restoration or enhancement of a Significant Natural Area) ²²	
1 Significant Natural Areas Overlay	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The vegetation to be cleared is causing an imminent danger to human life, structures, or utilities, or affecting the safe operation of utilities,²³ and the clearance is undertaken in accordance with advice from a suitably qualified arborist; or</p> <p>PER-2 The clearance is carried out by the relevant Road Requiring Authority or an agent authorised by them²⁴:</p> <ol style="list-style-type: none"> 1. to install, maintain or repair²⁵ road safety assets for the purpose of reducing traffic risk within the road corridor, and the clearance is less than 5m² within a single SNA; or 2. to maintain existing roadside drainage; or <p>PER-2A <u>The clearance is for the purpose of maintaining the rail network and the clearance is less than 5m² within a single SNA; or²⁶</u></p> <p>PER-3 The vegetation clearance is carried out by Ngāi Tahu whanui for the purposes of mahika kai or other customary uses, in accordance with tikaka where it has been certified by Te Runanga o Arowhenua that the activity will meet tikanga protocol (Note: Te Runanga o Arowhenua will notify the Timaru District Council prior to such activities occurring)²⁷; or</p> <p>PER-4</p>	<p>Activity status where compliance not achieved: Non-complying</p>

²² Clause 10(2)(b) relating to Silver Fern Farms [172.55] and Alliance Group [173.59], Rooney Holdings [174.32, 174.34], Rooney, GJH [191.32, 191.34], Rooney Group [249.32, 249.34], Rooney Farms [250.32, 250.34], Rooney Earthmoving [251.32, 251.34], TDL [252.32, 252.34]

²³ Road Metals [169.20], Fulton Hogan [170.21]

²⁴ Road Metals [169.20] and Fulton Hogan [170.21]

²⁵ Road Metals [169.20] and Fulton Hogan [170.21]

²⁶ KiwiRail [187.56]

²⁷ ~~Clause 16(2) to align with ECO-P2 and ECO-R1.4 PER-1.3~~

	<p>The vegetation clearance is carried out to remove material infected by unwanted organisms as declared by the Minister for Primary Industries Chief Technical Officer, or an emergency declared under the Biosecurity Act 1993; or</p> <p>PER-5 The clearance is unavoidable in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, or where this occurs as part of indigenous biodiversity restoration or enhancement.</p> <p>PER-6 The clearance <u>occurs due as part of is caused by²⁸ grazing, (but not over-grazing/trampling), within an area of improved pasture, where grazing has previously been undertaken^{29 30}</u>.</p> <p>Advice Note <u>This rule does not apply to the clearance of indigenous vegetation associated with a commercial forestry activity which is regulated under the National Environmental Standard for Commercial Forestry.³¹</u></p>	
<p>2 Within 50m of any wetland Riparian margins (excluding a river that is a HNWB)³² In the Coastal Environment, within 20m of mean high</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The vegetation to be cleared is causing an imminent danger to human life, structures, or utilities, <u>or affecting the safe operation of utilities,³⁵</u> and the clearance is undertaken in accordance with advice from a suitably qualified arborist; or</p> <p>PER-2 The clearance is within 2m, and for the purpose, of maintenance, repair or</p>	<p>Activity status where compliance not achieved: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. whether the indigenous vegetation is significant (when assessed against the APP5 — Criteria for Identifying Significant Natural Areas) and the <u>extent ability to which the proposal retain-protects⁴⁴ any significant biodiversity vegetation⁴⁵</u>; and 2. the condition and character of the indigenous vegetation; and

²⁸ Speaking notes of Forest and Bird, para 26.

²⁹ Speaking notes of Forest and Bird, para 26.

³⁰ Hart, J R [149.2], Speaking notes of Forest and Bird, para 26.

³¹ Port Blakely [94.7]

³² Clause 10(2)(b) relating to Federated Farmers [182.117]

³⁵ Clause 10(2)(b) relating to Road Metals [169.20], Fulton Hogan [170.21]

⁴⁴ Dir. General Conservation [166.41]

⁴⁵ Dir. General Conservation [166.41] - Evidence of Elizabeth Williams, paras 44-45.

<p>water springs³³</p>	<p>replacement of existing lawfully established fences, vehicle tracks, roads, <u>railway tracks, stock water or irrigation systems</u>,³⁶ walkways, firebreaks, drains, ponds, dams, waterlines, waterway crossings, or utilities; <u>or regionally significant infrastructure</u>,³⁷ <u>or for an upgrade in seal cover of an existing road</u>³⁸; or</p>	<ol style="list-style-type: none"> 3. whether the indigenous vegetation provides habitat for threatened, at risk or locally uncommon species; and 4. any adverse effects on indigenous vegetation and habitats of indigenous fauna due to the clearance; and 5. any adverse effects on the mauri of the site, mahika kai, wāhi tapu or wāhi tāoka values; and 6. whether species diversity would be adversely impacted by the proposal; and 7. the role the indigenous vegetation plays in providing a buffer to effects or an ecological corridor; and 8. any potential for mitigation or compensation of adverse effects on biodiversity values; and 9. the economic effects on the landholder of the retention of the vegetation; and 10. any site specific management factors to promote the restoration and enhancement of indigenous vegetation and habitats; and 11. the potential for use of other mechanisms that assist with the protection or enhancement of significant indigenous vegetation such as QE II covenants and the use of Biodiversity Management Plans; and 12. any benefits that the activity provides to the local community and beyond; <u>and</u> 13. <u>within the coastal environment, the management of effects in accordance with ECO-PY</u>,⁴⁶ 14. <u>where the clearance is within a riparian margin</u>⁴⁷: <ol style="list-style-type: none"> a. <u>the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and</u> b. <u>the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and</u>
<p>Within 20m of the bank of any waterbody³⁴</p>	<p>PER-3 The vegetation clearance is carried out by Ngai Tahu whanui for the purposes of mahinga kai or other customary uses, where it has been certified by Te Runanga o Arowhenua that the activity will meet tikaka protocol (Note: Te Runanga o Arowhenua will notify the Timaru District Council prior to such activities occurring); or</p>	
<p>Within 20m of any waipuna (spring)</p>	<p>PER-4 The clearance is of indigenous vegetation that:</p> <ol style="list-style-type: none"> a. has been planted and managed specifically for the purpose of harvesting, or b. has grown up under an area of lawfully established plantation forestry, or³⁹ c. has been planted and/or managed as part of a domestic or public garden or has been planted for amenity purposes as a shelterbelt, or d. is within an area of improved pasture <u>and:</u> <ol style="list-style-type: none"> i. <u>is caused by grazing, that is not over-grazing/trampling, where grazing has previously been undertaken; or</u> ii. <u>is for the purpose of maintaining improved pasture outside any originally rare ecosystems within the upper Rangitata and provided the clearance is not of any 'threatened' or 'at risk' indigenous</u> 	
<p>At an altitude of 900m or higher</p>	<p>or</p>	

³³ Clause 10(2)(b) relating to Forest and Bird [156.5]

³⁴ Clause 10(2)(b) relating to Federated Farmers [182.117]

³⁶ Clause 10(2)(b) relating to Rangitata Dairies [44.10], Connolly, S [136.2]

³⁷ Waka Kotahi [143.84]

³⁸ KiwiRail [187.59]

³⁹ Port Blakely [94.7]

⁴⁶ Clause 10(2)(b) relating to Forest and Bird [156.5]

⁴⁷ Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])

	<p><u>species (in the New Zealand Threat Classification System lists);</u> or⁴⁰</p> <p>PER-5 The clearance is unavoidable in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993;⁴¹ or</p> <p>PER-6 The clearance where this occurs as part of indigenous biodiversity restoration or enhancement, <u>including vegetation clearance which is to restore or enhance the natural character or ecological values of the riparian margin</u>⁴¹.</p> <p>PER-7 The vegetation clearance is within a <u>riparian margin and is associated with the replacement of, or expansion to, an existing building or structure, permitted under NATC-R5.</u>⁴²</p> <p><u>Advice Note</u> <u>This rule does not apply to the clearance of indigenous vegetation associated with a commercial forestry activity which is regulated under the National Environmental Standard for Commercial Forestry.</u>⁴³</p>	<p>c. <u>the extent to which alternative practicable options have been considered and their feasibility; and</u></p> <p>d. <u>the extent to which any restoration or enhancement of the natural character of the area is proposed; and</u></p> <p>e. <u>the extent to which the proposal has the potential to cause or exacerbate bank erosion; and</u></p> <p>f. <u>whether there is a functional need, or in relation to infrastructure an operational need,</u>⁴⁸ <u>for the activity to locate in a riparian margin.</u></p>
<p><u>3. Riparian margins of an HNWB</u>⁴⁹</p>	<p><u>Activity status: Discretionary</u></p> <p><u>This rule does not apply to the clearance of indigenous vegetation associated with a commercial forestry activity which is regulated under the National Environmental Standard for Commercial Forestry.</u>⁵⁰</p>	<p><u>Activity status where compliance not achieved: Not applicable</u></p>
<p><u>4. All areas not specified</u></p>	<p><u>Activity status: Permitted</u></p> <p><u>Where:</u></p>	<p><u>Activity status where compliance not achieved: Restricted discretionary</u></p>

⁴⁰ Clause 10(2)(b) relating to Frank, H [90.23], Forest and Bird [156.3, 156.116], Dir. General Conservation [166.29] - Evidence of Elizabeth Williams, paras 46-52; Speaking notes of Forest and Bird, para 27.

⁴¹ Shifted from NATC-R1 PER-6 (Clause 10(2)(b) relating to Federated Farmers [182.117])

⁴² Te Kotare [115.29], Waipopo Huts [189.41]

⁴³ Port Blakely [94.7]

⁴⁸ Transpower [159.78]

⁴⁹ Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])

⁵⁰ Port Blakely [94.7]

in 1. – 3. above⁵¹

PER-1

The clearance is for the purpose of:

1. the maintenance, repair or replacement of:
 - a. existing fences, vehicle tracks, roads, walkways, firebreaks, dams, drains, man-made ponds, waterway crossings, or network utilities, and is limited to the area within 2m of these⁵².
 - b. any existing flood, erosion or drainage works administered by a Regional or Territorial Authority, limited to the area within the existing footprint of the works.
 - c. existing buildings, and is limited to within 2m from any existing exterior wall⁵³.
2. clearing vegetation that is causing an imminent danger to human life, structures, infrastructure, or important infrastructure.
3. mahinga kai or other customary uses, where the clearance is by Ngāi Tahu whānui and in accordance with tikaknga protocols.
4. clearing vegetation that has been managed as part of a domestic or public garden, for amenity purposes, or as a shelterbelt;
5. protecting, maintaining, restoring, and accessing ecological values, and is carried out in accordance with:
 - a. a Reserve Management Plan approved under the Reserves Act 1977;
 - b. a registered protective covenant under the Reserves Act 1977, Conservation Act 1987 or Queen Elizabeth the Second National Trust Act 1977,
 - c. a national park management plan or conservation management plan or strategy prepared under the Conservation Act 1987.

Matters of discretion are restricted to:

1. whether the indigenous vegetation is significant (when assessed against the APP5 – Criteria for Identifying Significant Natural Areas) and the ability to retain any significant vegetation extent to which the proposal protects any significant biodiversity⁵⁷; and
2. the condition and character of the indigenous vegetation; and
3. whether the indigenous vegetation provides habitat for threatened, at risk or locally uncommon species or is more than 25 years old; and
4. any adverse effects on indigenous vegetation and habitats of indigenous fauna due to the clearance; and
5. any adverse effects on the mauri of the site, mahika kai, wāhi tapu or wāhi tāoka values; and
6. whether species diversity would be adversely impacted by the proposal; and
7. the role the indigenous vegetation plays in providing a buffer to effects or an ecological corridor; and
8. any potential for mitigation or compensation of adverse effects on biodiversity values; and
9. the economic effects on the landholder of the retention of the vegetation; and
10. any site specific management factors to promote the restoration and enhancement of indigenous vegetation and habitats; and
11. the potential for use of other mechanisms that assist with the protection or enhancement of significant indigenous vegetation such as QE II covenants and the use of Biodiversity Management Plans; and
12. any benefits that the activity provides to the local community and beyond.

⁵¹ Frank, H [90.23], Forest and Bird [156.3, 156.116], Dir. General Conservation [166.29]

⁵² Statement of Rachel Thomas and Greg Anderson, para 29

⁵³ Statement of Rachel Thomas and Greg Anderson, para 29

⁵⁷ Dir. General Conservation [166.41] - Evidence of Elizabeth Williams, paras 44-45

	<p>6. <u>maintaining cultivated land, where cultivation has been undertaken within the past 15 years</u>⁵⁴;</p> <p>7. <u>grazing, that is not over-grazing/trampling, within an area of improved pasture.</u></p> <p>8. <u>maintaining improved pasture by way of oversowing and/or topdressing</u>; <u>a. outside any depositional landforms originally rare ecosystems within the upper Rangitata; and</u> <u>b. provided the clearance is not of any 'threatened' or 'at risk' indigenous species (in the New Zealand Threat Classification System lists);</u>⁵⁵ and</p> <p>9. <u>biosecurity, and is necessary in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, including the clearance of material infected by unwanted organisms.</u></p> <p><u>Advice Note</u> <u>This rule does not apply to the clearance of indigenous vegetation associated with a commercial forestry activity which is regulated under the National Environmental Standard for Commercial Forestry.</u>⁵⁶</p>	
<p>ECO-R2 Clearance of indigenous vegetation for natural hazard mitigation works</p>		
<p>Significant Natural Areas Overlay</p> <p><u>Within 50m of any wetland Riparian margins (excluding a river that is a HNWB)</u>⁵⁸</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The indigenous vegetation removed is only pohuehue (<i>muehlenbeckia australis</i>, <i>muehlenbeckia axillaris</i> or <i>muehlenbeckia complexia</i> only); and</p> <p>PER-2 The vegetation clearance is carried out solely by the Regional Council, Timaru</p>	<p>Activity status where compliance not achieved with PER-1: Controlled</p> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> 1. any adverse effects on indigenous vegetation and habitats of indigenous fauna and proposed mitigation measures; and 2. any adverse effects on the mauri of the site, mahika kai, wāhi tapu or wāhi taoka; and 3. opportunities for enhancement of indigenous vegetation or habitats of indigenous species; and

⁵⁴ ECan [183.8] - Evidence of Deidre Francis, paras 47–58; Evidence of Jean Jack, paras 24-29.

⁵⁵ Evidence of Elizabeth Williams, paras 46-50.

⁵⁶ Port Blakely [94.7]

⁵⁸ Clause 10(2)(b) relating to Federated Farmers [182.117]

<p>In the Coastal Environment, within 20m of Mean High Water Springs⁵⁹</p> <p>Within 20m of the bank of any waterbody⁶⁰</p> <p>Within 20m of any waipuna (spring)</p> <p>At an altitude of 900m or higher</p> <p>Land with an average slope of 30° or greater</p>	<p>District Council, or an agent authorised by one of these parties.</p>	<ol style="list-style-type: none"> 4. methods proposed to monitor or inspect the works undertaken; and 5. the ability to apply a management plan approach to the works and the content of any management plan; and 6. the timing of works to minimise adverse effects on significant indigenous species. <p><u>Activity status where compliance not achieved with PER-2 and the clearance is outside a Significant Natural Area: Restricted discretionary⁶¹</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>whether the indigenous vegetation is significant (when assessed against the APP5 – Criteria for Identifying Significant Natural Areas) and the ability to retain any significant vegetation extent to which the proposal protects any significant biodiversity⁶²₁ and</u> 2. <u>the condition and character of the indigenous vegetation; and</u> 3. <u>whether the indigenous vegetation provides habitat for threatened, at risk or locally uncommon species; and</u> 4. <u>any adverse effects on indigenous vegetation and habitats of indigenous fauna due to the clearance; and</u> 5. <u>any adverse effects on the mauri of the site, mahika kai, wāhi tapu or wāhi tāoka values; and</u> 6. <u>whether species diversity would be adversely impacted by the proposal; and</u> 7. <u>the role the indigenous vegetation plays in providing a buffer to effects or an ecological corridor; and</u> 8. <u>any potential for mitigation or compensation of adverse effects on biodiversity values; and</u> 9. <u>the economic effects on the landholder of the retention of the vegetation; and</u> 10. <u>any site specific management factors to promote the restoration and enhancement of indigenous vegetation and habitats; and</u>
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⁵⁹ Clause 10(2)(b) relating to Forest and Bird [156.5]

⁶⁰ Clause 10(2)(b) relating to Federated Farmers [182.117]

⁶¹ Alliance Group [173.58]

⁶² [Dir. General Conservation \[166.41\] - Evidence of Elizabeth Williams, paras 44-45.](#)

		<p>11. <u>the potential for use of other mechanisms that assist with the protection or enhancement of significant indigenous vegetation such as QE II covenants and the use of Biodiversity Management Plans; and</u></p> <p>12. <u>any benefits that the activity provides to the local community and beyond.</u></p> <p>13. <u>where the clearance is within a riparian margin.⁶³</u></p> <p>a. <u>the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and</u></p> <p>b. <u>the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and</u></p> <p>c. <u>the extent to which alternative practicable options have been considered and their feasibility; and</u></p> <p>d. <u>the extent to which any restoration or enhancement of the natural character of the area is proposed; and;</u></p> <p>e. <u>the extent to which the proposal has the potential to cause or exacerbate bank erosion; and</u></p> <p>f. <u>whether there is a functional need, or in relation to infrastructure an operational need,⁶⁴ for the activity to locate in a riparian margin.</u></p> <p><u>Activity status where compliance is not achieved with PER-2 and the clearance is within a Significant Natural Area: Non-complying</u></p>
<p>ECO-R3</p>	<p>Clearance of indigenous vegetation associated with the National Grid <u>or electricity distribution network</u>⁶⁵</p>	

⁶³ Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])

⁶⁴ Transpower [159.78]

⁶⁵ Alpine Energy [55.5]

