

15 May 2023

Hearing Commissioners  
Waimakariri District Plan Review  
C/o Hearing Administrator  
Audrey Benbrook

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Tēnā koutou Commissioners,

Please find attached Forest & Bird's (F&B) speaking notes on Waimakariri District Plan topics 1 & 2. These speaking notes relate to the Strategic Directions (SD). The S42A officers recommendations on the SD are set out in Appendix 1 and F&B's original submissions on the SD in Appendix 2 of these notes.

**F&B Relief sought SD-O1**

F&B support the recommendation of the S42A officer on clause 1 to remove "an overall" and the addition of "and significant indigenous vegetation and habitats are protected" as appropriate, to give effect to the Canterbury Regional Policy Statement (RPS), Resource Management Act (RMA) s6(c) and for consistency with draft National Policy Statement for Indigenous Biodiversity (NPS-IB).

F&B sought an additional clause to the SD –O1 (Appendix 2 clause 6 of our original submission).

In the S42A Appendix B Table Recommended Responses to Submissions and Further Submission (p36) note *"The addition of point 6 is partially accepted, with the reference changes from Te Mana o te Wai to Te Rito o te Harakeke to be consistent with the NPS on Indigenous Biodiversity"*

While Forest & Bird is not opposed to the wording recommended by the officer to include reference to Te Rito o te Harakeke for consistency with the draft NPS-IB, this addresses our submission in part however this wording does not appear to be included in the officer's proposed amendments and does not fully address F&B's submission.

We consider that amendments are still required to add an objective for freshwater that recognises Te Mana o te Wai. This is because clause 2 is limited to natural character for freshwater, the council has functions to manage activities on the surface of freshwater and for integrated management that must be carried out in a way that gives effect to Te Mana o te Wai in accordance with the NPSFM. It is appropriate that specific wording to this effect sit within the strategic direction objectives.

### **F&B Relief sought SD-O2**

SD – O2 Forest & Bird seek addition of “incorporates and sustains indigenous biodiversity”. We do not agree with the officer that this is captured by SD-O1.

SD-O2 is about urban development, its functioning, form, and amenity. It is not clear that biodiversity including ecosystem function is a part of good urban development unless there is wording to this effect included in SD-O2.

### **F&B Relief sought SD-O3**

The key concern for F&B with this objective is that clause b, is enabling to new infrastructure activities on the basis of managing effects on the “surrounding environment”.

While Forest & Bird accepts that benefits of new infrastructure should be recognised, particularly where this relates to regionally significant infrastructure, we do not consider that such a broad directive to enable is appropriate in all circumstances or for all infrastructure.

In particular “managing adverse effects” is uncertain with respect to adverse effects that may need to be avoided and the words “on the surrounding environment” may not be interpreted as capturing the environment directly affected (e.g., the footprint of the activity) by the new infrastructure activities.

This approach creates potential conflicts with the New Zealand Coastal Policy Statement (NZCPS) Policy 11 requirements to “avoid” certain adverse effects, and section 5 of the RMA which is to avoid, remedy or mitigate all adverse effects.

Given the high level of these strategic directions, F&B’s amendments sought to resolve these uncertainties and potential conflicts by removing the wording “is enabled while” and replacing this with a more appropriate objective that the benefits of new infrastructure are recognised.

### **F&B Relief sought SD-O4**

F&B’s submission sought that the strategic direction objective be amended to refer to “rural zones” or provide a clear definition of rural land/environment, which does not include significant natural areas.

F&B’s concerns are that the wording as proposed, and as amended by the S42A officer recommendations would:

1. capture open space zones and areas that meet the criteria for significant natural areas; and
2. require that in those areas land is managed to ensure it remains available for productive rural activities.

This strategic direction is inconsistent with open space zoning and the protection of significant natural areas.

While F&B does not have a particular concern with maintaining land use for productive rural activities over other activities, changes to a different rural production activity may have different adverse effects and in particular impacts on indigenous biodiversity values.

Thank you for the opportunity to present.

Nāku noa, nā



**Nicky Snoyink**

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## Appendix1 S42A Officers Recommendations

### S42A SD-O1 Natural Environment

Across the District:

1. there is an ~~overall~~ net gain in the quality and quantity of indigenous ecosystems and habitat, and indigenous biodiversity and significant indigenous vegetation and habitats are protected;
2. the natural character of the coastal environment, freshwater bodies and wetlands is preserved or enhanced, or restored where degradation has occurred;
3. outstanding natural features and outstanding natural landscapes are identified and their values recognised and protected;
4. people have access to a network of natural areas for open space and recreation, conservation and education, including within riparian areas, the coastal environment, the western ranges, and within urban environments; and
5. land and water resources are managed through an integrated approach which recognises the importance of ki uta ki tai to Ngāi Tahu and the wider community, and the inter-relationships between ecosystems, natural processes and with freshwater.

