



## Submission on the Proposed Waimakariri District Plan

Clause 6 of the First Schedule, Resource Management Act 1991  
26 November 2021

Royal Forest and Bird Protection  
Society of New Zealand Inc.

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To: Waimakariri District Council  
By email: [developmentplanning@wmk.govt.nz](mailto:developmentplanning@wmk.govt.nz)

### 1. Submitter details

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### 2. Trade competition declaration

Forest & Bird would not gain an advantage in trade competition through this submission.

### 3. Hearing options

We wish to be heard in support of this submission.

We would consider presenting a joint case with others making a similar submission.

### 4. Submission details

The Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) is New Zealand's largest and oldest non-government conservation organisation. For almost one hundred years, Forest & Bird has been giving a voice to nature on land, in freshwater and at sea, on behalf of its many members and supporters. Volunteers in fifty Forest & Bird branches throughout Aotearoa New Zealand carry out conservation and biosecurity projects in their communities including weed control, restoration and pest trapping.

In the Waimakariri District, Forest & Bird has been involved in a number of ecological projects including braided river bird surveys, weed and wilding conifer control, and predator trapping. We support the general intent of the draft district plan, especially the provisions to better identify, protect and maintain the district's indigenous biodiversity and outstanding natural landscapes and features.

Te Mana o te Taiao, the Aotearoa New Zealand Biodiversity Strategy was released in 2020. The strategy is an "all of sector" strategy. The success of the strategy will rely on its implementation, especially by Territorial Authorities that have obligations under the Resource Management Act 1991 to control land use for the purpose of protecting and maintaining indigenous biodiversity. Te Mana o te Taiao has a specific objective that recognises how biodiversity can provide nature-based solutions to climate change and resilience to its effects. Forest & Bird considers this to be a critical element to address in the next generation Waimakariri District Plan.

We have included in the "decision we want council to make" column, proposed strike through as follows ~~strike through~~ and suggested new wording as follows underlined.

Forest & Bird's relief sought is set out in the table below. In addition, Forest & Bird seeks any consequential changes or alternative relief to achieve the relief sought.

Forest & Bird Submission on proposed Waimakariri District Plan November 2021

Provision to which submission relates:	Position:	The reasons for our submission are:	The decision we want Council to make:
Part One - Introduction and General Provisions Interpretation Definitions			
BIODIVERSITY OFFSET	support	Clear definition. Consistent with best practice and policy under the proposed plan	retain
New definition: Biodiversity Compensation	Neutral	There is no definition of biodiversity compensation, yet ECO-MD1(4) mentions the potential for compensation	Council to consider whether it wishes to articulate a definition for compensation, along with a policy which sets out current best practice and the clearly expresses the limits to compensation
CARBON FOREST	Neutral		Interested to see how this definition plays out
COASTAL ENVIRONMENT	Neutral		Retain
CONSERVATION ACTIVITIES	Neutral		Retain
ECOLOGICAL DISTRICT	Neutral		Retain
Edge Effect	Recommend for inclusion	In addition to effect, include a definition of edge effect	<u>Edge effects are effects on native ecosystems that are caused by adjacent or surrounding land uses</u>
ECOLOGICAL SERVICES	Neutral		Retain
ELECTRICITY DISTRIBUTION	Support	Appropriately limited to a network utility operator	Retain as proposed
ELECTRICITY DISTRIBUTION LINE	support	Appropriately limited to a network utility operator	Retain as proposed
FARM QUARRY	support	Appropriately limited to use ancillary to farming and horticulture within same property as the quarry.	Retain as proposed
FRESHWATER BODY SETBACK	Support in part	There is no way to identify the edge of a wetland that has no clear bank. Figure 1 in the NATC chapter is not overly useful for identify wetland edges.	Council to consider whether a definition for the edge of wetland is required.
Improved Pasture	Neutral	This definition could have significant consequences for indigenous vegetation in the lower and high plains ecological districts. This is the definition relied on in ECO-R2 to preclude any limitation on clearance	Council to consider whether this definition could be tightened up to meet the requirements of ECO-P4.