<p>Significant Natural Areas Overlay</p> <p>Within 50m of any wetland Riparian margins (excluding a river that is a HNWB)⁶⁶</p> <p>In the Coastal Environment, within 20m of Mean High Water Springs⁶⁷</p> <p>Within 20m of the bank of any waterbody⁶⁸</p> <p>Within 20m of any waipuna (spring)</p> <p>At an altitude of 900m or higher</p> <p>Land with an average slope of 30° or greater</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The vegetation clearance is to provide for the operation, maintenance or repair of the National Grid <u>or electricity distribution network</u>⁶⁹, including maintenance of existing access to National Grid support structures; and</p> <p>PER-2 The vegetation clearance is carried out by or on behalf of Transpower New Zealand Limited <u>or Alpine Energy Limited</u>⁷⁰.</p>	<p>Activity status where compliance not achieved with PER-1: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. any adverse effects on indigenous vegetation and habitats of indigenous fauna and proposed mitigation measures; and 2. the necessity for the clearance and any alternate options that have been considered; and 3. the mitigation measures proposed to ensure that the values of the SNA are protected as far as practicable; 4. any adverse effects on the mauri of the site, mahika kai, wāhi tāpu or wāhi taoka; and 5. opportunities for enhancement of indigenous vegetation or habitats of indigenous species; and 6. methods proposed to monitor or inspect the works undertaken; and 7. the ability to apply a management plan approach to the works and the content of any management plan; and 8. the timing of works to minimise adverse effects on significant indigenous species; <u>and</u> 9. <u>where the clearance is within a riparian margin:</u>⁷¹ <ol style="list-style-type: none"> a. <u>the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and</u> b. <u>the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and</u> c. <u>the extent to which alternative practicable options have been considered and their feasibility; and</u> d. <u>the extent to which any restoration or enhancement of</u>
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⁶⁶ Clause 10(2)(b) relating to Federated Farmers [182.117]

⁶⁷ Clause 10(2)(b) relating to Forest and Bird [156.5]

⁶⁸ Clause 10(2)(b) relating to Federated Farmers [182.117]

⁶⁹ Alpine Energy [55.5]

⁷⁰ Alpine Energy [55.5]

⁷¹ Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])

		<p><u>the natural character of the area is proposed; and</u></p> <p>e. <u>the extent to which the proposal has the potential to cause or exacerbate bank erosion; and</u></p> <p>f. <u>whether there is a functional need, or in relation to infrastructure an operational need,⁷² for the activity to locate in a riparian margin.</u></p>
		<p>Activity status where compliance not achieved with PER-2: Non-complying</p>
<p><u>Riparian margins of an HNWB⁷³</u></p>	<p><u>Activity status: Discretionary</u></p>	<p><u>Activity status where compliance not achieved: Not applicable</u></p>
<p>ECO-R4 Clearance of trees in the Long-Tailed Bat <u>Habitat⁷⁴</u> Protection Area</p>		
<p>Long-tailed Bat <u>Habitat⁷⁵</u> Protection Area Overlay</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The trees being cleared:</p> <ol style="list-style-type: none"> were planted for timber production (plantation forest and woodlots); or are within a domestic garden; or are causing an imminent danger to human life, structures, or utilities and the clearance is undertaken in accordance with advice from a suitably qualified arborist; or <p>PER-2 The tree is:</p> <ol style="list-style-type: none"> a native tree with a trunk circumference of less than 31.5cm, when measured at 1.5m above ground level; or 	<p>Activity status where compliance not achieved: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> whether, upon specialist assessment by a suitably qualified <u>and experienced expert ecologist, or demonstrated (which may be supported through use of an automatic bat monitor),⁷⁸</u> the tree/s proposed to be removed is habitat for long-tailed bats; and the extent to which the removal of tree/s would impact on the ability of the long-tailed bat <u>habitat⁷⁹</u> protection area to provide for the habitat needs of the bats; and the extent to which the long-tailed bat <u>habitat⁸⁰</u> protection area has been previously modified by the removal of bat habitat;

⁷² Transpower [159.78]

⁷³ Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])

⁷⁴ Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]

⁷⁵ Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]

⁷⁸ Port Blakely [94.8], Zolve [164.2]

⁷⁹ Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]

⁸⁰ Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]

	<p>2. an exotic tree, excluding willow, with a trunk circumference of less than 70cm, when measured at 1.5m above ground level greater⁷⁶; or</p> <p>3. any willow tree with a trunk circumference of less than 120cm, when measured at 1.5m above ground level; <u>or</u></p> <p>PER-3 <u>Where PER-1 and PER-2 are not complied with, and:</u></p> <p>1. <u>The trees being cleared present a risk to the integrity of the public flood or erosion protection schemes administered by the Regional Council; and</u></p> <p>2. <u>The works are completed by the Regional Council or an agent authorised by the Regional Council; and</u></p> <p>3. <u>The works are assessed as being consistent with the Department of Conservation's Bat Roost Protocols (October 2024) by a suitably qualified and experienced expert; and</u></p> <p>4. <u>A written record of the assessment under PER-3.3, is provided to Timaru District Council and the Department of Conservation 10 working days prior to carrying out the works.</u>⁷⁷</p>	<p>4. the reasons for removal of the tree and any alternatives considered; and</p> <p>5. any measures to avoid or mitigate the adverse effects.</p>
ECO-R5	Earthworks in a Significant Natural Area (except as provided for ECO-RX for restoration or enhancement of a Significant Natural Area)⁸¹	
Significant Natural Areas Overlay	<p>Activity status: <u>Permitted Restricted discretionary</u>⁸²</p> <p>Where:</p> <p>RDISPER-1 The earthworks are within 2m, and <u>are required</u> for the purpose, of⁸³ the maintenance, repair or replacement of existing lawfully established vehicle tracks, roads, walkways, firebreaks, drains, ponds,</p>	<p>Activity status where compliance not achieved: <u>Restricted dDiscretionary</u>⁸⁵</p> <p>Where:</p> <p>DIS-1 The earthworks are to provide for activities associated with the National Grid and are carried out by or on behalf of Transpower New Zealand Limited; or</p> <p>DIS-2</p>

⁷⁶ Clause 16

⁷⁷ ECan [183.79] - Summary of Evidence Statement of Jolene Irvine

⁸¹ Clause 10(2)(b) relating to Silver Fern Farms [172.55] and Alliance Group [173.59], Rooney Holdings [174.32, 174.34], Rooney, GJH [191.32, 191.34], Rooney Group [249.32, 249.34], Rooney Farms [250.32, 250.34], Rooney Earthmoving [251.32, 251.34], TDL [252.32, 252.34]

⁸² Transpower [159.73], Federated Farmers [182.109]

⁸³ Speaking notes of Forest & Bird, para 32

⁸⁵ Forest and Bird [156.113], Federated Farmers [182.109]

	<p>dams, waterlines, waterway crossings, or utilities.</p> <p><u>This rule does not apply to earthworks within the beds of rivers.</u>⁸⁴</p> <p>Matters of discretion are restricted to:</p> <p>-</p> <ol style="list-style-type: none"> 1. any adverse effects on indigenous vegetation and habitats of indigenous fauna and 2. the necessity for the earthworks and any alternate options that have been considered 3. the mitigation measures proposed to ensure that the values of the SNA are maintained; and 4. any adverse effects on the mauri of the site, mahika kai, wāhi tāpu or wāhi taoka; and 5. opportunities for enhancement of indigenous vegetation or habitats of indigenous species; and 6. methods proposed to monitor or inspect the works undertaken; and 7. the ability to apply a management plan approach to the works and the content of any management plan; and 8. the timing of works to minimise adverse effects on significant indigenous species. 	<p>The earthworks are for flood protection works and are carried out solely by the Regional Council, Timaru District Council, or an agent authorised by one of these parties.</p>
		<p>Activity status where compliance not achieved: Non-complying</p>
<p><u>ECO-RX</u></p>	<p><u>Clearance of indigenous vegetation and earthworks in a Significant Natural Area associated with the restoration or enhancement of the Significant Natural Area</u>⁸⁶</p>	
<p><u>Significant Natural Areas Overlay</u></p>	<p><u>Activity status: Restricted discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>the extent to which the values of the Significant Natural Area will be restored or enhanced as part of the overall project; and</u> 2. <u>the necessity for the clearance or earthworks and any alternate options that have been considered; and</u> 	<p><u>Activity status where compliance not achieved: Not Applicable</u></p>

⁸⁴ Rooney Holdings [174.2], Rooney, GJH [191.2], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

⁸⁶ Silver Fern Farms [172.55] and Alliance Group [173.59], Rooney Holdings [174.32, 174.34], Rooney, GJH [191.32, 191.34], Rooney Group [249.32, 249.34], Rooney Farms [250.32, 250.34], Rooney Earthmoving [251.32, 251.34], TDL [252.32, 252.34]

	<ol style="list-style-type: none"> 3. <u>the mitigation measures proposed to ensure that the values of the SNA are protected; and</u> 4. <u>any adverse effects on the mauri of the site, mahika kai, wāhi tapu or wāhi taoka; and</u> 5. <u>methods proposed to monitor or inspect the works undertaken; and</u> 6. <u>the ability to apply a management plan approach to the works and the content of any management plan; and</u> 7. <u>the timing of works to minimise adverse effects on significant indigenous species.</u> 	
ECO-R6	Subdivision of land containing a Significant Natural Area	
Sites containing a Significant Natural Area	Activity Status: Discretionary	Activity status where compliance not achieved: Not Applicable
ECO-R7	Planting of potential pest species	
All Zones	Activity status: Non-complying Where: NC-1 The planting involves any of the following species: <ol style="list-style-type: none"> a. <i>Acer pseudoplatanus</i> (sycamore) b. <i>Ammophila arenaria</i> (marram) c. <i>Berberis glaucocarpa</i> (barberry) d. <i>Buddleja davidii</i> (buddleia) e. <i>Cotoneaster simonsii</i> (Khasia berry) f. <i>Crataegus monoqyna</i> (hawthorn) g. <i>Erica lusitanica</i> (Spanish heath) h. <i>Fraxinus excelsior</i> (Ash) i. <i>Glechoma hederacea</i> (ground ivy) j. <i>Ilex aquifolium</i> (holly) k. <i>Salix cinerea</i> (grey willow) l. <i>Betula pendula</i> (Silver birch) m. <i>Ribes sanguineum</i> (Red-flowering currant) n. <i>Dryopteris filix-mas</i> (Male fern) o. <i>Populus alba</i> (White poplar) p. <u>Sorbus aucuparia</u> (rowan) q. <u>Cotoneaster franchetii;</u> r. <u>Cotoneaster glaucophyllus;</u> s. <u>Cotoneaster lacteus;</u> t. <u>Cotoneaster microphylla</u>⁸⁷ or 	Activity status where compliance not achieved: Not Applicable

⁸⁷ Frank, H [90.10]

NC-2

The planting is undertaken above 300m asl and involves any of the following species:

- a. *Lupinus arboreus* (tree lupin)
- b. *Lupinus polyphyllus* (Russell lupin)
- c. *Salix fragilis* (crack willow)
- d. ~~*Sorbus aucuparia* (rowan).~~⁸⁸

Note: Reference should also be made to species included in the Canterbury Regional Pest Management Plan. Under sections 52 and 53 of the Biosecurity Act 1993, any person is prevented from selling, propagating or distributing any pest species listed in that Plan.

⁸⁸ Frank, H [90.10]

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

NATURAL CHARACTER

Introduction

The Council has a responsibility to recognise and provide for the preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins; and the protection of them from inappropriate subdivision, use and development.

A range of landuse and subdivision activities can have adverse effects on the natural character of rivers and wetlands. These include, but are not limited to subdivision; the construction of buildings and structures; earthworks and cultivation; and the planting and removal of vegetation and the removal of indigenous vegetation.¹ The provisions of this chapter seek to manage those activities within the riparian margins of rivers and wetlands to ensure that the elements, patterns, processes and experiential qualities that contribute to the natural character values of the District's rivers and wetlands are preserved. These riparian margins are defined, and the provisions in this chapter apply within these defined riparian areas. There are also provisions in the Ecosystems and Indigenous Biodiversity Chapter which apply to the clearance of indigenous vegetation within riparian areas.²

The provisions also seek to provide for land use activities which either enhance natural character values such as restoration planting and pest management practices; and/or enable the customary harvest of vegetation for mahika kai. Restoration and enhancement of natural character values is also encouraged and supported through plan rules or non-statutory methods.

Within the District, some specific areas have been identified in the Canterbury Land and Water Regional Plan as High Naturalness Water Bodies (HNWB), including the Havelock and Clyde Rivers, the upper Ōrāri River, Milford Lagoon and Ōrakipaoa Creek. The Rangitata River is also subject to³ the Water Conservation (Rangitata River) Order 2006 that identifies parts of the river as having outstanding characteristics and features. These parts of the river and its tributaries are identified in schedule 1 and 2 of the Water Conservation Order as having wild, scenic and other natural characteristics and amenity and intrinsic values. Accordingly, those parts of the Rangitata River and its tributaries, and the HNWB water bodies have been classified as High Naturalness Water Bodies in this District Plan.

The extent of these HNWB are shown on the planning maps. Because of their higher level of natural character values, a greater level of protection is provided through the provisions applying within the margins of these HNWB. All other waterbodies and wetlands within the district have varying degrees of natural character.

The rules within this Chapter enable the identification and assessment of natural character values on a case by case basis for activities requiring consent across the district. Provisions related to the preservation of the natural character of the coastal environment are included in the Coastal Environment Chapter.

The rules within this chapter also apply to Regionally Significant Infrastructure and other infrastructure. However, the objectives and policies of both this chapter and the Energy and Infrastructure Chapter apply to the consideration of any resource consent required under the rules in this Chapter for Regionally Significant Infrastructure.

¹ Clause 10(2)(b) relating to Federated Farmers [182.117]

² Clause 10(2)(b) relating to Federated Farmers [182.117]

³ Clause 16(2)

Objectives

NATC-O1 Protection of natural character

The natural character of the Timaru District's wetlands and rivers and their margins is preserved and protected from inappropriate subdivision, use and development, and where possible restored and/or⁴ enhanced.

Policies

NATC-P1 Natural character values

~~Recognise that natural character values of wetlands and rivers and their margins are derived from:~~

- ~~1. the extent to which these are in, or close to, their natural state in terms of:

 - a. the occurrence of natural elements, patterns and processes; and;
 - b. riparian and aquatic ecology and biodiversity; and
 - c. ecological, geomorphic and hydrological processes; and
 - d. the absence of human modification; and~~
- ~~2. people's experience of the above elements, patterns and processes; and~~
- ~~3. 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.~~

Recognise the contribution of the following natural elements, patterns, processes and experiential qualities to the natural character values of wetlands, rivers, and their margins:

1. landforms and landscapes, biophysical, geologic, and morphological aspects;
2. hydrological and fluvial processes, including erosion and sedimentation;
3. indigenous biodiversity, habitats, and ecosystems;
4. water flow and levels, colour and clarity, and water quality;
5. the cultural values of the water body to Kāti Huirapa, including values associated with traditional and contemporary uses and the continuing ability of the waterbody to support taoka species and mahika kai activities.
6. absence of man-made modification to their natural state; and
7. people's experience of the above elements, patterns, and processes.⁵

NATC-P2 Restoration and enhancement

Provide for and encourage the restoration and/or enhancement of the natural character of wetlands and rivers where:

1. the natural character is degraded, and restoration and/or enhancement will achieve long-term improvement in natural character values; and/or
2. it will assist in the establishment or restoration of indigenous biodiversity or ecosystems, particularly for ecosystems that are threatened or unrepresented in protected areas; and/or
3. they provide existing trout or salmon habitat; and/or
4. it will enhance the taoka species and mahika kai and the ability of Kāti Huirapa to exercise kaitiakitanga; and/or
5. it will improve or establish connections between habitats and create corridors for indigenous species and their movement between areas; and/or
6. riparian margins provide a buffer from activities that may adversely affect the natural character values of the river or wetland; and/or
7. riparian margins provide spawning or other significant habitats for at risk or threatened species.

NATC-P3 Incentives

⁴ Forest and Bird [156.119]

⁵ Forest and Bird [156.120]

Encourage and support the restoration and enhancements of natural character values through such measures as:

1. reducing or waiving consent application costs; and/or
2. providing funding, grants and other incentives; and/or
3. providing expert advice.

NATC-P4 Preservation of natural character from inappropriate subdivision, use and development

Preserves⁶ the natural character values of riparian margins by only allowing subdivision, use and development that:

1. avoids, or if avoidance is not practicable, possible⁷, minimises any adverse effects on the elements, patterns, processes and experiential qualities outlined in NATC-P1;
2. maintains natural character values which have been modified but are highly valued;
3. restores or enhances natural character values in circumstances identified in NATC-P2; and
4. avoids or, where that is not practicable, possible⁸, does not exacerbate bank erosion; or
5. is regionally significant infrastructure, and it is demonstrated that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure, or for the National Grid, EI-Px Managing adverse effects of the National Grid^{9, 10}.

NATC-P5 Anticipated activities in riparian margins

Provide for activities in riparian margins which are appropriate for safety, enhancement, wellbeing or customary reasons, by enabling:

1. activities which are undertaken by a local authority for the purpose of natural hazard mitigation works, and where possible, any adverse effects on natural character are minimised;
2. ~~vegetation clearance to remove pest species¹¹~~
3. ~~vegetation clearance for mahika kai purposes;~~¹²
4. planting of indigenous species that is for the purpose of restoration and enhancement activities; and
5. earthworks that are for the purpose of:
 - a. maintenance and repair of existing fences, tracks, roads, railways,¹³ stock water systems, irrigation systems¹⁴ or regionally significant infrastructure¹⁵;
 - b. the operation, maintenance, repair or minor upgrade of the National Grid;¹⁶ or
 - c. for limited new fencing and tracks.

NATC-P6 Buildings and structures in riparian margins

Ensure that the location, scale, design, and form of buildings and structures in riparian margins preserves natural character values.