### S42A SD-O2 Urban Development

Urban development and infrastructure that:

1. is consolidated and integrated with ~~the~~ well-functioning urban environment centres;
2. ~~that~~ recognises existing ~~character~~, planned urban form and amenity values, and is attractive and functional to residents, businesses, and visitors;
3. utilises the District Council's reticulated wastewater system, and potable water supply and stormwater infrastructure where available;
4. provides a range of housing opportunities, focusing new residential activity within existing towns, and identified development areas in Rangiora and Kaiapoi, in order to achieve the housing bottom lines in UFD-O1;
5. supports a hierarchy of urban centres, with the District's main centres in Rangiora, Kaiapoi, Oxford and Woodend being:
  - (a) the primary centres for community facilities;
  - (b) the primary focus for retail, office, and other commercial activity; and
  - (c) the focus around which residential development and intensification can occur.
6. provides opportunities for business activities to establish and prosper within a network of business and industrial areas zoned appropriate to their type and scale of activity and which support district self-sufficiency;
7. provides people with access to a network of spaces within urban environments for open space and recreation;
8. supports the transition of the Special Purpose Zone (Kāinga Nohoanga) to a unique mixture of urban and rural activities reflecting the aspirations of Te Ngāi Tūāhuriri Rūnanga;
9. provides limited opportunities for Large Lot Residential development in identified areas, subject to adequate infrastructure; and
10. recognise and support Ngāi Tūāhuriri cultural values through the protection of sites and areas of significance to Māori identified in SASM-SCHED1.

### S42A SD-O3 Energy and Infrastructure

No amendments proposed in S42A.

**S42A SD-O4 Rural ~~land~~ environment**

*Outside of identified residential development areas and the Special Purpose Zone (Kāinga Nohoanga), rural land is managed to ensure that it remains available for productive rural activities by:*

- 1. providing for ~~rural primary production activities, activities that directly support rural production activities~~ rural industry and activities reliant on the natural resources of Rural Zones and limit other activities; and*
- 2. ensuring that within rural areas the establishment and operation of ~~rural primary production~~ activities are not limited by new incompatible sensitive activities*

## Appendix 2 Forest & Bird's original submission

### SD-O1 Natural Environment

"Natural environment

Across the district:

1. there is an ~~overall~~ net gain in the quality and quantity of indigenous ecosystems and habitat, and indigenous biodiversity ~~across the district~~ and significant indigenous vegetation and habitats are protected;
2. the natural character of the coastal environment, freshwater bodies ~~and~~ including wetlands is preserved or enhanced, or restored where degradation has occurred;
3. outstanding natural features and outstanding natural landscapes are identified and their values recognised and protected;
4. people have access to a network of natural areas for open space and recreation, conservation and education, including within riparian areas, the coastal environment, the western ranges, and within urban environments; and
5. land and water resources are managed through an integrated approach which recognises the importance of ki uta ki tai to Ngāi Tahu and the wider community, and the inter-relationships between ecosystems, natural processes and with freshwater; and
6. the mauri of ecosystems and indigenous biodiversity is safeguarded and freshwater is managed in a way that gives effect to Te Mana o te Wai."

Nb. We have deleted "across the district" in clause 1 as this is unnecessary repetition.

### SD-O2 Urban Development

"X incorporates and sustains indigenous biodiversity"

### SD-O3 Energy and Infrastructure

"2. infrastructure, including strategic infrastructure, critical infrastructure and regionally significant infrastructure:

a. is able to operate efficiently and effectively;

while

ii. managing the adverse effects of other activities on infrastructure, including managing reverse sensitivity; and

b. ~~is enabled, while~~ the benefits of new infrastructure development are recognised:

i. ~~managing adverse effects on the surrounding environment,~~ having regard to the social, cultural and economic benefit, functional need, and operational need of the infrastructure; ~~and~~

~~ii. managing the adverse effects of other activities on infrastructure, including managing reverse sensitivity;~~

### SD-O4 Rural Land/Environment

Amend to refer to "Rural Zones" or provide a clear definition of rural land/environment, which does not include significant natural areas