		of indigenous vegetation in an improved pasture in these districts. This is despite the plan's recognition, see ECO-P4, that these ecological districts have lost the most indigenous vegetation and that any indigenous vegetation clearance needs to be restricted.	
Indigenous biodiversity	Support		Retain
INDIGENOUS BIODIVERSITY OFFSET	oppose	The definition for "biodiversity offset" included in the proposed plan as supported above, is the appropriate wording.	delete
INDIGENOUS FAUNA	support		retain
Indigenous vegetation	Support in part	This definition could be simplified	means a community of <del>vascular plants and non-vascular</del> plants, that includes species native to the ecological district in which that area is located.
INDIGENOUS VEGETATION CLEARANCE	Support in part	Needs to include removal	Amend:  means the <u>removal</u> , felling, clearing, damage or disturbance of indigenous vegetation by cutting, mob stocking, crushing, cultivation, irrigation, earthworks, chemical application, artificial drainage, stop banking, burning, or any other activity in or directly adjacent to an area of indigenous vegetation that destroys or directly results in extensive failure of an area of indigenous vegetation.
Infrastructure	Support in part	This definition is far reaching and is used throughout the plan and in permitted activities which could have significant consequences for the coastal environment and SNAs. The definition includes any drainage and sewerage system amongst other items. The Plan	Exclude or more clearly define the type of matter such as any drainage or sewerage system, any pipelines, and any water supply system.

		should tighten up the definition in these environments and overlays	These terms should not apply to 'any' in some sensitive environments
MAPPED SNA	Support	Useful to distinguish from SNAs which are not mapped for the application of permitted activities.	retain
MOB STOCKING	Support	Clearly captures the activity	Retain
NATURAL SYSTEMS	Oppose	It may be useful to distinguish between ecological services and natural systems but this term is not used in the plan	delete
NO NET LOSS		<p>This definition does not reflect the NPS-FM 2020.</p> <p>The word "overall" is inappropriate as this means your starting point already averages out loss before it is considered against any gains provided by an activity. It is also not clear at what level overall would be considered. When applying the offsetting principles a further overall approach would also be applied to no net loss.</p> <p>The definition would result in loss of aspects for example diversity not being considered a loss where other aspects are increased, such as the range of another species. This is inappropriate as a stand alone term and is already adequately explained within the offsetting principles.</p> <p>Further this would mean loss would/could be considered at the district level rather than in terms of the specific activity. Even if the activity may cause a loss it may not be considered a net loss if there has been an increase in indigenous biodiversity in the district. For example, where this term is used as a matter for discretion at ECO-MD1.</p>	Delete

OPEN SPACE AND RECREATION ZONES	oppose	Fails to recognise natural open space as an important zone type.	Delete definition and specify each relevant zone type
Public Amenities	Support in part	<p>This definition is far ranging by including cycle and walk ways, many of the rules, standards and conditions relating to public amenities only relate to buildings and structures. See for example rules CE-R2 &amp; NATC-R5.</p> <p>It is not clear that all walkways and cycleways would be considered a structure. Cycle and walkways can be quite large and can have significant adverse effects.</p> <p>The definition for infrastructure also includes cycle and walk ways. The definitions need to be clear.</p>	<p>Amend:</p> <p>Delete items that do have a clear link to the building and structure conditions / standards found in the rules such as cycle and walk ways</p>
SIGNIFICANT NATURAL AREA	Support		Retain
UNMAPPED SNA	Support		Retain
Part Two District Wide Matters			
SD - Rautaki ahunga - Strategic Directions			
Interpretation and application of this chapter	Support in part	<p>Agree with the approach that there is no hierarchy between the strategic objectives in this chapter and other objectives and policies of the District Plan. Minor amendments are required to improve consistency between the SD and UDF chapters and clarify that more detailed provision are in other Part 2 and Part 3 chapters.</p>	<p>Retain with amendments are follows:</p> <p>“For the purpose of District Plan development, including plan changes and resource consents, the strategic objectives in this chapter provide direction for the more detailed provisions contained in <u>other Part 2 and Part 3 chapters of the District Plan.</u> For...”</p>
SD-O1 Natural environment		<p>While we support in principal achieving a net gain in quality and quantity for indigenous biodiversity, an “overall” allows for further loss to occur. This is</p>	<p>Amend SD-O1 as follows:</p> <p>“Natural environment Across the District:</p>