Rules

Note: Activities not listed in the rules of this chapter are classified as a permitted under this chapter. For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless

⁶ Clause 16(2)

⁷ Transpower [159.74]

⁸ Transpower [159.74]

⁹ **Transpower [159.74]**

¹⁰ TDC [42.35], Waka Kotahi [143.86], Transpower [159.74], OWL [181.75]

¹¹ Federated Farmers [182.117]

¹² Clause 10(2)(b) relating to Federated Farmers [182.117]

¹³ KiwiRail [187.58],

¹⁴ Clause 10(2)(b) relating to Rangitata Dairies [44.10], Connolly, S [136.2]

¹⁵ Waka Kotahi [143.87], Transpower [159.75]

¹⁶ **Transpower [159.75]**

expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

NATC-R1	Vegetation clearance¹⁷	
Riparian margins of a river that is not an HNWB	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The vegetation clearance only involves plant species identified in ECO-R7, or pest plant species identified within a regional pest management plan or the Biosecurity Act 1993; or</p> <p>PER-2 The vegetation clearance is for customary harvest provided for in ECO-R1.1 PER-3; or</p> <p>PER-3 The vegetation clearance is for the operation, maintenance or repair of the National Grid; or</p> <p>PER-4 The vegetation clearance is for the maintenance, repair, or upgrade in seal cover, of existing roads; or</p> <p>PER-5 The vegetation clearance is to restore or enhance the natural character or ecological values of the riparian margin; or</p> <p>PER-6 The vegetation clearance only includes exotic species in areas of cultivation existed prior to 22 September 2022.</p>	<p>Activity status when compliance not achieved with PER-1: Controlled</p> <p>Where:</p> <p>CON-1 The vegetation clearance is only for the purpose of natural hazard mitigation works and is carried out solely by the Canterbury Regional Council, Timaru District Council, or an agent authorised on their behalf.</p> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> 1. methods proposed to avoid or mitigate any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and 2. any measures proposed to assist with the preservation, maintenance, restoration or enhancement of the natural character values of the area; and 3. the extent to which alternative practicable options have been considered and their feasibility; and 4. mitigation measures proposed to avoid or mitigate bank erosion; and <p>Activity status when compliance not achieved with PER-2, PER-3, PER-4, PER-5, PER-6 or CON-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and 2. the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area, particularly in and along an HNWB; and 3. the extent to which alternative practicable options have been considered and their feasibility; and

¹⁷ Clause 10(2)(b) relating to Federated Farmers [182.117]

		<p>4. the extent to which any restoration or enhancement of the natural character of the area is proposed; and</p> <p>5. the extent to which the proposal has the potential to cause or exacerbate bank erosion; and</p> <p>6. whether there is a functional need for the activity to locate in a riparian margin.</p>
Riparian margins of an HNWB	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
NATC-R2 Vegetation planting		
Riparian margins	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The planting:</p> <ol style="list-style-type: none"> 1. includes indigenous species only; and 2. is to restore or enhance the natural character or ecological values of the riparian margin; or <p>PER-2 The planting is within areas of cultivation existed prior to 22 September 2022.</p>	<p>Activity status when compliance not achieved with PER-1: Controlled</p> <p>CON-1 The vegetation planting is for the purposes of natural hazard mitigation works; and undertaken by (or on behalf of) a local authority only;</p> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> 1. measures to minimise adverse effects on the overall natural character of an area by reference to the values listed in Policy NATC-P1; and 2. measures to restore or enhance the natural character of the area. <p>Activity status when compliance not achieved with PER-2 or CON-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the type and extent of planting proposed and the impact of this on natural character values; and 2. the extent of any adverse effects on the overall natural character of an area by reference to the values listed in Policy NATC-P1; and 3. the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area, particularly in high naturalness water bodies; and 4. the extent to which alternative practicable options have been considered and their feasibility; and

		<p>5. the extent to which any restoration or rehabilitation of the natural character of the area is proposed; and</p> <p>6. whether there is a functional need, <u>or in relation to infrastructure an operational need</u>,¹⁸ for the activity to locate in a riparian margin; <u>and</u></p> <p>7. <u>any benefits that the activity provides to the local community and beyond</u>.¹⁹</p>
NATC-R3 Earthworks		
<p>1. Riparian margins of a river that is not an HNWB</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The earthworks are required for the maintenance and repair of existing fences, tracks, roads, <u>railways</u>²⁰, <u>stock water systems</u>, <u>irrigation systems</u>²¹ or natural hazard mitigation works; or</p> <p>PER-2 The earthworks are required to construct a new fence; or²²</p> <p>PER-3 The earthworks are required to construct a new track up to 3m in width; or</p>	<p>Activity status when compliance not achieved: Controlled</p> <p>Where:</p> <p>CON-1 The earthworks are for the purposes of natural hazard mitigation works, and are undertaken by (or on behalf of) a local authority.</p> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> 1. measures to manage adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and 2. any measures to restore or rehabilitate the natural character of the area; and 3. erosion and sediment control measures. <hr/> <p>Activity status when compliance not achieved with CON-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and 2. the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and

¹⁸ Transpower [159.78]

¹⁹ Transpower [159.70, 159.75] – Evidence of Ainsley McLeod, paras 46-54.

²⁰ KiwiRail [187.60]

²¹ Rangitata Dairies [44.10], Connolly, S [136.2]

²² Clause 16(2)

	<p>PER-4 The earthworks are required for the operation, maintenance or repair of the National Grid regionally significant infrastructure; or.^{23,24}</p> <p>PER-5 The earthworks are associated with the replacement of, or expansion to, an existing building or structure, permitted under NATC-R5.²⁵</p> <p>Advice Note This rule does not apply to earthworks associated with a commercial forestry activity which is regulated under the National Environmental Standard for Commercial Forestry.²⁶</p>	<ol style="list-style-type: none"> 3. the extent to which alternative practicable options have been considered and their feasibility; and 4. the extent to which any restoration or rehabilitation of the natural character of the area is proposed; and 5. whether there is a functional need, <u>or in relation to infrastructure an operational need</u>,²⁷ for the activity to locate in a riparian margin; and 6. the extent to which appropriate erosion and sediment control measures are to be implemented; <u>and</u> 7. <u>any benefits that the activity provides to the local community and beyond</u>.²⁸
<p>2 Riparian margins of an HNWB</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The earthworks are required for the maintenance and repair of existing fences, tracks, roads, <u>railways</u>²⁹, <u>stock water systems</u>, <u>irrigation systems</u>³⁰ or natural hazard mitigation works; or</p> <p>PER-2 The earthworks are required for the operation, maintenance or repair of National Grid regionally significant infrastructure³¹.</p> <p>Advice Note This rule does not apply to earthworks associated with a commercial forestry activity which is regulated under the National Environmental Standard for Commercial Forestry.³²</p>	<p>Activity status when compliance not achieved: Controlled</p> <p>Where:</p> <p>CON-1 The earthworks are for the purposes of natural hazard mitigation works; and are undertaken by (or on behalf of) a local authority.</p> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> 1. measures to manage adverse effects on the overall natural character of an area by reference to the values listed in Policy NATC-P1; and 2. any measures to restore or rehabilitate the natural character of the area; and 3. erosion and sediment control measures. <p>Activity status when compliance not achieved with CON-1: Discretionary</p>
<p>NATC-R4 Construction of fences</p>		

²³ Evidence of Julia Crossman, paras 2.2 and 3.5.

²⁴ Waka Kotahi [143.89]

²⁵ Te Kotare [115.30], Waipopo Huts [189.42]

²⁶ Port Blakely [94.10]

²⁷ Transpower [159.78]

²⁸ Transpower [159.70, 159.75] – Evidence of Ainsley McLeod, paras 46-54.

²⁹ KiwiRail [187.60]

³⁰ Rangitata Dairies [44.10], Connolly, S [136.2]

³¹ Clause 10(2)(b) relating to Waka Kotahi [143.87, 143.89], Transpower [159.75]

³² Port Blakely [94.10]

<p>Riparian margins of a river that is not an HNWB</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The fence is a post and wire, <u>or post and netting</u>³³ fence only.</p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent of any adverse effects on the overall natural character of an area by reference to the values listed in Policy NATC-P1; and 2. the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and 3. the extent to which alternative practicable options and designs have been considered and their feasibility; and 4. whether there is a functional need for the fence to locate in a riparian margin.
<p>Riparian margins of an HNWB</p>	<p>Activity status: Discretionary</p>	<p>Activity status where compliance not achieved: Not applicable</p>
<p>NATC-R5 Buildings and structures excluding fences</p>		
<p>Riparian margins of a river that is not an HNWB</p>	<p>Activity status: Restricted Discretionary Permitted³⁴</p> <p>Where:</p> <p>PER-1 <u>The building or structure is a replacement of, or expansion to, an existing building or structure, and the footprint of the building or structure does not increase by more than 50m² or 25% (whichever is the lesser) from that existing at [date rule becomes operative].</u></p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent of any adverse effects on the overall natural character of an area by reference to the values listed in Policy NATC-P1; and 2. whether the location, scale and design of the proposal will assist in reducing the adverse effects on natural character values; and 3. the nature of any proposed mitigation measures that contribute to the 	<p>Activity status when compliance not achieved: Not applicable <u>Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <u>1. the extent of any adverse effects on the overall natural character of an area by reference to the values listed in Policy NATC-P1; and</u> <u>2. whether the location, scale and design of the proposal will assist in reducing the adverse effects on natural character values; and</u> <u>3. the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and</u> <u>4. the extent to which alternative practicable options have been considered and their feasibility; and</u> <u>5. the extent to which any restoration or rehabilitation of the natural character of the area is proposed; and</u>

³³ Speirs, B [66.24]

³⁴ Te Kotare [115.31] and Waipopo Huts [189.43]

	<p>preservation, maintenance or enhancement of the natural character values of the area; and</p> <p>4. the extent to which alternative practicable options have been considered and their feasibility; and</p> <p>5. the extent to which any restoration or rehabilitation of the natural character of the area is proposed; and</p> <p>6. whether there is a functional need for the activity to locate in a riparian margin.</p>	<p>8. <u>whether there is a functional need, or in relation to infrastructure an operational need,³⁵ for the activity to locate in a riparian margin; and</u></p> <p>6. <u>any benefits that the activity provides to the local community and beyond.³⁶</u></p>
Riparian margins of an HNWB	Activity status: Discretionary	Activity status when compliance not achieved: Not applicable
NATC-R6	Subdivision of land containing a riparian margin	
All zones except General Rural Zone and Rural Lifestyle Zones	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable

³⁵ Transpower [159.78]

³⁶ Transpower [159.70, 159.75] – Evidence of Ainsley McLeod, paras 46-54.

NATURAL FEATURES AND LANDSCAPES

Introduction

The Natural Features and Landscapes chapter contains provisions that relate to the Outstanding Natural Features (ONF), Outstanding Natural Landscapes (ONL), and Visual Amenity Landscapes (VAL), which are identified as overlays on the Planning Maps. The identification of these landscapes is in response to section 6(b) of the RMA, which requires outstanding natural features and landscapes to be protected from inappropriate subdivision, use and development, and to sections 7(c) and (f) of the RMA, which requires amenity values and the quality of the environment to be maintained and enhanced.

These overlays apply to areas which have been assessed and identified as having high levels of biophysical, sensory or associative landscape values, which makes them either outstanding (ONF or ONL) or deserving of identification as a VAL. These overlays also include land which provides habitat to indigenous flora or fauna, areas which have highly legible geological features, and sites that are of significance to mana whenua. The process supporting the identification of these overlays and the associated values is described in the Landscape and Coastal Natural Character Assessment, June 2020.

The District's ONLs are identified in SCHED8 — Schedule of outstanding natural landscapes and ONFs are identified in SCHED9 — Schedule of outstanding natural features which commonly have a high degree of naturalness. VALs are identified in SCHED10 — Schedule of visual amenity landscapes and tend to be more modified landscapes, with high aesthetic and scenic values.

The rules in this chapter set out how activities are managed in these overlays. The policies and matters of discretion provide direction on the criteria against which proposals requiring resource consent must be assessed. A non-complying activity status has been used where activities are not considered appropriate within these overlays, in particular where activities will have a significant impact on the identified values.

The rules within this chapter also apply to regionally significant infrastructure and other infrastructure. However, the objectives and policies of both this chapter and the Energy and Infrastructure chapter apply to the consideration of any resource consent required under the rules in this chapter for regionally significant infrastructure and other infrastructure.

Objectives	
NFL-O1	Outstanding Natural Features and Outstanding Natural Landscapes
The landscape values <u>and characteristics</u> ¹ of the Outstanding Natural Features and Outstanding Natural Landscapes of the Timaru District are protected from inappropriate subdivision, use and development.	
NFL-O2	Visual Amenity Landscapes
The landscape <u>values and</u> characteristics and visual amenity values ² of the visual amenity landscapes of the Timaru District are maintained or enhanced.	

Policies	
NFL-P1	Identification of Outstanding Natural Features, Outstanding Natural Landscapes and Visual Amenity Landscapes

¹ Clause 16(2).

² Te Rūnanga o Ngāi Tahu [185.81] - Statement of Rachael Pull, Appendix A.

Identify the District's landscapes by:

1. assessing the values and characteristics of the District's landscapes according to the following criteria:
 - a. biophysical (abiotic, biotic); and
 - b. sensory (legibility, naturalness, vividness, coherence, aesthetic, transient values); and
 - c. associative (shared and recognised values, mana whenua values, historic heritage associations); and
2. identifying landscapes, based on their values and characteristics, on the planning maps as Outstanding Natural Features, Outstanding Natural Landscapes or Visual Amenity Landscapes; and
3. describing the values and characteristics of each Outstanding Natural Feature, Outstanding Natural Landscape or Visual Amenity Landscapes within SCHED8 — Schedule of Outstanding Natural Landscapes and SCHED9 — Schedule of Outstanding Natural Features.

NFL-P2	Enabling appropriate use and development
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Enable certain activities in Visual Amenity Landscapes, Outstanding Natural Features and Outstanding Natural Landscapes, including buildings and structures associated with existing non-intensive³ primary production, small scale earthworks, maintenance of existing tracks and fences, operation and maintenance of regionally significant infrastructure,⁴ and underground utilities, that are consistent with:

1. protecting the identified values and characteristics of the Outstanding Natural Landscapes and Outstanding Natural Features described in SCHED8 — Schedule of Outstanding Natural Landscapes and SCHED9 — Schedule of Outstanding Natural Features; and
2. maintaining or enhancing the identified values and characteristics of the Visual Amenity Landscapes described in SCHED10 — Schedule of Visual Amenity Landscapes.

NFL-P3	Maintaining and enhancing Visual Amenity Landscapes
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Only allow subdivision, use and development within visual amenity landscapes, that is not provided for⁵ in NFL-P2, where it can be demonstrated⁶:

1. how the identified values and characteristics of the visual amenity landscapes described in SCHED10 — Schedule of visual amenity landscapes will be maintained or enhanced; and
2. that the capacity of the landscape has the capacity to absorb the change; and
3. that the proposal can be visually integrated into the landscape and will not break the skyline or ridgelines; or

X. for Regionally Significant Infrastructure, that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure, or for the National Grid, EI-PX Managing adverse effects of the National Grid^{7,8}

while taking into account:

4. the scale of modification to the landscape; and
5. any potential cumulative effects; and
6. the measures proposed to mitigate the effects on the values and characteristics, including the location, design, scale and finish of any buildings or structures or earthworks, and landscaping; and
7. ~~EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure.⁹~~

NFL-P4	Protecting Outstanding Natural Features and Outstanding Natural Landscapes
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³ Federated Farmers [182.124]

⁴ Waka Kotahi [143.90]

⁵ Clause 16(2)

⁶ Clause 16(2)

⁷ Transpower [159.79]

⁸ Transpower [159.79]

⁹ Transpower [159.79]

Avoid subdivision, use and development within outstanding natural features and outstanding natural landscapes that area¹⁰ not provided in NFL-P2, unless it:

1. demonstrates how the identified values and characteristics of the outstanding natural landscapes and outstanding natural features described in SCHED8 — Schedule of outstanding natural landscapes and SCHED9 — Schedule of outstanding natural features will be protected; and
2. is located within a part of the outstanding natural feature or outstanding natural landscape that has capacity to absorb change; and
3. can be visually integrated into the landscape and will not break the skyline or ridgelines; and
4. will maintain natural landforms, natural processes and vegetation areas and patterns, or
- X. is regionally significant infrastructure, and it is demonstrated that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure, or for the National Grid, EI-PX Managing adverse effects of the National Grid^{11, 12}

while taking into account:

5. the scale of modification to the landscape; and
6. any potential cumulative effects; and
7. the measures proposed to mitigate the effects on the values and characteristics, including:
 - a. the location, design and scale of any buildings or structures, or earthworks; and
 - b. the intensity of any activity; and
 - c. the finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing; ~~and~~
 - d. ~~EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure.~~

Rules

Note: Activities not listed in the rules of this chapter are classified as a permitted under this chapter. For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

NFL-R1	Buildings, structures (other than fences) and irrigators and associated earthworks
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¹⁰ Dir. General Conservation [166.60]

¹¹ Transpower [159.79]

¹² Waka Kotahi [143.91], Transpower [159.80]

<p>1. ONF overlay ONL overlay</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The building or structure is either:</p> <ol style="list-style-type: none"> 1. a farm building or structure associated with an existing non-intensive primary production <u>activity</u>¹³, including residential units permitted in the applicable zones, and including earthworks associated with the building/structure; or 2. a public amenity building, including earthworks associated the building; or <p>PER-2 The structure is an irrigator that is not a travelling, mobile or pivot irrigator; and</p> <p>PER-3 The activity does not require the clearance of any indigenous vegetation.¹⁴</p> <p>PER-4 NFL-S1, NFL-S2, NFL-S3, NFL-S4 and NFL-S5 are complied with.</p> <p><u>This rule does not apply to temporary buildings and structures within the beds of rivers.</u>¹⁵</p>	<p>Activity status when compliance not achieved with either of PER-1 or PER-2 or PER-3¹⁶: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1 The activity is located within a holiday huts precinct; or</p> <p>RDIS-2 The structure is an¹⁷ irrigator; <u>or.</u></p> <p>RDIS-3 <u>The building or structure does not comply with NFL-S2.1.3, but is not located at any point above 900m above sea level.</u></p> <p>For RDIS-1, matters of discretion are limited to:</p> <ol style="list-style-type: none"> 1. the scale, design and form of the building or structure; and 2. the consistency of the building of the structure with the character and qualities of the Holiday hut precinct. 3. the impact of the development on views from public places and roads (including unformed legal roads), ease of accessibility to that place, and the significance of the view point; and 4. the extent to which the proposal will result in potential for adverse cumulative effects; and 5. the extent the proposal is consistent with maintaining the qualities of the Outstanding Natural Feature or Outstanding Natural Landscape as described in SCHED8 — Schedule of outstanding natural landscapes or SCHED9 — Schedule of outstanding natural features; and 6. any mitigation measures proposed. <p>For RDIS-2, matters of discretion are limited to:</p> <ol style="list-style-type: none"> 1. the extent the proposal is consistent with maintaining the qualities of the
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¹³ Federated Farmers [182.127]

¹⁴ Federated Farmers [182.127]

¹⁵ Rooney Holdings [174.2], Rooney, GJH [191.2], RDRML [234.1], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

¹⁶ Federated Farmers [182.127]

¹⁷ Clause 16(2)

		<p>outstanding natural feature or outstanding natural landscape as described in SCHED8 — Schedule of outstanding natural landscapes or SCHED9 — Schedule of outstanding natural features; and</p> <ol style="list-style-type: none"> 2. any alternative options or locations available; and 3. the impact of the development on views from public places and roads (including unformed legal roads), ease of accessibility to that place, and the significance of the view point; and 4. the extent to which the proposal will result in potential for adverse cumulative effects; and 5. the extent to which the proposal has functional or operational needs for its location; and 6. any mitigation measures proposed. <p><u>For RDIS-3, matters of discretion are limited to:</u></p> <ol style="list-style-type: none"> 1. <u>the extent the proposal is consistent with maintaining the qualities of the outstanding natural feature or outstanding natural landscape as described in SCHED8 — Schedule of outstanding natural landscapes or SCHED9 — Schedule of outstanding natural features; and</u> 2. <u>whether the proposal will visually integrate into the landscape; and</u> 3. <u>the appropriateness of the scale, form, design and finish (materials and colours) proposed; and</u> 4. <u>any alternative options or locations available; and</u> 5. <u>the impact of the development on views from public places and roads (including unformed legal roads), ease of accessibility to that place, and the significance of the view point; and</u> 6. <u>the extent to which the proposal will result in potential for adverse cumulative effects; and</u> 7. <u>the extent to which the proposal has functional or operational needs for its location; and</u> 8. <u>any mitigation measures proposed.</u>
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		<p>Activity status when compliance not achieved with PER-4, or neither RDIS-1, or RDIS-2 or RDIS-3: Non-complying</p>
<p>2. VAL overlay but excluding¹⁸ the area of VAL-3 Geraldine Downs that is within the Rural lifestyle zone</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The building or structure is either:</p> <ol style="list-style-type: none"> 1. a farm building / structure / irrigator associated with an existing non-intensive primary production activity¹⁹, including residential units, and including earthworks under the building/structure; or 2. a public amenity building, including earthworks under the building; and <p>PER-2 NFL-S1, NFL-S2, NFL-S3, NFL-S4 and NFL-S5 are complied with.</p> <p><u>This rule does not apply to temporary buildings and structures within the beds of rivers.²⁰</u></p>	<p>Activity status when compliance is not achieved with PER-2: Restricted Discretionary</p> <p>Matters of discretion are limited to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard. <p>Activity status when compliance is not achieved with PER-1: Discretionary</p>
<p>3. The area of VAL-3 Geraldine Downs that is within the Rural lifestyle zone</p>	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1 NFL-S1, NFL-S2, NFL-S3, NFL-S4 and NFL-S5 are complied with.</p> <p>Matters of discretion are limited to:</p> <ol style="list-style-type: none"> 1. effects on the identified values and characteristics for the visual amenity landscape described in SCHED10 — Schedule of visual amenity landscapes; and 2. any alternative locations or controls available; and 3. the matters of discretion of any relevant standard; and 4. any mitigation measures proposed. 	<p>Activity status when compliance is not achieved with RDIS-1: Restricted Discretionary</p> <p>Matters of discretion are limited to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard; and 2. matters of discretion listed for RDIS-1.

