

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

Liz White – Hearing D - s42A summary statement

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

7 November 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 summary is to provide the Panel and submitters with the following:
 - (a) Brief summary of key issues raised in submissions;
 - (b) Corrections I wish to make to my s42A report;
 - (c) A list of issues raised in evidence prior to the hearing, including identifying (where possible):
 - (i) issues that are resolved on the basis of the pre-circulated evidence; or
 - (ii) issues that remain outstanding pending the hearing of evidence; and
 - (d) Updates to the recommendations contained in my s42A report.

Summary of key issues

- 3 In my s42A report, I identified the following matters as the key issues raised in submissions:
 - (a) The relationship between the NESPF/CF and the PDP provisions;
 - (b) The relationship between the Natural Environment Values chapters and the Energy and Infrastructure Chapter;
 - (c) The position of subdivision rules within the PDP where they relate to Overlay chapters;
 - (d) How the PDP manages indigenous biodiversity outside of identified SNAs;
 - (e) The protection of areas which are not identified as SNAs but which may meet the specified criteria for such;

- (f) How the PDP manages indigenous biodiversity in other sensitive areas;
 - (g) The alignment of the PDP provisions with the draft NPSIB;
 - (h) Opposition to SNAs (general and specific);
 - (i) The extent of the Bat Protection Area Overlay;
 - (j) Whether the defined riparian margins are appropriate;
 - (k) Whether roads should be excluded from ONFs/ONLs/VALs; and
 - (l) Whether the permitted activity rules should provide for a greater range of activities (in the ECO, NATC and NFL chapters).
- 4 Of the above, I note that those that appear to remain outstanding, with respect to the evidence lodged, are:
- (a) The relationship between the Natural Environment Values chapters and the Energy and Infrastructure Chapter;
 - (b) The specific details of how the PDP manages indigenous biodiversity outside of identified SNAs;
 - (c) The alignment of the PDP provisions with the draft NPSIB;
 - (d) The extent of the Bat Protection Area Overlay;
 - (e) Whether the defined riparian margins (in relation to wetlands) are appropriate;
 - (f) Whether the permitted activity rules should provide for a greater range of activities (in the ECO, NATC and NFL chapters).
- 5 In addition to the key issues that were identified in the s42A report, I note that the following matters raised in submissions are further addressed in evidence:
- (a) The rule applying in the Bat Protection Area Overlay (ECO-R4).
 - (b) The policy direction relating to upgrading of the National Grid.
 - (c) The approach taken to clearance of indigenous vegetation in areas of improved pasture.
 - (d) The mapping of areas of significance and/or the application of rules within the beds of rivers.

- (e) Management of subdivision within SNAs, ONLs and VALs.
- (f) Additional policy direction providing for existing activities to occur.
- (g) The definition of 'indigenous vegetation clearance'.
- (h) The certainty of rules relating to '*cultivated land*' and '*depositional landforms*'.
- (i) Additional consideration of cultural matters, including through cross-referencing to SASM schedules within the ECO and NFL schedules; incorporation of mātauranga Māori principles into the design, development and/or operation of activities in ONLs and ONFs; additional rules for "Kāti Huirapa Activities"; and additional matters of discretion.

Corrections to my s42A report

- 6 Ms McLeod¹ notes that I recommend changes to NATC-P4 to refer to where avoidance is not "*practicable*", but the specific wording changes use the word "*practical*" instead. This is an error, as it was intended that the word "*practicable*" was used.
- 7 Ms Crossman² notes a minor drafting error in the changes recommended to NFL-R3.1 PER-4, whereby an "*or*" is required to be added to this clause, to be consistent with drafting intent and rest of the rule, where each PER is intended to act as a standalone permission.

List of resolved and outstanding issues

- 8 A list of issues that are either resolved on the basis of pre-circulated evidence, or that remain outstanding pending the hearing of evidence, is attached at **Appendix A** in order to assist the Panel.

Updates to recommendations

- 9 I have not provided a preliminary view on all outstanding matters at this time, as I wish to hear the evidence and the Panel questions before I provide updated recommendations. I understand that I will have the opportunity to provide a formal response to the matters heard at the hearing.

¹ Evidence of Ainsley McLeod for Transpower [159] at paragraph 27.

² Evidence of Julia Crossman for OWL [181] at paragraphs 2.2 and 3.5.