		<p>inconsistent with the RPS Objective 9.2.1 which seeks that the decline in the quality and quantity of Canterbury's ecosystems and indigenous biodiversity is halted and their life-supporting capacity and mauri safeguarded.</p> <p>We support the inclusion of water bodies and wetlands as the RPS sets out joint responsibilities for both regional and district councils for the maintenance of indigenous biodiversity within in this regard.</p> <p>The RPS also identifies the protection of significant indigenous vegetation and habitats and a regionally significant issue and objective. This requires recognition as a strategic direction to give effect to the RPS.</p> <p>The NPSFM 2020 also sets direction for freshwater which should be recognised in the strategic direction objectives.</p> <p>Amendments are required to give effect to the RPS and NPSFM and NZCPS.</p>	<p>1. there is an <del>overall</del> net gain in the quality and quantity of indigenous ecosystems and habitat, and indigenous biodiversity <u>across the district and significant indigenous vegetation and habitats are protected;</u></p> <p>2. the natural character of the coastal environment, freshwater bodies <del>and</del> <u>including</u> wetlands is preserved or enhanced, or restored where degradation has occurred;</p> <p>3. outstanding natural features and outstanding natural landscapes are identified and their values recognised and protected;</p> <p>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</p> <p>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; <u>and</u></p> <p>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."</p>
SD-O2 Urban development	Oppose in part	<p>The objective lacks recognition of the importance of indigenous biodiversity in relation to urban development. This includes protecting and maintaining indigenous biodiversity and recognising the value of it to communities and to achieving well-functioning urban environments. The NPSUD 2020</p>	<p>Add an additional clause to SD-O2 Urban development as follows:  <u>"X incorporates and sustains indigenous biodiversity"</u></p>

		<p>includes a number of considerations for well-functioning urban environments but this is not an exclusive list. Indigenous biodiversity is not only appropriate within urban areas for its own sake but also to provide for social and cultural wellbeing and making these environments attractive.</p> <p>It should be clear at a strategic level within the plan that urban development and infrastructure is intended to be provided in a way that incorporates and sustains indigenous biodiversity.</p>	
SD-O3 Energy and infrastructure	Oppose in part	<p>The wording of the objective is inappropriate to achieve the purpose of the Act.</p> <p>Enabling infrastructure may not be appropriate in all circumstances. Managing adverse effects on surrounding environments is less directive than requirements to avoid adverse effects under the NZCPS and where avoidance may be necessary to achieve protection of significant natural areas. It is also uncertain whether “surrounding environment” is adequate to consider all adverse effects on the environment as required under s5 of the RMA, this is because it is unclear whether direct effects on the site of the proposed activity would be considered or where effects extend beyond “surrounding” areas. It does not give effect to the RPS or NPSFM.</p> <p>Clause b. ii. appears to relate to established infrastructure and therefore fits with clause a.</p>	<p>Aments SD-O3 Energy and infrastructure as follows: “2. infrastructure, including strategic infrastructure, critical infrastructure and regionally significant infrastructure:</p> <p>a. is able to operate efficiently and effectively; <u>while</u></p> <p>ii. <u>managing the adverse effects of other activities on infrastructure, including managing reverse sensitivity;</u> and</p> <p>b. <del>is enabled, while the benefits of new</del> <u>infrastructure development are recognised:</u></p> <p>i. <del>managing adverse effects on the surrounding environment,</del> having regard to the social, cultural and economic benefit, functional need and operational need of the infrastructure; <del>and</del></p> <p>ii. <del>managing the adverse effects of other activities on infrastructure, including managing reverse sensitivity;”</del></p>

SD-O4 Rural land		<p>The objective is uncertain as “rural land” is not defined in the plan. Nor is rural environment although that term appears in the definition of rural industry.</p> <p>The objective appears to indicate that all areas beyond identified residential development areas and the Special Purpose Zone (Kāinga Nohoanga) are considered “rural land”</p>	Amend to refer to “Rural Zones” or provide a clear definition of rural land/environment, which does not include significant natural areas
UFD - Āhuatanga auaha ā tāone - Urban Form and Development			
Interpretation and application of this chapter	Oppose	<p>The wording “give effect to” is directive and reserved for higher order planning documents under the RMS. Under the RMA those higher order documents must be given effect to through plans but would be had regard to in decision making on resource consents.</p> <p>This wording places the UFD provisions above the SD provisions and all other provisions in the plan.</p> <p>While the introduction states that these provisions give effect to higher order documents. This statement can not be relied upon as the chapters focus is urban development and form, not protection of SNA’s or maintenance of indigenous biodiversity, nor does the chapter address all potential adverse effects of urban development. The plan must be read as a whole with no hierarchy between chapters to that the wording of each provision can be considered as appropriate to give effect to higher order documents including the NZCPS, NPSFM and the NPSUD.</p>	<p>For the purpose of District Plan development, including plan changes and resource consents, the <u>strategic direction UDF objectives and policies in this chapter must be given effect to through provide direction for the more detailed provisions contained in other Part 2 and Part 3 chapters of the District Plan. For the purpose of District Plan implementation, including the determination of resource consent applications:</u></p> <p><u>1. the strategic UFD objectives and policies may provide guidance for related objectives and policies in other chapters; and</u></p> <p><u>2. the relevant objectives and policies of the District Plan, including strategic objectives in this chapter, are to be considered together and no hierarchy exists between them.</u></p>