¹⁸ Clause 16(2)

¹⁹ Federated Farmers [182.127]

²⁰ Rooney Holdings [174.2], Rooney, GJH [191.2], RDRML [234.1], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

	<u>This rule does not apply to temporary buildings and structures within the beds of rivers.</u> ²¹	
NFL-R2	Earthworks not listed in NFL-R1, NFL-R3 or NFL-R4	
1. ONF overlay ONL overlay	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The earthworks are for the purpose of maintenance and repair of any of the following:</p> <ol style="list-style-type: none"> 1. existing fencing; or 2. existing farm tracks; or 3. existing walking/cycling tracks; or 4. existing roads; or 5. existing reticulated stock water systems including water troughs; or 6. existing natural hazard mitigation works; or 7. existing rock weirs; or <p>PER-2 The earthworks are for the purpose of sealing existing roads; and</p> <p>PER-3 NFL-S6 is complied with.</p> <p><u>This rule does not apply to earthworks within the beds of rivers.</u>²²</p>	<p>Activity status when compliance not achieved: Discretionary</p>
2. VAL overlay	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The earthworks are for the purpose of maintenance and repair of any of the following:</p> <ol style="list-style-type: none"> 1. existing fencing; or 2. existing farm tracks; or 3. existing walking/cycling tracks; or 4. existing roads; or 5. existing reticulated stock water systems including troughs; or 6. existing natural hazard mitigation works; or 	<p>Activity status when compliance is not achieved with PER-3: Restricted Discretionary</p> <p>Matters of discretion are limited to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard. <p>Activity status when compliance is not achieved with either PER-1 or PER-2: Discretionary</p>

²¹ Rooney Holdings [174.2], Rooney, GJH [191.2], RDRML [234.1], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

²² Rooney Holdings [174.2], Rooney, GJH [191.2], RDRML [234.1], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

	<p>PER-2 The earthworks are for the purpose of sealing existing roads; and</p> <p>PER-3 NFL-S6 is complied with.</p> <p><u>This rule does not apply to earthworks within the beds of rivers.</u>²³</p>	
NFL-R3 Network utilities including associated earthworks		
<p>1.</p> <p>ONF overlay</p> <p>ONL overlay</p> <p>VAL overlay²⁴</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The work involves the maintenance, upgrading or removal of existing network utilities; or</p> <p>PER-2 The installation of new or upgrading of underground network utilities where: 1. within the ONF and ONL overlays, the installation does not include more than 1,000m² of temporary trenching / earthworks; and 2. within the VAL overlay, the installation does not include more than 1,500m² of temporary trenching / earthworks in any 12-month period; and <u>or</u> 3. the installation does not require the clearance of any indigenous vegetation.²⁵</p> <p>PER-3 <u>Telecommunications activities which are located within formed road reserve, where:</u> <u>1. the height of any pole does not exceed 8m; and</u> <u>2. any panel antenna is no higher than 3.5m above the height of the pole; and</u> <u>3. NFL-S5 is complied with.</u>²⁶</p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion restricted to:</p> <ol style="list-style-type: none"> 1. the height, size, scale, external colour/finish, reflectivity and design of the network utility building, structure, or above ground utility line and support structure; and 2. the proposed location of the network utility building, structure or above ground network utility line and support structure and earthworks, specifically in relation to their impact on any landscape values; and 3. effects on landscape values, and qualities of the visual amenity landscape, outstanding natural feature or outstanding natural landscape as described in SCHED8 — Schedule of outstanding natural landscapes <u>or</u>; SCHED9 — Schedule of outstanding natural features <u>or SCHED10 — Schedule of visual amenity landscapes</u>; and 4. alternative location and/or routes and designs available; and 5. any operational needs or functional needs or constraints; and 6. the benefits that the network utility provides to the local community and beyond; and 7. Mitigation measures.

²³ Rooney Holdings [174.2], Rooney, GJH [191.2], RDRML [234.1], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

²⁴ Connexa [176.73, 176.74, 176.75], Spark [208.73, 208.74, 208.75], Chorus [209.73, 209.74, 209.75], Vodafone [210.73, 210.74, 210.75] - Evidence of Tom Anderson, paras 12 – 25.

²⁵ Clause 10(2)(b) relating to Federated Farmers [182.127]

²⁶ Connexa [176.73, 176.74, 176.75], Spark [208.73, 208.74, 208.75], Chorus [209.73, 209.74, 209.75], Vodafone [210.73, 210.74, 210.75]

	<u>PER-2 of this rule does not apply to network utilities within the beds of rivers.</u> ²⁷	
2. VAL overlay	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The work involves the maintenance, upgrading or removal of existing network utilities; or</p> <p>PER-2 The installation of new or upgrading of underground network utilities where the installation does not include more than 1,500m² of temporary trenching / earthworks in any 12-month period; or</p> <p>PER-3 Telecommunications activities, where:</p> <ol style="list-style-type: none"> 1. the height of any pole and attached antenna (excluding lightning rods or GPS antenna) does not exceed 13m in any Rural Lifestyle Zone or 20m in any General Rural Zone; and 2. the diameter of the pole and all attachments does not exceed 1m; and 3. NFL-S5 is complied with.²⁸ <p><u>PER-2 of this rule does not apply to network utilities within the beds of rivers.</u>²⁹</p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion restricted to:</p> <ol style="list-style-type: none"> 1. the height, size, scale, external colour/finish, reflectivity and design of the network utility building, structure, or above ground utility line and support structure; and 2. the proposed location of the network utility building, structure or above ground network utility line and support structure and earthworks, specifically in relation to their impact on any landscape values; and 3. effects on landscape values, and qualities of the visual amenity landscape as described in SCHED10 — Schedule of visual amenity landscapes; and 4. alternative location and/or routes and designs available; and 5. any operational needs or functional needs or constraints; and 6. the benefits that the network utility provides to the local community and beyond; and 7. Mitigation measures.
NFL-R4	Construction of fences, including earthworks	
ONF overlay ONL overlay VAL overlay	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The fence is a post and wire, <u>or post and netting</u>³⁰ fence; and</p> <p>PER-2</p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion restricted to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard; and 2. effects on landscape values, and qualities of the visual amenity landscape, outstanding natural feature or outstanding natural landscape as described in SCHED8 — Schedule of

²⁷ Rooney Holdings [174.2], Rooney, GJH [191.2], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

²⁸ Connexa [176.73, 176.74, 176.75], Spark [208.73, 208.74, 208.75], Chorus [209.73, 209.74, 209.75], Vodafone [210.73, 210.74, 210.75] - Evidence of Tom Anderson, paras 12 – 25.

²⁹ Rooney Holdings [174.2], Rooney, GJH [191.2], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

³⁰ Zolve [164.5], Federated Farmers [182.130]

	<p>There is no clearance of indigenous vegetation associated with the construction of the fence; and³¹</p> <p>PER-3 NFL-S6 is complied with.</p>	<p>outstanding natural landscapes, SCHED9 — Schedule of outstanding natural features or SCHED10 — Schedule of visual amenity landscapes; and</p> <p>3. alternative designs, options or locations available; and</p> <p>4. any mitigation measures.</p>
NFL-R5 Tree planting, other than plantation forestry		
<p>1. ONF overlay</p> <p>ONL overlay</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The tree planting is for amenity planting and is located within 100m of an existing residential unit; or</p> <p>PER-2 The tree planting is of indigenous species and for restoration or conservation purposes.</p>	<p>Activity status when compliance not achieved: <u>Controlled</u>³²</p> <p>Where:</p> <p>CON-1 <u>The tree planting is for a shelterbelt within ONL-1 (Upper Rangitata Catchment) and is located below 500m above sea level.</u></p> <p><u>Matters of control are restricted to:</u></p> <ol style="list-style-type: none"> <u>1. effects on landscape values, and qualities of the outstanding natural feature or outstanding natural landscape as described in SCHED8 – Schedule of outstanding natural landscapes, SCHED9 – Schedule of outstanding natural features; and</u> <u>2. measures proposed to control any potential wilding spread.</u> <p><u>Activity status where compliance not achieved with CON-1: Restricted Discretionary</u></p> <p>Matters of discretion restricted to:</p> <ol style="list-style-type: none"> 1. effects on landscape values, and qualities of the outstanding natural feature or outstanding natural landscape as described in SCHED8 — Schedule of outstanding natural landscapes, SCHED9 — Schedule of outstanding natural features; and 2. alternative planting options and locations available.
<p>2. VAL overlay</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p>	<p>Activity status when compliance not achieved : Controlled</p> <p>Where</p> <p>CON-1</p>

³¹ Clause 10(2)(b) relating to Federated Farmers [182.127]

³² Federated Farmers [182.131]

	<p>The tree planting is for amenity planting and is located within 100m of an existing residential unit; or</p> <p>PER-2 The tree planting is of indigenous species and for restoration or conservation purposes.</p>	<p>The tree planting is for erosion control or shelterbelts.</p> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> 1. effects on landscape values, and qualities of the visual amenity landscape as described in SCHED10 — Schedule of Visual Amenity Landscapes; and 2. alternatives locations or species available. <p>Activity status when compliance not achieved with CON-1: Restricted Discretionary</p> <p>Matters of discretion restricted to:</p> <ol style="list-style-type: none"> 1. effects on landscape values, and qualities of the visual amenity landscape, as described in SCHED10 — Schedule of Visual Amenity Landscapes; and 2. alternative planting options and locations available.
<p>NFL-R6 Primary production not listed in the Rules section of this chapter</p>		
<p>1. ONF overlay³³</p> <p>ONL overlay</p>	<p><i>Note: Associated buildings and structures are provided in NFL-R1.</i></p> <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The activity does not require the clearance of any indigenous vegetation.³⁴</p> <p>PER-2 The activity does not introduce any:</p> <ol style="list-style-type: none"> 1. new areas of irrigation beyond those existing as of 22 September 2022, and/or 2. new areas of cultivation (by direct drilling, ploughing, discing, topdressing or oversowing or otherwise) beyond those existing as of 22 September 2022. 	<p>Activity status when compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The effects on landscape values, and qualities of the visual amenity landscape,³⁵ outstanding natural feature or outstanding natural landscape as described in SCHED8 — Schedule of outstanding natural landscapes and SCHED9 — Schedule of outstanding natural features; and 2. any mitigation measures. <p>Activity status when compliance not achieved with PER-2: Non-complying</p>

³³ Federated Farmers [182.132]

³⁴ Clause 10(2)(b) relating to Federated Farmers [182.127]

³⁵ Clause 16(2)

<p>2. ONF overlay³⁶</p>	<p><u>Note: Associated buildings and structures are provided in NFL-R1.</u></p> <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The activity does not introduce any:</p> <ol style="list-style-type: none"> 1. <u>new areas of irrigation beyond those existing as of 22 September 2022, and/or</u> 2. <u>new areas of cultivation (by direct drilling, ploughing, discing, topdressing or oversowing or otherwise) beyond those existing as of 22 September 2022</u> 	<p>Activity status where compliance not achieved with PER-1: Non-complying</p>
<p>NFL-R7 Afforestation</p>		
<p>1. VAL overlay</p>	<p>Activity status: Controlled</p> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> 1. <u>the effects on visual amenity landscape values, and qualities of the Visual Amenity Landscape described in SCHED10 — Schedule of visual amenity landscapes, including any future effects from plantation forestry activities; and</u> 2. <u>the location and extent of the afforestation; and</u> 3. <u>any mitigation measures.</u>³⁷ 	<p>Activity status when compliance not achieved: Not applicable</p>
<p>2. ONF overlay ONL overlay</p>	<p>Activity status: Non-complying</p>	<p>Activity Status when compliance not achieved: Not applicable</p>
<p>NFL-R8 New roads, farm tracks and walking and cycling tracks</p>		
<p>ONF overlay ONL overlay VAL overlay</p>	<p>Activity status: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. effects on landscape values, and qualities of the Visual Amenity Landscape, Outstanding Natural Feature or Outstanding Natural Landscape as described in SCHED8 — Schedule of outstanding natural landscapes, SCHED9 — Schedule of Outstanding Natural Features or 	<p>Activity status when compliance not achieved: Not applicable</p>

³⁶ Federated Farmers [182.132]

³⁷ Port Blakely [94.11]

	<p>SCHEM10 — Schedule of visual amenity landscapes; and</p> <p>2. alternative routes and designs available; and</p> <p>3. any mitigation measures.³⁸</p>	
NFL-R9	Subdivision (<u>excluding boundary adjustments</u>)³⁹	
ONF overlay	Activity status: Discretionary	Activity status when compliance not achieved: Not applicable
ONL overlay		
VAL overlay		
NFL-R10	Mining and quarrying	
ONF overlay	Activity status: Non-complying	Activity status when compliance not achieved: Not applicable
ONL overlay	<u>This rule does not apply to mining and quarrying within the beds of rivers.⁴⁰</u>	
VAL overlay		

Standards

NFL-S1	Maximum height	
1. ONF overlay	The maximum height of buildings and structures, above ground level shall be 5m.	Matters of discretion restricted to: Not applicable
ONL overlay		
2. VAL overlay	The maximum height of buildings and structures, above ground level shall be: <ol style="list-style-type: none"> 1. 8m for farm buildings and structures; or 2. 8m for any residential unit in <i>VAL-3 Geraldine Downs</i>; or 3. 5m for any other building or structure. 	Matters of discretion restricted to: <ol style="list-style-type: none"> 1. whether the proposal is consistent with maintaining or enhancing the qualities of the visual amenity landscape described in SCHEM10 — Schedule of visual amenity landscapes; and 2. whether the proposal will visually integrate into the landscape; and 3. the appropriateness of the scale, form, and design proposed; and

³⁸ Rooney Holdings [174.38], Federated Farmers [182.133], Rooney, GJH [191.38], Rooney Group [249.38], Rooney Farms [250.38], Rooney Earthmoving [251.38], TDL [252.38]

³⁹ Rooney Holdings [174.39], Rooney, GJH [191.39], Rooney Group [249.39], Rooney Farms [250.39], Rooney Earthmoving [251.39], TDL [252.39] - Evidence of Nathan Hole, paras 49 - 52.