- 10 However, at this stage, based on the evidence lodged, I consider the following to be appropriate:
- (a) I agree, on reflection, that there is policy support for consideration of benefits of activities within the matters of discretion included in the NATC chapter. I also take the point that to include this in the NATC matters of discretion would also be consistent with the NFL and ECO chapters. However, I recommend that the specific wording used is consistent with those chapters (and broadly with the original submission point), rather than limiting it to regionally significant infrastructure only, as suggested in Ms McLeod's evidence.³ I do however agree with Ms McLeod that it is best as a separate matter of discretion.
 - (b) Further amending the matters of discretion in the ECO Chapter as suggested by Ms Williams⁴, and making the same change to ECO-R2.
 - (c) Amending ECO-R4 so that it does not refer to automatic bat monitors as previously recommended, because these will only determine whether bats are present during the period of monitoring, but does not determine whether a tree may be a bat roosting tree.⁵ For completeness I note that the previous recommended was supported by Port Blakely⁶, who may not agree with this subsequent recommendation.
 - (d) Amending NFL-R9 to exclude the application of the rule to boundary adjustments.⁷ These types of subdivisions would be managed as a controlled activity under SUB-R1, with matters of control allowing for consideration of matters such as the size and location of building platforms, and measures to avoid, remedy or mitigate effects on ONLs and VALs (because they are "sensitive environments"). I consider that this level of control is sufficient for boundary adjustments, given that such subdivisions do not allow for the creation of additional lots.

³ Evidence of Ainsley McLeod for Transpower [159] at paragraphs 46-54.

⁴ Evidence of Elizabeth Williams for Dir. General Conservation [166], paras 44-45.

⁵ Evidence of Simon Waugh for Dir. General Conservation [166], paras 27-29.

⁶ Evidence of Zachary Robinson for Port Blakely [94], paras 48-55.

⁷ Evidence of Nathan Hole for Rooney Group Ltd (& others) [174, 191, 249, 250, 251, 252], paras 49 - 52.

- (e) Amending ECO-R1.4, PER-1.8, which relates to improved pasture, to exclude the clearance of Threatened or At Risk (declining) species,⁸ and defining what these are. For completeness I note that I do not support the specific drafting proposed by Ms Williams, which in my view requires a subject evaluation, but consider that the drafting can simply exclude clearance of such species. Mr Harding has advised me that the district-wide SNA survey was comprehensive and that he is confident that most 'threatened' or 'at risk' plant species at undeveloped grassland sites were identified. However, he considers that it is inevitable that there will be smaller or less obvious 'Threatened' or 'At risk' indigenous species within areas of 'improved pasture' which can be adversely affected by oversowing and top dressing.
- (f) Amending ECO-R1.2 PER-4(d) to limit clearance within an area of improved pasture to limit this to the circumstances set out in other rules (i.e. ECO-R1.1 PER-6 and ECO-R1.4 PER-1.8).⁹
- (g) Making a further slight amendment to ECO-O1 to refer to "areas of", because this will better align with the wording used in both s6(c) and CRPS Objective 9.2.3.¹⁰
- (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 as sought by ECan.¹¹ Mr Harding has suggested that cultivated land be limited to land at which cultivation (which is already a defined term) has occurred within the past 15 years, so as to avoid cultivated land that has been fallow for many years and which has the potential to support indigenous biodiversity. In relation to 'depositional landforms', Mr Harding notes that the purpose of this reference is to exclude indigenous vegetation clearance on such landforms from the permitted rule, as moraine and inland outwash gravels are 'naturally uncommon' ecosystems, and indigenous vegetation on naturally uncommon ecosystems is ecologically significant when assessed against the PDP and CRPS criteria. His preference is for the rule to

⁸ Evidence of Elizabeth Williams for Dir. General Conservation [166], paras 46-50.

⁹ Evidence of Elizabeth Williams for Dir. General Conservation, paras 51-52.

¹⁰ Evidence of Deidre Francis for ECan [183], paras 36-69.

¹¹ Evidence of Deidre Francis for ECan [183], paras 55-57; and evidence of Jean Jack for ECan [183], paras 26-27.

refer to 'naturally uncommon ecosystems' and for these to be defined by reference to specific sources.

- (i) Amending the wording of NFL-O2 to refer to "*landscape values and characteristics*", rather than "*landscape character and visual amenity values*", as the former is more consistent with SCHED10.¹² 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.

- (j) Amending the permitted height for telecommunication facilities within VALs to 13m in the RLZ and 20m in the GRUZ. This is not as tall as that sought by submitters,¹³ but reflects the permitted height otherwise applying in these zones. This is based on further advice from Ms Pfluger that a higher height of 25m is, in her view, excessive and the visual effects would differ from those associated with structures that are otherwise expected in these areas. For ONLs in the Timaru District, Ms Pfluger considers that the terrain is predominantly steep and mountainous, comparable to the landscape described by Mr Anderson within the Queenstown context and therefore continues to support the recommended 8m limit. However, for VALs, she considers higher heights can be supported 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.