		The wording should be clarified so it is clear that the UDF provisions are also strategic directions and amended so that no hierarchy is given to these provisions consistency with the SD chapter.	
UFD-P1 Density of residential development	Oppose in part	<p>It is not appropriate to provide for intensification in urban environments solely on the basis of consistency with anticipated built form and the purpose of the zone.</p> <p>This is particularly concerning given the interpretation wording for this chapter that the policies must be given effect to.</p> <p>Clause 2 of this policy is acceptable if the wording of the interpretation for the UDF chapter is amended as sought. Otherwise it would read that these considerations for locating any Medium Density Residential Zone must be given effect to above all other considerations.</p> <p>Amendments are required to achieve the purpose of the Act and give effect to the NPSFM and NZCPS.</p>	<p>Amend UFD-P1 clause 1 as follows:  <del>"1. provide for</del> <u>promote the intensification in urban environments through provision for minor residential units, retirement villages, papakāinga or suitable up-zoning of Residential Zones where it is consistent with the anticipated built form, and purpose of the zone, while managing adverse effects consistent with the provisions of this plan;</u>"</p> <p>Consider amending UFD-P1 clause 2 to ensure that other plan provisions can also be considered when determining the appropriateness of locating any Medium Density Residential Zone.</p>
UFD-P2 Identification/location of new Residential Development Areas	Oppose in part	<p>While we accept that new Residential Development Areas may not be appropriate if the circumstances set out in Clause 2 were not met, these are not the only matters to consider. As written the policy would allow for the identification and location of new Residential Development Areas solely on the basis of this policy.</p>	<p>Amend UFD-P2 by adding and additional matter as follows:  <u>"i. while avoiding, remedying and mitigating adverse effects consistent with the provisions of this plan."</u></p>

		<p>This is particularly concerning given the interpretation wording for this chapter that the policies must be given effect to.</p> <p>Amendments are required to achieve the purpose of the Act and give effect to the NPSFM and NZCPS.</p>	
UFD-P4 Identification/location and extension of Town Centre Zones	Oppose in part	Does not take into account site specific considerations which could mean that extensions may not be appropriate or would not be appropriate without modifying proposals, for example as necessary to protect as required by s6(c), the NPSFM and the NZCPS	<p>Amend UFD-P4 as follows:</p> <p>“Identification/location and extension of Town Centre Zones  <del>Provide for the extension of existing Town Centres and the location</del> and develop new commercial activities to implement the urban form identified in the Future Development Strategy, WDD or Town Centre Plans.”</p>
UFD-P5 Identification/location and extension of Industrial Zones	Oppose in part	Does not take into account site specific considerations which could mean that extensions may not be appropriate or would not be appropriate without modifying proposals, for example as necessary to protect as required by s6(c), the NPSFM and the NZCPS	<p>Amend UFD-P4 as follows:</p> <p>“Identification/location and extension of Industrial Zones  <del>Provide for the extension of existing Industrial Zones and the location</del> and develop new industrial activities to implement the urban form identified in the Future Development Strategy or WDD.”</p>
UFD-P6 Mechanism to release Residential Development Areas	Oppose	<p>The policy is uncertain as to whether the release of land would override or preclude other policy requirements such as the protection required by s6(c), the NPSFM and policies 11, 13 and 15 the NZCPS.</p> <p>The policy is also uncertain as to the certification process and whether such a mechanism is appropriate to carry out Councils responsibilities and functions under the Act.</p>	Ensure that the release of land does not override councils other responsibilities and functions under the Act.