⁴⁰ Rooney Holdings [174.2], Rooney, GJH [191.2], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

		<ol style="list-style-type: none"> 4. any alternative options or locations available; and 5. the extent to which the proposal will result in adverse cumulative effects; and 6. the extent to which the proposal has functional needs or operational needs for its height; and 7. any mitigation measures.
NFL-S2	Location of buildings, structures and irrigators	
1. ONF overlay ONL overlay	Buildings and structures within ONF and ONL overlays shall not be located: <ol style="list-style-type: none"> 1. within a 20m vertical or 100m horizontal distance of any ridgeline; or 2. <u>for structures, at any point above 900m above sea level; or</u> 3. <u>for buildings, at any point above 500m above sea level</u>⁴¹. 	Matters of discretion restricted to: Not applicable
2. VAL overlay	Buildings, structures and irrigators within VAL shall not be located: <ol style="list-style-type: none"> 1. within a 20m vertical or 100m horizontal distance of any ridgeline; or 2. at any point above 900m above sea level. 	Matters of discretion restricted to: <ol style="list-style-type: none"> 1. whether the proposal is consistent with maintaining or enhancing the qualities of the visual amenity landscape described in SCHED10 — Schedule of visual amenity landscapes; and 2. whether the proposal will visually integrate into the landscape; and 3. the appropriateness of the scale, form, design and finish (materials and colours) proposed; and 4. any alternative options or locations available; and 5. the extent to which the proposal will result in adverse cumulative effects; and 6. the extent to which the proposal has functional or operational needs for its location; any 7. mitigation measures.
NFL-S3	Proximity of new residential units, farm buildings and structures to existing buildings	
1. ONF overlay ONL overlay	New residential units, farm buildings and structures must be located within 50m of an existing farm building or residential unit.	Matters of discretion restricted to: Not applicable
2. VAL overlay	New residential units, farm buildings and structures must be located within 100m of an existing farm building or residential unit.	Matters of discretion restricted to: <ol style="list-style-type: none"> 1. whether the proposal is consistent with maintaining or enhancing the qualities of the visual amenity landscape described

⁴¹ Frank, H [90.16]

		<p>in SCHED10 — Schedule of visual amenity landscapes; and</p> <ol style="list-style-type: none"> 2. whether the proposal will visually integrate into the landscape; and 3. the appropriateness of the scale, form, design and finish (materials and colours) proposed; and 4. any alternative options or locations available; and 5. the extent to which the proposal will result in adverse cumulative effects; and 6. the extent to which the proposal has functional or operational needs for its location; and 7. any mitigation measures.
NFL-S4 Footprint of buildings and structures and length of irrigators		
<p>1. ONF overlay</p> <p>ONL overlay</p>	<ol style="list-style-type: none"> 1. The maximum footprint of any building or structure shall be: <ol style="list-style-type: none"> a. 40m² for public amenity buildings; b. 300m² for farm buildings or residential units; and c. 100m² for any other building or structure. 	Matters of discretion restricted to: Not applicable
<p>2. VAL overlay</p>	<ol style="list-style-type: none"> 1. The maximum footprint of any building or structure shall be: <ol style="list-style-type: none"> a. 40m² for public amenity buildings; b. 500m² for farm buildings or residential units; and c. 200m² for any other building or structure. 	<p>Matters of discretion restricted to:</p> <ol style="list-style-type: none"> 1. whether the proposal is consistent with maintaining or enhancing the qualities of the visual amenity landscape described in SCHED10 — Schedule of visual amenity landscapes; and 2. whether the proposal will visually integrate into the landscape; and 3. the appropriateness of the scale, form and design proposed; and 4. any alternative options or locations available; and 5. the extent to which the proposal will result in adverse cumulative effects; and 6. the extent to which the proposal has functional or operational needs for its scale; and 7. any mitigation measures.
NFL-S5 Colours and materials		
<p>1. ONF overlay</p> <p>ONL overlay</p>	The exterior surfaces of buildings and structures shall be constructed of materials and/or finished in a manner which achieves a light reflectance value not greater than 30%.	Matters of discretion restricted to: Not applicable
<p>2.</p>	The exterior surfaces of buildings and structures shall be constructed of materials	Matters of discretion restricted to:

<p>VAL overlay</p>	<p>and/or finished in a manner which achieves a light reflectance value not greater than 30%, <u>except that this standard shall not apply to any farm buildings and structures using unpainted corrugated iron.</u>⁴²</p>	<ol style="list-style-type: none"> 1. whether the proposal is consistent with maintaining or enhancing the qualities of the visual amenity landscape described in SCHED10 — Schedule of visual amenity landscapes; and 2. whether the proposal will visually integrate into the landscape; and 3. the appropriateness of the finish (materials and colours) proposed.
<p>NFL-S6 Earthworks</p>		
<p>1. ONF overlay ONL overlay</p>	<p>Earthworks shall comply with all of the following:</p> <ol style="list-style-type: none"> 1. the depth of the earthworks shall not exceed 42⁴³m below the original surface of the ground; and 2. the depth of fill shall not exceed 1m above the original surface of the ground; and 3. the area of the earthworks shall not exceed 1,000m² in any 12 month period. 	<p>Matters of discretion restricted to: Not applicable</p>
<p>2. VAL overlay</p>	<p>Earthworks shall comply with all of the following:</p> <ol style="list-style-type: none"> 1. the depth of the earthworks shall not exceed 42⁴⁴m below the original surface of the ground; and 2. the depth of fill shall not exceed 1m above the original surface of the ground; and 3. the area of the earthworks shall not exceed 1,500m²; in any 12 month period and 4. there shall be no change from unsealed surfacing of roads and tracks to sealed surfaces. 	<p>Matters of discretion restricted to:</p> <ol style="list-style-type: none"> 1. the location, design, scale, timing and nature of any earthworks; and 2. the visibility of the earthworks on views from public places and roads (including unformed legal roads), ease of accessibility to that place, and the significance of the view point; and 3. whether the proposal is consistent with maintaining the qualities of the visual amenity landscape described in SCHED10 — Schedule of visual amenity landscapes; and 4. any alternative options or locations available; and 5. the any proposed mitigation measures.

⁴² Rooney Holdings [174.42], Rooney, GJH [191.42], Rooney Group [249.42], Rooney Farms [250.42], Rooney Earthmoving [251.42], TDL [252.42]

⁴³ TDC [42.36]

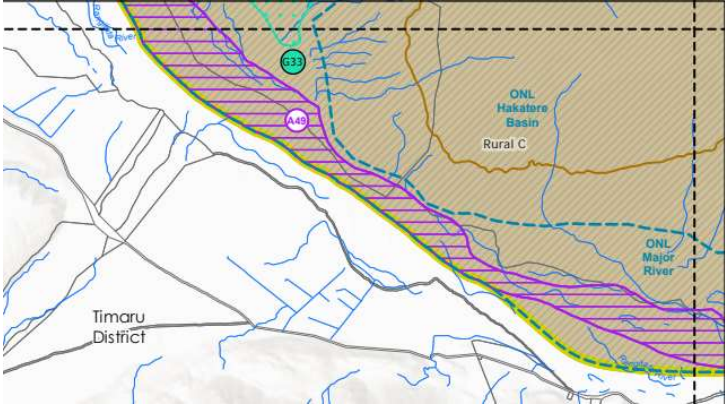
⁴⁴ Clause 10(2)(b) relating to TDC [42.36]

APPENDIX C

Response to Specific Directions / Questions in Minute 19 - Ecosystems and Indigenous Biodiversity; Natural Character; and Natural Features and Landscapes - Hearing D

Item	Direction	Officer's Response
1	Provide an analysis of gaps and duplication between the Proposed Plan rules and regional plan rules for riverbeds (in conjunction with Rooney Group Limited and Rangitata Diversion Management Limited).	<p>The full analysis is set out in Table 1 below. Where unnecessary duplication has been identified, recommendations have been made to remedy this. More specifically, this involves excluding application of the following rules within riverbed areas:</p> <ul style="list-style-type: none"> • quarrying and mining within ONLs and VALs (NFL-R10); • earthworks within ONLs and VALs (NFL-R2); • earthworks within SNAs - noting this includes quarrying and mining activities (ECO-R5); • temporary buildings and structures within ONLs and VALs (NFL-R1); and • underground network utilities within ONLs and VALs (NFL-R3.1 PER-2 and NFL-R3.1 PER-2). <p>For the reasons set out in Table 1, I consider that the vegetation clearance rules in the PDP pertaining to SNAs (ECO-R1.1) should continue to apply, as should the rule applying to above ground network utilities (NFL-R3.1 and NFL-R3.2).</p> <p>I also consider that the mapping of ONLs, VALs and SNAs in riverbed areas should be retained.</p> <p>In terms of s32AA, I consider that excluding the application of the identified rules to riverbeds areas will not compromise the achievement of the relevant PDP objectives. This is because the analysis in Table 1 shows how the CLWRP rules and consenting framework contribute to the achievement of these objectives. Avoiding overlap and duplication in the consenting framework will reduce consenting costs for applicants and result in a much more efficient approach.</p>
2	To confirm from a drafting perspective whether there is agreement with the drafting amendments regarding bat monitoring, in paragraph 29 in the Port Blakely Limited legal summary, and the evidence of Director General of Conservation,	<p>I have discussed the wording of the matter of discretion in ECO-R4 with Zac Robinson (Port Blakely), Melissa Pearson (Port Blakely), Deidre Francis (Environment Canterbury) and Liz Williams (Director General of Conservation). We all agree that the following wording is appropriate:</p> <p><i>Whether, upon specialist assessment by a suitably qualified and experienced expert ecologist, <u>(which may be supported through use of an automatic bat monitor)</u>, the tree/s proposed to be removed is habitat for long-tailed bats.</i></p>

Item	Direction	Officer's Response
	Environment Canterbury, and the summary statement of Ms White.	<p>It is noted that this wording differs from that set out in the Port Blakely legal summary, and the planning evidence referred to, but is agreed by all parties as appropriate. This is because it allows for the use of an ABM as part of an assessment undertaken by a suitably qualified and experienced expert, but does not allow for an ABM to be used as a substitute for an expert assessment (which my original s42A recommendation would have allowed), nor does it require an ABM to be used in all instances (which the wording in the Port Blakely legal summary would have resulted in).</p> <p>Under s32AA, these changes are considered to align with the direction in ECO-P4 and assist in achieving ECO-O1 in a manner that is efficient and effective.</p>
3	Provide an analysis of the relationship between the Rangitata Water Conservation Order (WCO), and the SNA, ONL, and VAL boundaries and provisions, including the extent of existing protection provided by the WCO and a comparison of the values protected between the Proposed Plan and the WCO (in conjunction with Ms Vella and Rangitata Diversion Management Limited).	<p>The comparison of boundaries, rules and values in each of these areas is set out in Table 2 below.</p> <p>This demonstrates (in my assessment) that the values of the WCO are broad and because of this, overlap with the values of the areas identified in the PDP. For example, a value identified in the WCO includes habitat for terrestrial organisms. The SNAs in the PDP then identify specific habitats located in the identified SNAs. Similarly, the WCO identifies amenity and intrinsic values, as well as wild, scenic and other natural characteristics. Those that relate to the landscape values and characteristics of the Upper Rangitata Catchment ONL and Rangitata Flats VAL are then specified in detail in the PDP schedule. The ONL and VAL schedules also note recreational opportunities within the Rangitata which is another value identified in the WCO.</p> <p>However, at a rule level, the WCO rules relate to activities managed under the regional council functions, such as damming and discharges. There is an overlap however with the PDP managing earthworks (ECO-R5, NFL-R1 – NFL-R3 and NFL-R10) and the WCO including restrictions on alteration of the channel cross-section or braided river channel characteristics, which in effect relate to earthworks. However, this potential duplication would be removed if the earthworks rules are amended as recommended in the Table 1 analysis and Row 1 above, so that they do not apply to riverbeds.</p>
4	Outline the approach adjoining Territorial Authorities (TAs) take regarding SNA mapping in riverbeds.	<p><u>Ashburton</u>: The Plan identifies “<i>Areas of Significant Nature Conservation Value</i>” (SNCV). This includes that part of the Rangitata River bed located within the Ashburton District as well as the adjoining riparian areas – A49 Lower Rangitata River. See snip below of Rural Map R47 as an example. The description of this SNCV states that “<i>This river is one of the largest braided rivers in Canterbury. The river supports all the typical braided river bird species of Canterbury, including the threatened wrybill and black fronted tern, and black billed gull.</i>”</p>

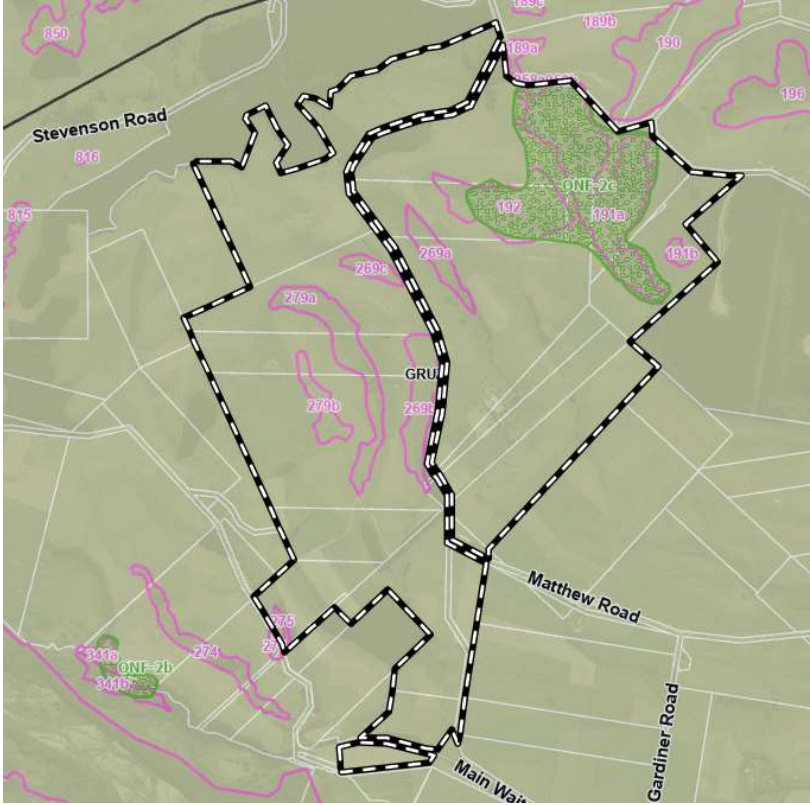
Item	Direction	Officer's Response
		 <p>The rules applying to the SNCV include a restriction on mineral extraction and quarrying in these areas (Rule 3.10.14)- which are a non-complying activity under Rule 3.8.6 a)) and consent is required for any indigenous vegetation clearance (under Rule 3.9.11 b))</p> <p><u>Mackenzie:</u> The District Plan includes “<i>Sites of Natural Significance</i>”. These include riverbed areas, e.g. Site #23 “<i>Tasman River</i>” includes Tasman Riverbed and Murchison riverbeds (along with related streams, swamps and wetlands), and Site #45 (“<i>Tekapo/Pukaki Rivers</i>”) includes the Tekapo/Pukaki and Ohau riverbeds, with the description stating that the wide, braided alluvial riverbeds provide important habitat for listed species and breeding areas for other listed species. Activities undertaken in these areas generally require consent (e.g. Buildings and structures (NFL-R1); vegetation clearance (Rule 1.3.2 in Section 19) and the volume of earthworks are limited (to 20m³ and 50m² in area per 12-month period (EW-S5)).</p> <p><u>Waimate:</u> The Plan identifies Significant Natural Areas which include riverbed areas, such as Waitaki River (Site #12) and Hakataramea River (Site #10) as well as various streams. The rule framework requires consent for earthworks (Rule 8.1.1a.) in these areas (excluding those associated with maintenance); and for any indigenous vegetation clearance (Rule 8.11.1b) and for new buildings (Rule 8.1.1.e).</p>
5	Regarding the ‘within’ 2m vegetation clearance provisions of ECO-R1, identify the evidential basis of the measurement for the	The inclusion of a “ <i>within 2m</i> ” limitation was included in the PDP in response to a concern raised in feedback on the draft Plan, which had not proposed to limit the scale of clearance for the purpose of maintenance/repair/replacement, that it might result in the rule being abused, for example through the use of machinery used to undertake the maintenance/repair/replacement. The limit was intended to ensure that the exemption for such clearance was suitably

Item	Direction	Officer's Response
	<p>purposes of ECO-R1.2 (PER-2), and its use in ECO R5 (PER-1) in relation to earthworks, as notified and any supporting s32 evaluation undertaken prior to notification. Please also provide the evidential basis for the new 'within' 2m standard for ECO-R1.4 (PER-1), and supporting s32AA evaluation. If further changes are recommended to the provisions in light of submitter presentations and evidence, please provide a supporting s32AA evaluation for any changes.</p>	<p>limited to avoid the exemption being abused, while still allowing for appropriate level of clearance for the identified activities. A specific analysis of the use of 2m is not included in the s32 evaluation.</p> <p>The specific limit was taken from the Mackenzie District Plan which includes a similar 2m limit for indigenous vegetation clearance for maintenance/repair/replacement activities. The evidential basis for this was provided in the evidence of Mr Harding, who provided ecological evidence for the Mackenzie District Council on its Plan Change 18.¹ His view was that some existing items – fence lines, vehicle tracks and roads – have been constructed with small (or no) machinery, whereas modern maintenance and repair is often undertaken with larger machinery (such as bulldozers or diggers). In his opinion, repair of vehicle tracks commonly results in upgrading, such as excavation of drains and resurfacing with metal (gravel). In these situations, he stated that there could be adverse effects on adjacent indigenous vegetation or habitat. He therefore recommended a restriction on the extent of vegetation clearance to within 2m of the existing item.</p> <p>I consider that the same situation and risks arise in the Timaru District context as they do in Mackenzie, and that the evidence provided by Mr Harding for Plan Change 18 can be appropriately relied on for ECO-R1.2 (PER-2), and ECO-R5 (PER-1). I note that both of these rules apply in SNAs, and I consider that the restriction still enables maintenance/repair/replacement of existing items located within or immediately adjacent to SNAs to take place. I accept that there are some costs associated with the limitation in that it may restrict the method by which maintenance/repair/replacement can take place – for example, restricting use of larger machinery to clear vegetation along a fenceline. However, I consider that in absence of such a restriction, larger areas of indigenous vegetation, or land disturbance could take place, which would have greater impacts on the ecological values of SNAs. I therefore consider that benefits of the approach to indigenous biodiversity values outweigh the costs of such restrictions. The imposition of a 2m limit is therefore, in my view, necessary to effectively achieve ECO-O1, while still being efficient.</p> <p>In terms of the new 'within' 2m standard for ECO-R1.4 (PER-1), I consider that the same evidential basis applies – namely that without a limitation such as within 2m, there is potential for a greater amount of clearance to occur as a result of maintenance/repair/replacement activities. However, I note that this rule applies outside SNAs and other identified sensitive areas, and the outcome sought in these areas is the maintenance, rather than the protection, of indigenous biodiversity (ECO-O2). The values are also lower outside SNAs, and therefore clearance beyond 2m would in my view have lesser environmental costs than clearance within SNAs. (The costs associated with the limitation would be the same as identified above). On balance, I consider that removing the 2m limit from this rule will not compromise the achievement of ECO-O2, but would be a more efficient approach. Under s32AA, having taken into</p>

¹ Harding, M. *Mackenzie District Plan, Proposed Plan Change 18 – Indigenous Biodiversity, Section 42A Hearings Report – Ecology*, 10 December 2020