Terminology relating to "Railways"

11 I note that Ms Grinlinton-Hancock seeks that changes are made to the recommendations in the NATC chapter, as they pertain to "*railways*", to refer instead to the "*rail network*".¹⁴ I note that there is an inconsistency in my recommendations, where I refer to the "*rail network*" in ECO-P2 and in ECO-R1.1 PER-2A, but to "*railway tracks*" in ECO-R1.2 PER-2, and to "*railways*" in NATC-P5 and NATC-R3. I consider that there is a need for a consistent term to be used, but note that "*railway line*" is the only defined term in the PDP. I note that consideration of terminology associated with the rail network is also being considered as part of ongoing discussions with

¹² Statement of Rachael Pull for Te Rūnanga o Ngāi Tahu, Appendix A.

¹³ Evidence of Tom Anderson for Connexa [176], Spark [208], Chorus [209] and One NZ/Fortysouth [210], paras 12 – 25.

¹⁴ Letter of Michelle Grinlinton-Hancock for KiwiRail [187], Appendix A.

the submitter arising from Hearing B. At this stage I wish to note the need for use of a consistent term in the Natural Environment Chapters, but have not made a recommendation at this stage as to what this term should be.

Clearance in the Long-Tailed Bat Habitat Protection Area

- 12 ECan have suggested wording for an additional permitted activity rule for clearance of trees in this Overlay, where the clearance relates to public flood or erosion protection administered by the Regional Council or Timaru District Council, and subject to additional standards being met.¹⁵ I note that the drafting proposed by Ms Irvine is intended to respond to the concerns raised in the s42A Report. At a broad level, I consider that a permitted rule along the lines of that put forward by Ms Irvine may be appropriate, subject to the drafting of such a rule being sufficiently certain, objective, and containing sufficient controls to align with ECO-P4. I have been included in discussions between ECan and DOC regarding the potential permitted activity rule put forward and the wording of it. I anticipate that this may lead to agreed wording being presented by the submitters to the Panel.

Activities in Riverbeds

- 13 The Council's legal submissions address whether the Council has jurisdiction to make planning provisions over riverbeds, or whether that is the function of Environment Canterbury. I understand from this that the rules proposed within the PDP, as they relate to managing effects on ONLs, VALs and indigenous biodiversity, are within the functions of TDC and therefore within its jurisdiction (noting that the CRPS is required to state the local authority responsible for specifying objectives, policies and methods for the control of the use of land to maintain indigenous biodiversity).
- 14 I have also reviewed the advice notes in the partially operative Selwyn District Plan, proposed Waimakariri District Plan referred to by Mr Hole.¹⁶ In my view, some of these are not explicit that activities in beds of rivers are not subject to the District Plan rules.
- 15 In terms of mapping SNAs in riverbeds, the Selwyn and Waimakariri District Plans do not map any SNAs within river beds. The Christchurch District Plan does map Sites of Ecological Significance and these include several

¹⁵ Evidence of Jolene Irvine for ECan, paras 26-44.

¹⁶ Evidence of Nathan Hole for Rooney Group Ltd and Others, paras 19-23.

rivers such as the Waimakariri¹⁷ and Avon River/Otakaro,¹⁸ Heathcote,¹⁹ and Otukaikino²⁰ Rivers. These are focused on mapping the rivers themselves, but may include some areas that are outside the riverbed. These areas are subject to both vegetation clearance²¹ and earthworks²² controls.

- 16 I understand from Mr Harding that the SNAs proposed in the PDP which encompass areas of open gravel beds, at most sites also include the river berms and riparian areas. I therefore consider the approach taken in the PDP is consistent with the Christchurch District Plan approach.
- 17 There is nevertheless still a question of whether it is appropriate to require a consent for an activity that may also require a consent from Environment Canterbury.
- 18 Mr Harding has advised me that:
- (a) in broad terms, the wider riverbeds, particularly the Rangitata, provide important feeding, roosting and breeding habitat for native birds, including At Risk and Threatened species such as black-fronted tern, banded dotterel and wrybill plover.
 - (b) the river berm vegetation is dominated by exotic species, both planted (for flood protection) and naturalised (including many weed species). However, this vegetation also contains remnant trees of lowland ribbonwood, kanuka, cabbage tree, kowhai and occasionally totara. Also present are relatively extensive wetlands, generally dominated by exotic trees but supporting indigenous wetland plant species.
 - (c) Areas of open stable riverbed support indigenous vegetation (stonefield, gravelfield, herbfield and mossfield communities), including At Risk plant species. These areas provide habitat for grassland skink (At Risk, declining).
 - (d) The river berm/riparian vegetation provides an almost continuous corridor of forest in an otherwise open landscape, which provides