Item	Direction	Officer's Response
		<p>account the costs, benefits, efficiency and effectiveness of the proposed approach at achieving the objectives, I therefore recommend that ECO-R1.4 (PER-1) is amended as follows:</p> <p><u>PER-1</u> <u>The clearance is for the purpose of:</u></p> <ol style="list-style-type: none"> 1. <u>the maintenance, repair or replacement of:</u> <ol style="list-style-type: none"> a. <u>existing fences, vehicle tracks, roads, walkways, firebreaks, dams, drains, man-made ponds, waterway crossings, or network utilities, and is limited to the area within 2m of these.</u> b. <u>any existing flood, erosion or drainage works administered by a Regional or Territorial Authority, limited to the area within the existing footprint of the works.</u> c. <u>existing buildings, and is limited to within 2m from any existing exterior wall.</u>
6	Outline the approach taken to vegetation clearance and earthworks in adjoining TAs. Do they apply a 'within 2m' rule?	<p><u>Ashburton:</u> Indigenous vegetation clearance and earthworks within SNCVs indigenous vegetation clearance is not permitted, albeit there is an exemption in 3 specific SNCVs for the maintenance of existing tracks up to 6m in width (Rules 3.9.11 b) and 3.9.13). Outside SNCVs, in the Rural A & B Zones, the rules do not appear to allow for clearance associated with maintenance/repair/replacement activities as a permitted activity (Rule 3.9.11 d)). In the Rural C Zone, there is no specific rule for maintenance/repair/replacement activities, but permitted indigenous vegetation clearance is limited via an area threshold, e.g. generally 1000m² per site over a 5-year period, but with lesser thresholds for specified types of vegetation (Rule 3.9.11 a)).</p> <p><u>Mackenzie:</u> As noted above, a 'within 2m' limitation applies to indigenous vegetation clearance for maintenance/repair/replacement activities in the Mackenzie District Plan (Section 19, Rule 1.1.1.1. a)). This applies to any vegetation clearance and not only within identified SNAs. However, in my view this reflects that the MDP has not yet been reviewed to identify SNAs in accordance with the CRPS (or NPSIB) criteria and therefore takes a more rule-by-rule approach to the assessment of significance. Earthworks for the purpose of maintenance and repair of existing items are permitted (under EW-R1).</p> <p><u>Waimate:</u> Within SNAs, earthworks are permitted where they are associated with the maintenance and upkeep of existing tracks, roads, drains, culverts, crossings, bridges, stock yards, erosion control works, dykes and sea walls (Rule 8.1.1 a). However, there is no permitted clearance of indigenous vegetation (Rule 8.1.1 b). Outside of SNAs, there is no specific rule for maintenance/repair/replacement activities, but permitted indigenous vegetation clearance is limited via an area threshold, e.g. generally 1000m² per site over a 5-year period, but with lesser thresholds for specified types of vegetation (Rule 7.16.1)).</p>
7	In relation to the recommended changes relating to Rule NFL-S2 to	I note firstly that the recommended reduction only applies to ONLs and ONFs and not to VALs. I have therefore responded to the question as it relates to ONLs rather than VALs. Ms Pfluger has also provided an updated map

Item	Direction	Officer's Response
	<p>amend VAL mapping to apply above 500m, instead of 900m as notified, provide an analysis of how many landowners are impacted by the change, and an additional S32AA analysis to assess the change or any further proposed changes arising post hearing.</p>	<p>which more clearly outlines the areas affected by reducing NFL-S2.1 from 900m to 500m. This is included as Attachment 1.</p> <p>The Council has confirmed that 17 additional properties (rating units) are affected by the change (resulting from 43 total properties being affected by the application of a 500m contour line, with 26 of these properties already affected by the 900m contour line). Of these properties, some are owned by the same landowners – with 14 additional landowners affected by the change (being 31 landowners affected by the application of a 500m contour line, 17 of whom are already affected by the 900m contour line).</p> <p>The s32AA analysis of the recommended change is set out in paragraph 9.16.14 of the s42A report. No further changes are recommended and therefore that s32AA analysis (set out below) still applies to the recommendation. However, I note that my recommendation is to only apply the reduced elevation to buildings (and not structures and irrigators) and therefore reference to this in the s32AA should be removed (shown with strikethrough below):</p> <p><i>In terms of s32AA, I note that the reduction to 500m above sea level would introduce additional costs associated with restricting the location of buildings, structures and irrigators above this elevation. The extent of the area to which this would apply is set out in Figure 1 to Ms Pfluger's memo. However, I consider that there are environmental benefits from imposing a control that better aligns with the values of these areas and which will therefore better assist in achieving NFL-O1. I consider that applying a tiered approach within 500 and 900masl, within which a restricted discretionary activity status applies, is an efficient approach which allows for a case-by-case assessment of the effects of the values of any ONL.</i></p>
8	<p>Provide map/s identifying those areas where both the ONL and SASM overlays apply.</p>	<p>This map is included as Attachment 2. In addition to ONLs, the map also identifies overlap between SASMs and VALs.</p>

Item	Direction	Officer's Response
9	Clarify the rules relating to Mr Reece Hart's property, including how they apply to change in land use and mobstocking.	 <p data-bbox="632 1138 1986 1195">Mr Hart's property at 318 Matthew Road, Temuka, is affected by SNAs 191A, 191b, 192, 269a, 269b, 275, 279a and 279b and by ONF-2C.</p> <p data-bbox="632 1224 1986 1255">Within that portion of the property identified as an SNA, the rules in the ECO Chapter will apply. Under these rules:</p> <ul data-bbox="674 1284 1986 1336" style="list-style-type: none"> - Clearance of indigenous vegetation is only permitted in specific instances, such as for the removal of pest plants. (ECO-R1.1) The s42A report also recommend that permitted clearance include (under PER-6)

Item	Direction	Officer's Response
		<p>clearance that occurs as part of grazing, but not over-grazing/trampling, and only within areas of the SNA that fall within the definition of improved pasture (but note further recommendation in Row 11 below).</p> <ul style="list-style-type: none"> - Permitted earthworks are limited to the maintenance and repair of any of the specifically identified items, such as tracks and ponds (ECO-R5). <p>For other parts of the submitter's property which are outside SNAs, indigenous vegetation clearance would also only be permitted in the circumstances listed in recommended Rule ECO-R1.4 (if that recommendation is accepted).</p> <p>In the areas identified as SNAs, changes in land use that include earthworks, or result in the clearance of indigenous vegetation would require a consent. However continued grazing in areas where it has previously been undertaken would (under the officer recommendation) be permitted. Mobstocking would not be permitted within an SNA because this would extend beyond continued grazing and would result in removal of indigenous vegetation.</p> <p>Within that portion of the property identified as ONF-2C, the rules in the NFL Chapter will apply. Under these rules:</p> <ul style="list-style-type: none"> - Only buildings for specified purposes (i.e. farm buildings and structures associated with existing primary production activities including residential units) are permitted, and subject to meeting the built form standards in NFL-S1 to NFL-S6 (NFL-R1) - Earthworks (not otherwise included in another rule) that are permitted are limited to the maintenance and repair of any of the specifically identified items, such as fences and farm tracks (NFL-R2) - Construction of new fences is limited to post and wire (noting the recommendation elsewhere in this reply to apply it to post and netting) (NFL-R4) - Tree planting is limited to that for amenity and within 100m of a residential unit; or of indigenous species for restoration or conservation purposes (NFL-R5) - A non-complying activity consent is required for new irrigation or cultivation (NFL-R6.2); afforestation (NFL-R7.2) or mining and quarrying (NFL-R10) <p>In the areas identified as ONF, changes in land use that include earthworks, tree planting (including afforestation), new irrigation or cultivation, or quarrying or mining would result in a consent. Changes to grazing, such as from sheep to deer, or mobstocking, would not trigger a consent requirement, if this was able to be undertaken without new irrigation or cultivation.</p>

Item	Direction	Officer's Response
10	Advise whether the tikanga protocol referred to in ECO-R1.1 PER-3 has been prepared and what this commits Arowhenua to do.	<p>Ms Hall² has advised me that she is unaware of any certification process having been established by Te Rūnanga o Arowhenua. In my view, the standard would require the Rūnanga to set out tikanga protocols in relation to vegetation clearance, and then assess and provide certification of any proposed clearance, as to whether it meets such protocols. Given the standard would require certification to be obtained from Rūnanga, despite it being limited to being carried out by Ngāi Tahu whanui, and also require Rūnanga to notify the Council before every instance of such clearance, Ms Hall considers that requirement for certification to be highly inefficient. I agree with her comments. In particular, I am unclear how notifying the council assists in achieving the outcomes sought by the PDP.</p> <p>I note that a similar rule was included in the SASM chapter as notified, applying to indigenous vegetation clearance within SASM areas. However, it was drafted as follows: "<i>The indigenous vegetation clearance is carried out by Ngāi Tahu whanui for the purposes of mahika kai or other customary uses; or...</i>" In the s42A Report for Hearing E, I have recommended that this rule (SASM-R3) be deleted, on the basis that this is better addressed in the ECO Chapter. The wording I have previously recommended for ECO-R1.4 (applying outside SNAs and other specified areas) is "<i>The clearance is for the purpose of:... 3. mahinga kai or other customary uses, where the clearance is by Ngāi Tahu whānui and in accordance with tikanga protocols.</i>" This wording is taken from that used in the Partially Operative Selwyn District Plan (POSDP), but is not consistent with that used in ECO-R1.1 PER-3, resulting in a different requirement applying in different areas.</p> <p>In addition to the POSDP, I note that the Mackenzie District Plan includes a permitted activity for indigenous vegetation clearance that is for either the enhancement of mahika kai, or it is vegetation planted and managed specifically for the purpose of Mahika kai activities, subject in both cases to the clearance being undertaken in accordance with tikaka. I understand from Ms Hall, that tikanga provides for care for the taonga species, and would include protocols such as the species that are harvested being for a particular use, the amount harvested being appropriate, and ensuring other plants not being harvested are not damaged. Her view is that those who are gathering the species will typically know tikaka.</p> <p>Taking the above into account, I consider that it is appropriate to amend ECO-R1.1 PER-3 to remove the requirement for certification, but replace it with a requirement for such clearance to be in accordance with tikaka protocols. This aligns with the direction in ECO-P2.1, which refers to enabling clearance for mahika kai and other customary uses, where this is undertaken in accordance with tikaka protocols. In terms of s32AA, I consider that application of such protocols will assist in achieving ECO-O1 and ECO-O2, but do so in a more efficient way. It will also better provide for the relationship of Ngāi Tahu whanui with indigenous biodiversity (ECO-O3) and aligns with the outcome sought</p>

² Ms Hall is a planner at Aoraki Environmental Consultancy Ltd (AECL). AECL are a consultancy that support the environmental aspirations of Te Rūnanga o Arowhenua, with AECL providing a mechanism for Te Rūnanga o Arowhenua to respond to and work with, other parties that need to or wish to, work with Te Rūnanga o Arowhenua on environmental issues.

Item	Direction	Officer's Response
		<p>in SD-O5 vi. and vii. through enabling Kāti Huirapa to carry out a specific customary activity in accordance with tikanga, and in a manner that allows them to exercise kaitiakitaka responsibilities. The specific drafting recommended is as follows:</p> <p><u>ECO-R1.1 PER-3:</u> <i>The vegetation clearance is carried out by Ngāi Tahu whanui for the purposes of mahika kai or other customary uses, in accordance with tikaka protocols where it has been certified by Te Runanga o Arowhenua that the activity will meet tikanga protocol (Note: Te Runanga o Arowhenua will notify the Timaru District Council prior to such activities occurring);</i></p>
11	<p>Advise whether Mr Harding is comfortable that the s42A recommended definition of overgrazing/trampling and inclusion in the rules will protect indigenous biodiversity in SNAs.</p>	<p>Mr Harding has advised that he considers the proposed definition for overgrazing/trampling, which is the same as that used in the POSDP, to be appropriate. He has noted however, that the definition itself may not be sufficient to ensure grazing protects indigenous biodiversity values in SNAs, because in his view, the permitted standard (ECO-R1, PER-6) would ideally require that the grazing is a continuation of an existing use, as discussed in para 81 of his evidence. To provide certainty, he considers that PER-6 should be worded as follows: "<i>The clearance occurs as part of <u>continued grazing (at the same frequency, intensity and scale)</u>, and is (but not over-grazing/trampling), within an area of improved pasture</i>".</p> <p>While I understand Mr Harding's viewpoint, I note that this is already provided for under existing use rights, and in my view, it is not appropriate to replicate such rights in a permitted activity rule framework. In addition, I consider it difficult, within a permitted activity standard, to refer to grazing being "<i>at the same frequency, intensity and scale</i>", as I do not think that this is able to be clearly and objectively assessed, as would be necessary for a permitted activity status to apply. As noted above, the drafting of the recommended standard is also the same as that used in the Selwyn District. Taking this into account, I consider that it is appropriate to limit grazing to where it has been previously undertaken, to ensure that the rule does not allow for new grazing of areas that have not been grazed before, and that under s32AA, this is more effective way to achieve ECO-O1. Beyond this, I consider that the benefits to indigenous biodiversity from further trying to limit the exact nature of grazing are outweighed by the costs of such an approach, in terms of restricting ongoing farming practises. The changes recommended are:</p> <p><u>PER-6</u> <i>The clearance occurs due as part as a result of grazing, (but not over-grazing/trampling), within an area of improved pasture, where grazing has previously been undertaken.</i></p>

Item	Direction	Officer's Response
12	Appendix 1 to the s42A Report contains the recommended provisions in the Plan Chapters. Please clarify in the ECO Chapter the missing footnote attribution in ECO-P2. Also please confirm that ECO-R1.1 PER 6 is the same recommended provision referred to as ECO-R1.1 X in the s42A Report at paragraph 7.12.7.	<p>The missing footnote for the changes to both the stem of ECO-P2, and for the addition of ECO-P2.7 should be attributed (as Clause 10(2)(b) recommendation) to Hart, J R [149.2], Federated Farmers [182.104]. This has been added to the recommended changes set out in Appendix B.</p> <p>Yes, ECO-R1.1 PER 6 contained in Appendix 1 to the s42A Report, is the provision referred to in the s42A Report at paragraph 7.12.7. For completeness I note that I have recommended further changes to this standard, as outlined above.</p>
13	Te Rūnanga o Ngāi Tahu requested an additional rule NFL-R5 to provide for the use of land and/or buildings for Kāti Huirapa activities as a permitted activity within an ONF/ONL/VAL. If buildings for Kāti Huirapa activities were to be provided for, either as a new rule or by amending Rule NFL-R1, advise and provide reasoning regarding which standards should apply and any amendments to standards.	<p>Ms Pfluger has advised me that if these buildings are provided for as a permitted activity within ONLs, ONFs and VALs, then it is appropriate to apply all the standards in the NFL chapter to these buildings and structures, and where there is a distinction in the standards between different types of buildings or structures, that the same standards as currently apply to "other" buildings and structures should apply. This is on the basis that buildings that are not public amenity, residential or farm buildings will look the same in the landscape. To summarise, the following should apply:</p> <ul style="list-style-type: none"> - NFL-S1.1 in ONFs/ONLs - NFL-S1.2.3 in VALs - NFL-S2 - NFL-S4.1.1.c. in ONFs/ONLs - NFL-S4.2.1.c.in VALs - NFL-S5 - NFL-S6 <p>I note that NFL-S3 would not apply, because it relates only to new residential units, farm buildings and structures. Ms Pfluger does not recommend amending it to require buildings for Kāti Huirapa activities to be located within specified distances of other buildings, as the intent of this standard is to encourage nodes of farming and residential buildings within farmed properties, and buildings for Kāti Huirapa activities are not considered likely to be associated with working farms.</p>
14	It was clarified in the hearing that the Rangitata River Diversion scheme rock weir is not within the ONL, but is within the VAL. Please provide a map illustrating these	<p>Following the hearing, Ms Pfluger has considered the specific boundary between ONL-1 and VAL-1 as it relates to the RDRML weir. She considers that the ONL should exclude the weir, and therefore recommends that the ONL boundary be moved upstream by 100m, as shown in the image below – the orange indicating the ONL and the yellow indicating the VAL areas. (For completeness I note that there was an error in the PDP mapping as notified, whereby the ONL and VAL boundaries overlapped in this location. This has also been fixed in the image below). This has been</p>


Item	Direction	Officer's Response
	<p>overlays in relation to the weir and clarify whether the recommended amendments made to NFL-R2(1) are required and/or should be made to NFL-R2(2) instead?</p>	<p>discussed with RDRML who consider this change to be appropriate, but note that the exemption it seeks for earthworks associated with its rock weir would need to be included in both the ONL and VAL rules, given that its resource consent from ECan allows riverbed disturbance 1000m up and downstream of the weir's location and therefore the earthworks relating to its maintenance could still be within the ONL. As indicated by the Panel's question, the amendment previously recommended to NFL-R2.1 should have also been included in NFL-R2.2. However, as a consequence of the response to Question (a) above, this exemption is now no longer required in any case.</p> 

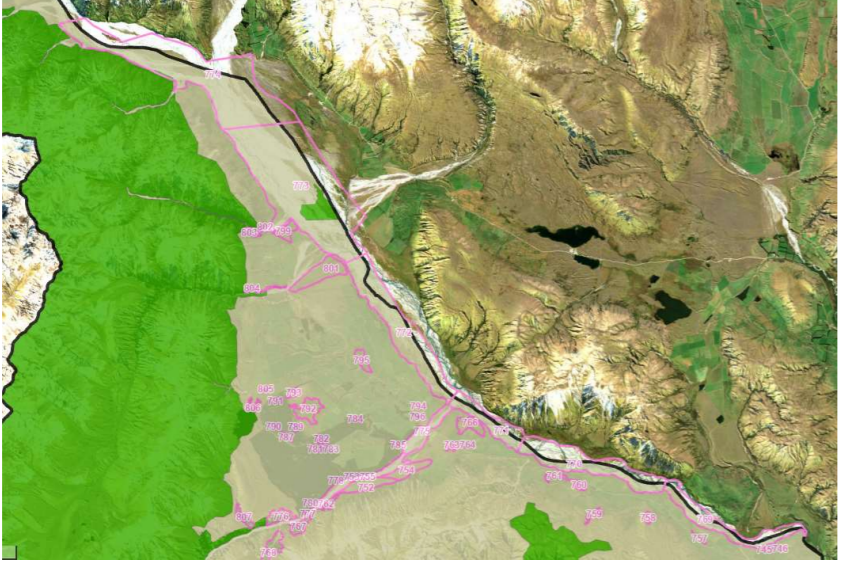



Table 1

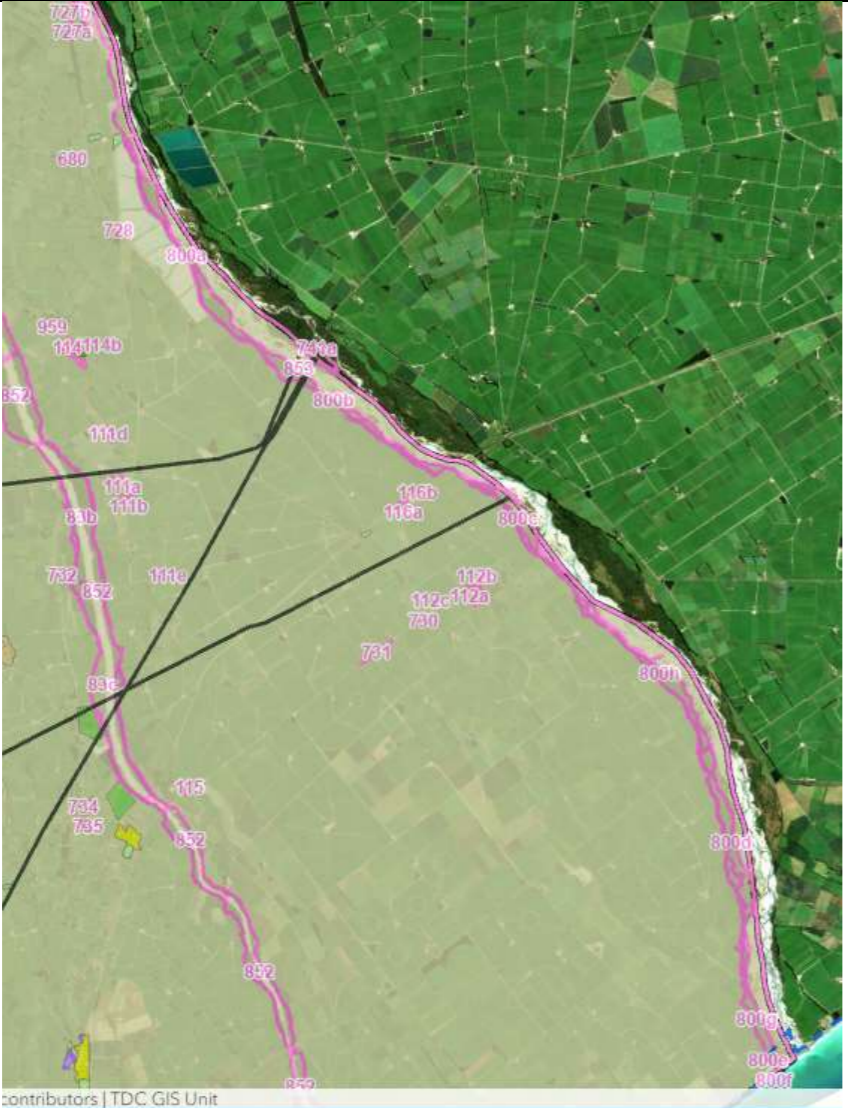
Activity	PDP	Regional Plan	Assessment	Officer Recommendation	Comments from Rooney Group Limited and Rangitata Diversion Management Limited
Gravel Extraction / Mining and Quarrying	NFL-R10 – Mining and quarrying is a non-complying in an ONL/ONF or VAL.	<p>Permitted under <u>Rule 5.148</u> where conditions met, including that the extraction is not from a High Naturalness Water Body (HNWB) and that excavation does not occur within 100m or birds nesting or rearing their young. However, except for very small-scale quarrying, consent will be triggered (as permitted volumes are 5 - 20m³ over a 12 month period).</p> <p>For volumes beyond this, consent is required as a discretionary activity under <u>Rule 5.150</u>; or, under <u>Rule 5.149</u> there is a permitted activity pathway for larger volumes, where the extraction is undertaken on behalf of the Regional Council and it complies with the current Canterbury Regional Gravel Management Strategy (GMS). This in turn requires a Gravel Authorisation to be obtained.</p> <p><u>Objective and Policy</u> direction includes:</p> <ul style="list-style-type: none"> - Protection of significant indigenous biodiversity values of rivers (<u>Objective 3.17</u>); - Protection of natural character values of braided rivers and their margins (<u>Objective 3.19</u>); - Gravel in riverbeds is extracted in a way that maintains the natural character of braided rivers, ecosystems or their habitats and access to or the quality of mahinga kai (<u>Objective 3.20</u>); 	<p>For small-scale quarrying which is permitted under the CLWRP, the impacts on landscape character are likely to be minimal (as confirmed with Ms Pfluger).</p> <p>For larger quarrying, I reviewed several fully discretionary decisions and note that they include an assessment of effects on natural character, undertaken against an ECan Technical Report that sets out guidelines and a methodology for assessing overall natural character of braided rivers in Canterbury. Conditions were also included requiring restoration of the riverbed to a state consistent with surrounding natural riverbed post-extraction. In the riverbed environment, this is considered to address the key landscape effects from quarrying. Although a permitted pathway is provided for quarrying undertaken on behalf of ECan and under the GMS, I understand the Gravel Authorisation process is similar to a resource consent process, as such authorisations also include conditions, must meet the Regional River Gravel Extraction Code of Practice (COP) and are monitored by ECan. The COP includes requirements relating to nesting birds, excludes vegetation removal, and requires restoration of the area to a state consistent with the natural character of the riverbed prior to the gravel extraction.</p>	<p>Based on the assessment, I consider that it is appropriate to exclude application of the quarrying and mining rules within ONLs and VALs to riverbeds.</p> <p>However, as the riverbeds form part of the landscape that has been assessed as having outstanding (ONL) or high aesthetic and scenic values (VAL), I consider it important that these riverbeds areas are not excluded from the mapping in the PDP or ONLs and VALs. Ms Pfluger agrees with this, noting that riverbed areas are an integral part of the landscape.</p>	Agree with assessment.
	Under <u>ECO-R5</u> , quarrying is a non-complying activity in an SNA (as quarrying falls within the definition of earthworks).	<ul style="list-style-type: none"> - Gravel removal is undertaken in ways which minimize adverse effects on significant indigenous biodiversity and wildlife habitat (<u>Policy 4.95(b)</u>). 	<p>For small-scale quarrying (i.e. at permitted volumes), there is only a restriction on excavation with respect to birds nesting or rearing their young. For larger quarrying, fully discretionary decisions reviewed include an assessment of land-based ecology, and standard conditions include a requirement for a qualified expert to undertake an inspection/ survey prior to excavation starting which specifically considers habitat of birds which are 'Nationally Threatened' and/or 'At Risk'. ECan's mapping also appears to include GIS layers which identify Sites of Special Wildlife Significance, Roosting Habitat of Long-Tailed Bat. In one consent reviewed, an assessment against the CRPS significance criteria was requested – with the applicant relying on the riverbed area</p>	<p>Based on the assessment, I consider that it is appropriate to exclude application of the earthworks rules within SNAs to riverbeds. It appears from my review that this might allow for very small-scale quarrying to occur in an SNA, but this would need to be away from birds nesting or rearing their young. This would not however allow for removal of indigenous vegetation, which would continue to be managed under ECO-R1 (see row further below). For quarrying that is not permitted, there is clear direction in the CLWRP to protect significant indigenous biodiversity values. In my view, the mapping of SNAs in the PDP would assist with integrated management in terms of having identified areas meeting the CRPS significance criteria, but removing application of ECO-R5 within riverbeds</p>	Agree with assessment.

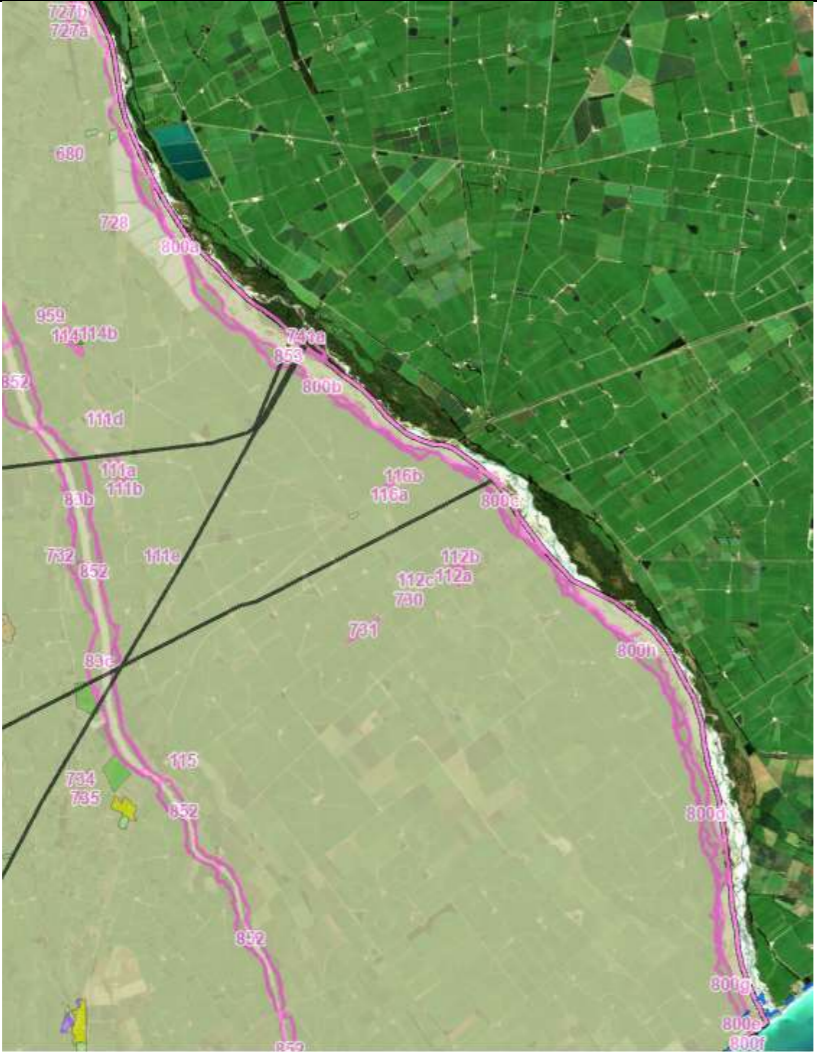
Activity	PDP	Regional Plan	Assessment	Officer Recommendation	Comments from Rooney Group Limited and Rangitata Diversion Management Limited
			not having been identified in the notified PDP as an SNA. As noted above, the same considerations appear to apply to Gravel Authorisations and under the COP.	would avoid unnecessary duplication in the consenting process.	
Earthworks	Under <u>ECO-R5</u> earthworks in an SNA require resource consent (except for maintenance / repair/ replacement of existing assets). <u>NFL-R2</u> limits earthworks to those relating to maintenance and repair.	Managed under the same rules as gravel extraction, as set out above (i.e. <u>Rule 5.148</u> applies to both extraction of gravel and to excavation or other disturbance of the bed of a river).	As above	Based on the assessment, I consider that it is appropriate to exclude application of the earthworks rules within ONLs, VALs and SNAs to riverbeds. With respect to SNAs note that this would only apply to earthworks, not any indigenous vegetation clearance (see next row)	Agree with assessment.
Vegetation Clearance	<u>ECO-R1</u> limits vegetation clearance in SNAs – generally a non-complying activity will apply unless for limited exemptions such as pest management or for safety reasons. <u>ECO-R4</u> limits clearance of larger trees in the Long-tailed Bat Habitat Protection Area Overlay. <u>Policy Direction: ECO-P5</u> directs that the clearance of indigenous vegetation and earthworks within SNAs are to be avoided, unless they can be undertaken in a way that protects the identified ecological values; or are for RSI (unless specified exemptions apply).	<u>Rule 5.163</u> – Removal or disturbance of vegetation (noting this is not limited to indigenous vegetation) in, on or under the bed of a river is permitted subject to conditions. These relate to other matters not addressed in the PDP (e.g. not disturbing flood control measures), or restrict clearance in HNWBs and salmon spawning sites. <u>Policy Direction</u> includes: - <u>Policy 4.85A</u> - Indigenous biodiversity, habitats of indigenous fauna and flora, and the natural character of Canterbury’s braided river systems is preserved through: ... (b) limiting vegetation clearance and cultivation within the bed, banks and margins of lakes, braided rivers and associated wetlands and coastal lagoons, unless the vegetation clearance or cultivation is for the purpose of pest management, habitat restoration, flood control purposes, the operation, maintenance, upgrade or repair of structures or infrastructure, or maintenance of public access. - <u>Policy 4.86</u> - Activities that occur in the beds or margins of rivers are managed or undertaken so that: (a) the character and channel characteristics of rivers including the variable channel characteristics of braided rivers are preserved; (b) sites and areas of significant indigenous biodiversity values or of cultural significance to Ngāi Tahu are protected; and	Rule 5.163 does not appear to restrict indigenous vegetation clearance in riverbeds except in relation to HNWBs and salmon spawning sites.	HNWBs and salmon spawning sites do not cover all SNA sites. Mr Harding has advised that in addition to SNAs in riverbeds being identified for habitat values, areas of open stable riverbed support indigenous vegetation, including At Risk plant species, which in turn provide habitat for grassland skink (At Risk, declining). In absence of the PDP rules applying within these SNAs, I consider that a gap would exist between the CLWRP rules and the PDP rules. I therefore consider that ECO-R1 and ECO-R4 should continue to apply to riverbed SNAs.	Mr Hole does not agree that that there is a ‘gap’ between the plans as in his view, the CLWRP permitted rule has been developed and approved to give effect to the objectives and policies in the CLWRP. He considers that the rule would not exist if it was going to result in adverse effects that were contrary to the policy direction in that plan.

Activity	PDP	Regional Plan	Assessment	Officer Recommendation	Comments from Rooney Group Limited and Rangitata Diversion Management Limited
Buildings and Structures	<p><u>NFL-R1</u> limits buildings in an ONL/VAL overlay. Structures associated with an existing primary production activity and associated earthworks are permitted, subject to meeting built form standards.</p> <p><u>Policy Direction: NFL-P3</u> seeks to only allow use and development within VALs (that are not otherwise provided for) where the identified values and characteristics of the VAL will be maintained and enhanced and the landscape has the capacity to absorb the change. <u>NFL-P4</u> directs the avoidance of use and development in ONLs not otherwise provided for unless the identified values and characteristics of the ONL will be protected and the landscape has the capacity to absorb the change; and natural landforms, natural processes and vegetation areas and patterns are maintained.</p>	<p><u>Rule 5.141</u> - The placement, installation, erection, reconstruction, alteration or removal of any structure, on, in or under the bed of a river, and including any associated excavation or disturbance that does not comply with Rules 5.135 to 5.141 is a discretionary activity – this would capture structures generally.</p> <p><u>Objective and Policy</u> direction includes:</p> <ul style="list-style-type: none"> - Protection of natural character values of braided rivers and their margins (<u>Objective 3.19</u>); <p><u>Objective 3.21</u>, which is more specifically related to the placement of structures and removal of vegetation, is limited to not exacerbating the risk of flooding or erosion of land or damage to structures; and similarly Policy 4.89: directs that structures in the beds of rivers do not materially restrict flood flows in any river, or create or exacerbate erosion of the bed or banks of any river or the bed or margins of any lake.</p>	<p>As permitted structures in riverbeds are fairly limited, a discretionary consent would likely be required under the CLWRP. While the policy direction is more focused on the potential impact of structures on flooding, as a fully discretionary activity, effects on natural character values of braided rivers would be able to be taken into account.</p> <p>However, wider effects on landscape values, beyond those relating to natural character (i.e. all the landscape values and characteristics identified in the PDP) would not be considered under the CLWRP framework, which is more limited. Ms Pfluger has advised me that in her view, the wider landscape values are important and may not be captured in the considered of natural character values alone. In particular, she notes that in some areas, natural character values may be lower than wider landscape values.</p>	<p>In absence of the PDP building and structures rule applying within riverbed areas of ONLs/ONFs and VALs, I consider that a gap (albeit small) would exist between the matters that would be considered in the consenting process under the CLWRP and the outcomes sought in the PDP for these areas. I therefore consider that NFL-R1 should continue to apply in these areas, noting that it does provide a permitted pathway for some buildings and structures in any case.</p> <p>However, I do not have this concern in relation to temporary structures (including temporary culverts associated with gravel extraction). I therefore consider that NFL-R1 should not apply to temporary buildings and structures in riverbeds.</p>	<p>Agrees with the Officer recommendation.</p> <p>Mr Hole considers that the Regional Council when exercising its consenting functions has scope under section 104 to consider the relevant provisions of the District Plan. This would prevent a gap in the assessment of the wider landscape impacts of an activity that only required regional council consent.</p>
	<p><u>NFL-R3</u> limits network utilities in an ONL/VAL overlay (including earthworks). Underground utilities are permitted subject to the scale of earthworks but new above ground utilities require resource consent.</p>	<p><u>Rule 5.135</u> relates to placement of pipes, ducts, cables or wires over the bed of a river, including associated support structures. In a high naturalness waterbody, this does not include new structures. Permitted where outside a HNWB. <u>Rule 5.136</u> relates to installation of pipes, ducts, cables or wires in or under the bed of a river. Permitted standards include that within 30 days of the completion of the activity the bed of the lake or river is returned to its original contour.</p>	<p>There is a gap between NFL-R3 and Rule 5.135, whereby above ground utilities are permitted under the CLWRP within those riverbeds in ONLs/VALs which are not HNWBs.</p> <p>For underground utilities, there is a volume limit on earthworks in NFL-R3, whereas under the CLWRP there is no volume limit but there is a requirement to reinstate the contour of the riverbed following the works being undertaken.</p>	<p>I consider that due to the gap between NFL-R3 and Rule 5.135 in terms of above ground utilities, there is still a need to apply the PDP rule within riverbeds located within an ONL/VAL. Ms Pfluger notes that overhead transmission lines, for example, can have effect on rivers within ONLs/VALs through reduction of physical and associative values.</p> <p>For underground utilities, I consider that the PDP rule would be managing the same effects as the CLRWP is seeking to manage and therefore it is appropriate to exempt this standard relating to earthworks volumes from applying within riverbeds.</p>	<p>For the same reasons as set out above, Mr Hole does not agree that there is a gap between the plans.</p>

Table 2

<p>Matter</p>	<p>PDP – SNA: 741a – Rangitata River Island, 800a – 800d – Rangitata River Berm, 800e - Rangitata River Wetland, 800f - Rangitata River Mouth flaxland, 800g – 800h - Rangitata River, 769 – 774 – Rangitata River Bed (UCL), 853 – Rangitata River – TDC Boundary</p>	<p>PDP – ONL: ONL-1 – Upper Rangitata Catchment</p>	<p>PDP – VAL: VAL1 – Rangitata Flats (between gorge and Peel Forest)</p>	<p>WCO</p>
<p>Boundary</p>				

Matter	PDP – SNA: 741a – Rangitata River Island, 800a – 800d – Rangitata River Berm, 800e - Rangitata River Wetland, 800f - Rangitata River Mouth flaxland, 800g – 800h - Rangitata River, 769 – 774 – Rangitata River Bed (UCL), 853 – Rangitata River – TDC Boundary	PDP – ONL: ONL-1 – Upper Rangitata Catchment	PDP – VAL: VAL1 – Rangitata Flats (between gorge and Peel Forest)	WCO
				