¹⁷ SES/LP/13 Waimakariri River Braider River

¹⁸ SES/LP/24 (part) Avon River / Otakaro and Tributaries

¹⁹ SES/LP/25 Heathcote River and Tributaries

²⁰ SES/LP/26 Otukaikino River and Tributary Waterways

²¹ Rule 9.1.4.1.1 P1

²² Rule 8.9.2.1 P1, which is subject to Table 9, which in turn has controls relating to Sites of Ecological Significance.

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.

- 19 I have reviewed the rules in the Canterbury Land and Water Regional Plan (CLWRP) pertaining to activities in, on or under the bed of a river (5.135 – 5.158 and 5.163-5.166). From my reading of these, those which manage the same activities as the PDP proposes to (vegetation clearance, structures and earthworks) do not appear to manage landscape effects, beyond natural character effects of those waterbodies identified as High Naturalness Water Bodies.²³ This does not allow for consideration of wider landscape effects of activities in these areas, nor of landscape effects on other waterbodies. The controls relating to biodiversity appear to only relate to aquatic ecology matters (e.g. inanga spawning sites) or are limited to restricting excavation within 100m or birds nesting or rearing their young.²⁴ Clearance of indigenous species (but not the clearance of habitat for indigenous species) is also restricted in identified High Naturalness Water Bodies; noting that these do not cover all riverbed areas identified as SNAs.²⁵ Importantly, the CLWRP does not identify significant indigenous vegetation and significant habitats of indigenous fauna. Based on this, and noting the values summarised above, I do not consider that the rules in the CLWRP can be relied on to achieve s6(b), s6(c) or s31(1)(b)(iii).
- 20 I do agree with Mr Hole²⁶ (and also Ms Crossman²⁷) that it is important that the PDP does not *unnecessarily* duplicate the CLWRP. By this I do not mean that just because a party has to obtain a resource consent from the regional council for a particular activity, there should be no controls on the same activity in the PDP. Instead I mean that the controls in the PDP should not be managing effects already dealt with in the regional consenting process. However, for the above reasons, I am not yet convinced that this is the case.

²³ E.g. Rule 5.135.2 which applies to structures and Rule 5.148.1 which applies to gravel extraction.

²⁴ E.g. Rule 5.148.10 relating to gravel extraction.

²⁵ E.g. Rule 5.163.6 relating to the removal and disturbance of existing vegetation in, on or under the bed of a river.

²⁶ Evidence of Nathan Hole for Rooney Group Ltd and Others, paras 12-18 and 25.

²⁷ Evidence of Julia Crossman for OWL [181] at paragraphs 3.5 – 3.7.

Cultural Values in ONL, ONFs and VALs

21 Te Rūnanga o Ngāi Tahu sought that the NFL Schedules cross-reference to SASMs. While I disagree with cross-referencing to the SASM chapter or schedules in the NFL schedules, I note the following comments made by Ms Pull: *“Given the lack of Mana Whenua involvement in the identification and protection of landscape values, I recommend that the schedules are reviewed by Kāti Huirapa cultural experts for completeness in the associative values and the rating of them and that better cross referencing is considered.”*²⁸ I have discussed this with Ms Pfluger who agrees 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. To the extent that they do not do so already, I agree that they should be reviewed and amended accordingly. For the avoidance of doubt, I do not think this should be by cross-reference to the SASM chapter or schedules, but I do accept that the wording in the NFL schedules may replicate some of the detail included in the SASM schedules.

Liz White
7 November 2024

²⁸ Statement of Rachael Pull for Te Rūnanga o Ngāi Tahu, at Appendix A.

APPENDIX A

Status of issues raised in evidence – 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.*

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
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 the initial assessment of potential roost trees.	ECO-R4	Outstanding <i>Note that s42A recommendation was accepted, but issue may be outstanding given the change now recommended to ECO-R4 in response to other evidence.</i>	Port Blakely [94.8] – Evidence of Zachary Robinson, paras 48-55.
The s42A recommendation uses the word 'practical' rather than 'practicable'	NATC-P4	Resolved – based on recommended change above	Transpower [159.74] – Evidence of Ainsley McLeod, para 27.