Matter	PDP – SNA: 741a – Rangitata River Island, 800a – 800d – Rangitata River Berm, 800e - Rangitata River Wetland, 800f - Rangitata River Mouth flaxland, 800g – 800h - Rangitata River, 769 – 774 – Rangitata River Bed (UCL), 853 – Rangitata River – TDC Boundary	PDP – ONL: ONL-1 – Upper Rangitata Catchment	PDP – VAL: VAL1 – Rangitata Flats (between gorge and Peel Forest)	WCO
	 <p>Contributors TDC GIS Unit</p>			
Rules	<p>Clearance of indigenous vegetation (ECO-R1 – ECO-R3) Earthworks (ECO-R5) Subdivision (ECO-R6)</p>	<p>Buildings and Structures and Associated Earthworks (NFL-R1) Network Utilities including Associated Earthworks (NFL-R3) Other Earthworks (NFL-R2) Tree planting (NFL-R5) Primary Production (NFL-R6) Afforestation (NFL-R7) Subdivision (NFL-R9) Mining and Quarrying (NFL-R10)</p>	<p>Buildings and Structures and Associated Earthworks (NFL-R1) Network Utilities including Associated Earthworks (NFL-R3) Construction of fences, including earthworks (NFL-R4) Other Earthworks (NFL-R2) Tree planting (NFL-R5) Primary Production (NFL-R6) Afforestation (NFL-R7) Subdivision (NFL-R9) Mining and Quarrying (NFL-R10)</p>	<p>Restrictions on damming of waters (Clause 8) Alteration of river flows and form (Clause 9) – including restriction on regional plan allowing for material alteration of the channel cross-section or braided river channel characteristics. (Otherwise relates to water takes.) Requirement to maintain fish passage (Clause 10) Restrictions on discharges to water (Clause 11)</p>

Matter	PDP – SNA: 741a – Rangitata River Island, 800a – 800d – Rangitata River Berm, 800e - Rangitata River Wetland, 800f - Rangitata River Mouth flaxland, 800g – 800h - Rangitata River, 769 – 774 – Rangitata River Bed (UCL), 853 – Rangitata River – TDC Boundary	PDP – ONL: ONL-1 – Upper Rangitata Catchment	PDP – VAL: VAL1 – Rangitata Flats (between gorge and Peel Forest)	WCO
Values	<ul style="list-style-type: none"> Habitat for feeding, roosting and breeding for native birds, including At Risk and Threatened species such as black-fronted tern, banded dotterel and wrybill plover. Remnant trees located within river berm vegetation, including lowland ribbonwood, kanuka, cabbage tree, kowhai and occasionally totara. Relatively extensive wetlands in river berm area, generally dominated by exotic trees but supporting indigenous wetland plant species. Areas of open stable riverbed which support indigenous vegetation (stonefield, gravelfield, herbfield and mossfield communities), including At Risk plant species. These areas provide habitat for grassland skink (At Risk, declining). The river berm/riparian vegetation provides an almost continuous corridor of forest in an otherwise open landscape, which provides habitat for common native bird species (e.g., fantail and grey warbler) and roosting/nesting habitat for black shag (a Relict species). This vegetation also helps buffer the riverbed habitat from the effects of activities on adjoining land. 	<p>Landscape values and characteristics</p> <p>Biophysical – Very High</p> <ul style="list-style-type: none"> Legible series of benches are a geomorphic feature of the moraine lands within this landscape which are clearly evident on the Butler and Brabazon Downs in particular. Ice sculptured valley walls and moraine deposits in the major river valley of the Rangitata and Havelock. Extensive fans from tributaries that cut out steep sided valleys following the gradual retreat of the glaciers, which clearly show the landscape’s formative processes. The Rangitata River is protected by a National Water Conservation Order (2006). The extensive river terraces in the river valleys are highly legible features, representative of the powerful erosive processes of the rivers which flow through them including the Rangitata Gorge. Rangitata ice-margin features located on the valley side slope north of Forest Creek, provide a record of ice levels during glaciation and deglaciation intervals in the Rangitata and these features are listed as a Geopreservation Site of national importance. The beech gap in the upper Rakaia/ Rangitata area is a notable characteristic of central Canterbury, which means that a higher diversity of vegetation is generally found. Generally, very low weed infestation of the upper catchment and higher-lying slopes. These areas are mostly covered in cohesive tall snow-tussock grasslands which create a distinctive open landscape. Te Kahui Kaupeka Conservation Park provides habitat for the locally endemic Dobson’s speargrass/taramea (<i>Aciphylla dobsonii</i>) and <i>Hebe buchananii</i>. The invertebrate fauna of the valleys and surrounding mountain ranges reflects the mosaic of habitat types present in the area. Notable birds include black stilt/kakī, blue duck/whio (in the tributaries of the upper Rangitata River), New Zealand falcon/karearea, rock wren/ pīwauwau, wrybill/ngutu pare and kea. There are eight species of grasshoppers/Mawhitiwhiti in the Two Thumbs Range, including New Zealand’s largest grasshopper, the rare <i>Sigauss villosus</i>. <p>Sensory – Very High</p> <ul style="list-style-type: none"> The mountainous headwaters of the Rangitata River have a special wilderness character, an expansive and 	<p>Landscape values and characteristics</p> <ul style="list-style-type: none"> Rangitata outwash terraces are a highly legible feature of this VAL which are also identified as a Geopreservation Site. Memorable views of the Upper Rangitata valley, including the braided Rangitata River, are enjoyed by both locals and visitors to the area. These flat, upper plains which border the Rangitata River form the foreground view towards the Front Ranges and impressive peaks within the Alpine Ranges and Basins. Recreational opportunities include fishing, rafting, canoeing and kayaking within the Rangitata River. Established, settled and historic values are found within this VAL, containing historic homesteads and churches unique to the area. The modification of the flats relates predominantly to the agricultural use, which reflect the higher level of intensification in comparison to the adjacent hill slopes. The pattern of paddocks with associated fencing reflects the use of the land. Native vegetation has given way to high producing exotic grassland with native vegetation mainly restricted to gully 	<p>Outstanding Characteristics, Features and Values identified (broadly in clause 4) are:</p> <ul style="list-style-type: none"> Amenity and intrinsic values Habitat for terrestrial and aquatic organisms Fishery values Wild, scenic and other natural characteristics Scientific and ecological values Recreational, historical, spiritual or cultural characteristics Significance in accordance with tikanga Maori. <p>In the WCO schedules, the Characteristics, Features and Values that apply to particular portions of the river, are identified (not all of the above apply in each portion). In some cases, the schedules include more specific subsets of the above broad values. These include (in addition to repeating the broad items above):</p> <ul style="list-style-type: none"> Indigenous plant community Significance for Ngai Tahu Salmon spawning, fishing, passage and juvenile habitat Water-based recreation (including rafting and canoeing) Aquatic macroinvertebrates Scientific – braided river Aquatic bird habitat (including adequate water of sufficient quality of this habitat)

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		<p>vast valley setting and landscape features that are of a high degree of naturalness.</p> <ul style="list-style-type: none"> • The Upper Rangitata is an exceptional example of a braided river system. Its sinuous patterning is both highly expressive and attractive. • The Rangitata Gorge is a particularly impressive landscape feature near the eastern extent of the ONL where the river cuts through the foothill ranges. • Exceptional panoramic views of both the surrounding mountains and river outwash plains are experienced within the Upper Rangitata valley. These views are an integral and widely celebrated image of the Canterbury High Country Landscape making it extremely memorable. • The openness allows for long views across the landscape where the consistency between the valley floor and mountain sides provides for coherent appearance without unnatural lines and man-made structures. • In the winter months, these dry hills are often snow-covered. This creates an interesting contrast with the smooth basins below. <p>Associative – High</p> <ul style="list-style-type: none"> • The area provides multiple opportunities for recreation, primarily in a mountain setting providing front-country, backcountry and remote experiences. Recreational activities include ski-touring, climbing, tramping, hunting, mountain biking and fishing. • The Rangitata Gorge provides for a unique and challenging rafting and kayaking experience within Canterbury. • The intermontane ranges, vast river valleys and basins form one of the quintessential landscapes of Canterbury. • These high-country landscapes have inspired numerous artists and writers for generations to express their impressions in paint, poetry and prose. • Rangitata River is a Statutory Acknowledgement Area under the Ngāi Tahu Claims Settlement Act. • The area is habitat to a significant number of taonga species, which Ngāi Tahu has a special association with. The values contributing to the landscape, including areas of remnant habitat, support populations of species that are taonga to Ngāi Tahu. 	<p>landforms, steeper escarpment slopes and adjacent to streams.</p> <ul style="list-style-type: none"> • The Rangitata River is highly significant to mana whenua. 	

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		<ul style="list-style-type: none"> • The river is used as a mahika kai source and a travel and trade route, which gives it special importance in supporting Te Rūnanga o Arowhenua. Travel up to the Upper Rangitata Valley occurred on a seasonal basis to harvest resources, including fish, birds, and plants based on their intimate knowledge of resources. For example, in the Upper Rangitata this included large number of Weka and other forest birds. • As a major trail, there are a number of Tauranga waka along the river. • Several of the mauka/mountains that sit on the edges of the ONL are physical manifestations of tīpuna/ancestors. • The intrinsic value of the river as a whole, including its mauri, and the linkage from Ka Tiritiri o Te Moana to the sea is of significance, even though these values are degraded in places. • The name of the Rangitata River refers to the significance of the river’s landforms, referring to the steps (terraces) to the sky or heaven. • Large, early high-country runs were established in this area. One of the runs, ‘Mesopotamia’, was first occupied by Samuel Butler, author of Erewhon. Butler built his original hut at the confluence of Forest and Butler creeks before moving to the site of the present Mesopotamia Station. • A historic cemetery on Mesopotamia Station holds the last resting place of Dr Andrew Sinclair, Colonial Secretary to the New Zealand Government. Sinclair drowned crossing the Rangitata and is buried on the Rangitata Flats. 		

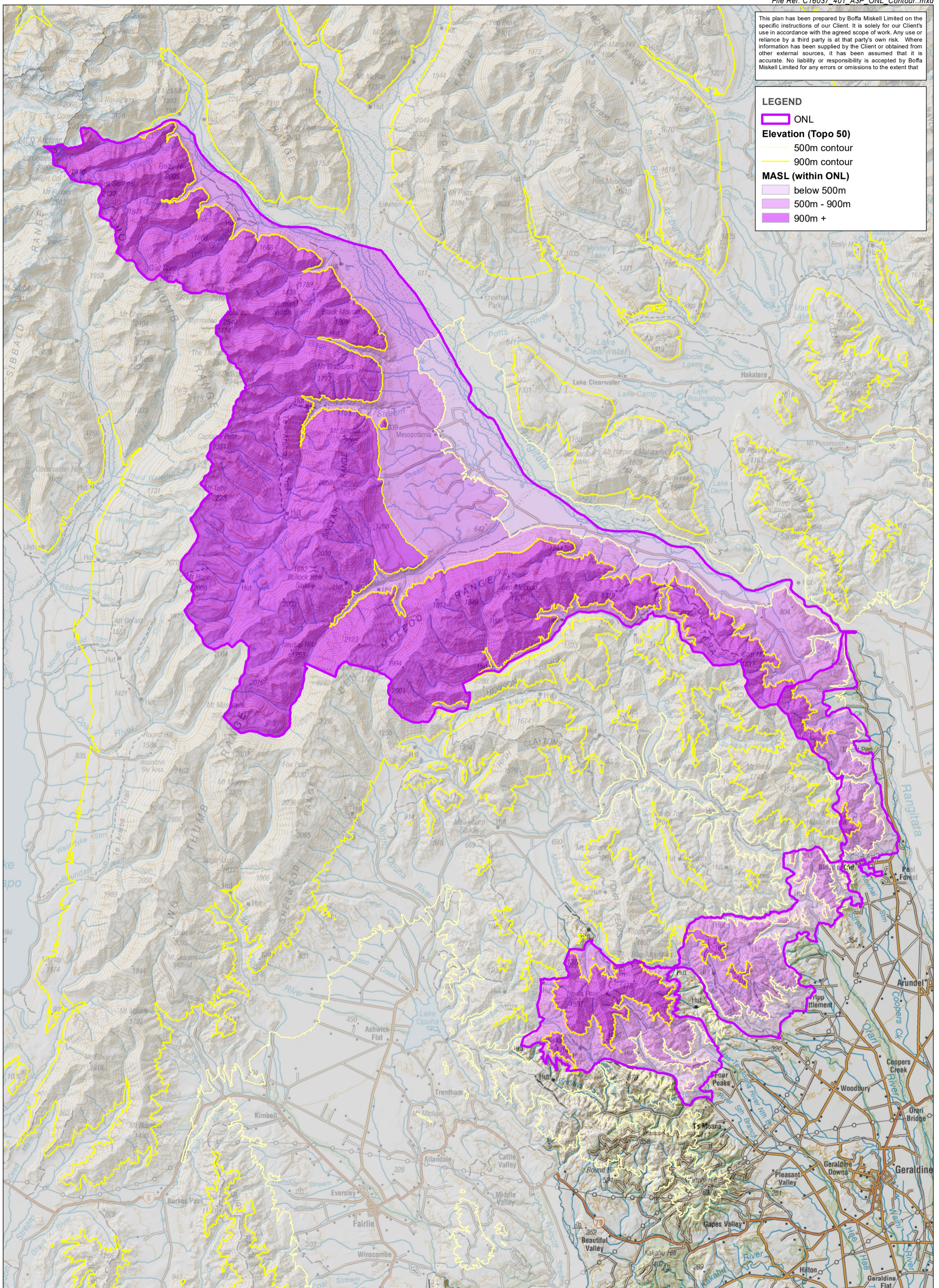
ATTACHMENT 1

ONL Map with 500m and 900m Contour Comparison - Ecosystems and Indigenous Biodiversity; Natural Character; and Natural Features and Landscapes - Hearing D

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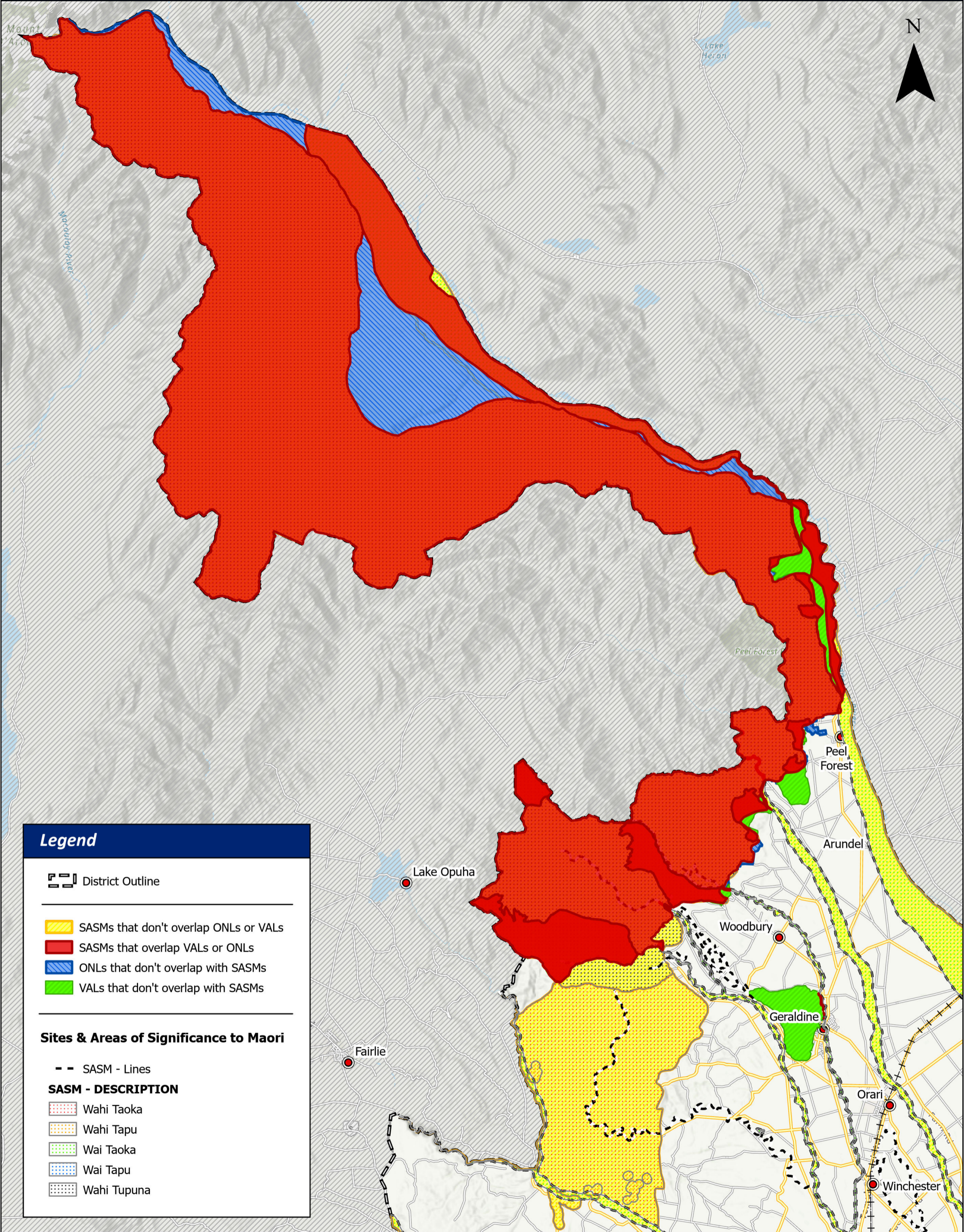
- ONL
- Elevation (Topo 50)**
- 500m contour
- 900m contour
- MASL (within ONL)**
- below 500m
- 500m - 900m
- 900m +



ATTACHMENT 2

**Map of ONL/VAL with SASM overlays - Ecosystems and Indigenous Biodiversity;
Natural Character; and Natural Features and Landscapes - Hearing D**

SASM and Outstanding Natural Landscape overlapping map



Legend

- District Outline

- SASMs that don't overlap ONLs or VALs
- SASMs that overlap VALs or ONLs
- ONLs that don't overlap with SASMs
- VALs that don't overlap with SASMs

Sites & Areas of Significance to Maori

- SASM - Lines

SASM - DESCRIPTION

- Wahi Taoka
- Wahi Tapu
- Wai Taoka
- Wai Tapu
- Wahi Tupuna

Date Exported: - Wednesday, 4 December 2024

Scale: 1:230,000
(on an #A3 Layout)