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
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	Outstanding (<i>note this is dependent on request which pertains to Energy and Infrastructure Chapter</i>).	Transpower [159.71] – Evidence of Ainsley McLeod, paras 26, 28-29.
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.
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.
Considers that the new provisions recommended align with the Council functions under the RMA and direction of the NPSIB.	Recommended new policies (ECO-PX and ECO-PZ) and rule (ECO-R.1.4)	Resolved	Dir. General Conservation [166.29] – Evidence of Elizabeth Williams, paras 27, 40-41.
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	ECO-P3, ECO-P5, ECO-PX	Outstanding	Dir. General Conservation [166.14-16, 166.29, 166.38] – Evidence of Elizabeth Williams, paras 29 - 39.
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 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.	ECO-R1.2 and ECO-R1.4	Resolved	Dir. General Conservation [166.29, 66.41] – Evidence of Elizabeth Williams, paras 44-45.

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
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* - based on recommended change above	Dir. General Conservation [166.11FS] – Evidence of Elizabeth Williams, paras 46-50.
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 - based on recommended change above	Dir. General Conservation [166.11FS] – Evidence of Elizabeth Williams, paras 51-52.
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.
Accepts recommendations on submissions points	ECO-O1, ECO-O2, ECO-P1, ECO-P2, ECO-P3, ECO-P5, ECO-R1, ECO-R5, Significant Natural Areas Overlay, APP-5 NATC-O1, NATC-P2, NATC-P3, NATC-P4, NATC-R1, NATC-R3, NATC-R4, NATC-R5	Resolved	Silver Fern Farms [172.4-49-63, 172.159] – Letter of Steve Tuck.
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

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
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).	Outstanding	Rooney Group Ltd (& others) [174.2, 191.2, 249.2, 250.2, 251.2, 252.2] – Evidence of Nathan Hole, paras 9 – 33.
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.
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.
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.
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.
Oppose boundary adjustment subdivisions, or subdivisions facilitating primary production activities being included in the rule, and request VAL overlay being removed in its entirety from the rule.	NFL-R9	Partly Resolved* - based on recommended change above	Rooney Group Ltd (& others) [174.39, 191.39, 249.39, 250.39, 251.39, 252.39] – Evidence of Nathan Hole, paras 49 - 52.
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.

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
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.
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 are activities that are within the functions of the Regional Council.	ECO Chapter	Outstanding	OWL [181] – Evidence of Julia Crossman, paras 2.3 and 3.6-3.7.
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.
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 are yet to be notified and may dictate a different approach.	ECO-R1.2	Outstanding	Federated Farmers [182.104] – Statement of Rachel Thomas and Greg Anderson, paras 12-15.
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 of ‘indigenous vegetation clearance’	Outstanding	Federated Farmers [182.8] – Statement of Rachel Thomas and Greg Anderson, paras 22-28.

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
Remove the 2m width clearance limit from PER-1	ECO-R1.4 PER-1	Outstanding	Federated Farmers [182] – Statement of Rachel Thomas and Greg 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 - based on recommended change above	ECan [183.68] – Evidence of Deidre Francis, paras 36–39.
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: <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 	ECO-R1.4	Partly Resolved* - based on recommended change above	ECan [183.8] – Evidence of Deidre Francis, paras 47–58. Evidence of Jean Jack, paras 24-29.

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
Concerns also remain over whether significant habitats for indigenous fauna are adequately covered if the habitat they depend on is not indigenous vegetation.			
Provide an addition to Rule ECO-R4 to provide a permitted activity pathway for both Councils.	ECO-R4	Outstanding – <i>noting comments above that this is expected to be resolved between parties.</i>	ECan [183.79] – Evidence of Jolene Irvine, paras 26-44.
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.		Outstanding – <i>noting comments above regarding potential alternate resolution.</i>	Te Rūnanga o Ngāi Tahu [185.38 -41] – Statement of Rachael Pull, Appendix A.
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	Partly Resolved* - based on recommended change above.	Te Rūnanga o Ngāi Tahu [185.81] – Statement of Rachael Pull, Appendix A.
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 - <i>not clear what further change is sought (if any)</i>	Te Rūnanga o Ngāi Tahu [185.83] – Statement of Rachael Pull, Appendix A.

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
Add new policy: <i>“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.
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.
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.
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	KiwiRail [187.54] – Letter of Michelle Grinlinton-Hancock, Appendix A.
Policy should not list out some regionally significant infrastructure and not others and	ECO-P2	Outstanding	Connexa [176.70], Spark [208.70], Chorus [209.70] and One

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
therefore should be amended to refer to RSI broadly.			NZ/Fortysouth [210.70] – Evidence of Tom Anderson, paras 9 – 11.
<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 – <i>noting some changes recommended above.</i>	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.