Energy, Infrastructure & Transport			
EI – Energy & Infrastructure			
EI-P5	Oppose in part	<p>This policy provides a consenting pathway for energy and infrastructure. This policy is far too wide ranging. It includes irrigation, any drainage or sewerage system, any number of pipelines etc. Etc</p> <p>Providing for all infrastructure in EI-P5(3), (4) and (5) is not consistent with the RPS, chapter 5.</p> <p>It does not avoid significant adverse effects in SNAs both mapped and unmapped and does not adverse avoid adverse effects on NZCPS, policy 11(a) matter or avoid significant adverse effects on NZCPS, policy 11(b) matters</p> <p>This policy should not address the management of effects on indigenous biodiversity and recourse to the EIB chapter should be maintained</p>	<p>Reduce the scope of infrastructure in this policy to limit the types of infrastructure that can avail themselves of EI-P5(3) &amp; (4) or delete (5)</p> <p>Delete</p> <p><del>(5) consider biodiversity offset for residual adverse effects on indigenous biodiversity that cannot otherwise be avoided, remedied or mitigated</del></p>
Natural Environment Values			
EIB - Ecosystems and Indigenous Biodiversity			
Introduction	Support in part	<p>Forest &amp; Bird considered that amendments are required to:</p> <ul style="list-style-type: none"> <li>• Ensure the SNA approach provides for s6(c)</li> <li>• Explain relationship with the NZCPS and NPSFM</li> </ul>	<p>Add a new paragraph under the second paragraph to recognise the NZ biodiversity strategy as follows:</p> <p><u>“Our responses will contribute to improving the state of Aotearoa New Zealand’s indigenous biodiversity while also providing benefits to the District by managing indigenous ecosystems, habitats and species to build resilience where</u></p>

		<ul style="list-style-type: none"> <li>• Recognise the NZ Biodiversity Strategy</li> <li>• address indigenous biodiversity in terms climate change;</li> <li>• remove the requirement to give effect to UFD provisions.</li> </ul> <p>Te Mana o te Taiao or the New Zealand Biodiversity Strategy is an all of sector approach to improving the state of Aotearoa New Zealand's indigenous biodiversity. This strategy sets out objectives and outcomes and is helpful for guidance on the relationship between indigenous biodiversity and climate change.<sup>1</sup> The success of the strategy relies on its implementation across all sectors including local government.</p> <p>Furthermore, an amendment to the RMA requires councils to have regard to emissions reduction plans and national adaptation plans under the Climate Change Response Act 2002 (as amended by the Climate Change Response (Zero Carbon) Amendment Act) when making and amending regional policy statements, regional plans and district plans. This comes in to force from 31 December 2021 (unless extended by an Order in Council).<sup>2</sup> This includes recognising the role that indigenous biodiversity and natural ecosystems play in climate change by including measures that support and align with adaptation plans.</p>	<p><u>possible and applying restoration of indigenous ecosystems to mitigate the effects of climate change and natural hazards."</u></p> <p>From the third paragraph amend the introduction as follows:</p> <p><u>"The purpose of this chapter is to protect SNAs significant indigenous vegetation and/or significant habitat of indigenous fauna, and maintain indigenous biodiversity, as required under the RMA. Significant indigenous vegetation and/or significant habitat of indigenous fauna is identified for protection in three ways.</u></p> <ul style="list-style-type: none"> <li>- <u>by including identified SNAs</u> are areas of significant indigenous vegetation and/or significant habitat of indigenous fauna <u>as mapped SNAs in ECO-SCHED1; They comprise two types:</u></li> <li>- <u>by including a schedule of significant vegetation and habitat types relevant to Waimakariri District as unmapped SNAs in ECO-SCHED2;</u></li> <li>- <u>by ensuring that consented activities outside of mapped and unmapped SNAs which will or may have adverse effects on significant indigenous vegetation and/or significant</u></li> </ul>
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<sup>1</sup> <https://www.doc.govt.nz/globalassets/documents/conservation/biodiversity/anzbs-2020.pdf> Te Mana o te Taiao Page 54 Objective 13

<sup>2</sup> <https://www.mfe.govt.nz/sites/default/files/media/RMA/overview-of-changes-introduced-by-the-resource-management-amendment-act-2020-updated.pdf>

		<p>Forest &amp; Bird recommend that WDC acknowledge in this overview the role that indigenous vegetation and natural ecosystems play in providing nature based solutions to climate change and resilience to its effects.</p> <p>Including policy direction and a permitted rule framework to encourage indigenous vegetation maintenance and restoration as a nature based solution to climate change and its effects would be useful.</p>	<p><u>habitat of indigenous fauna apply the ECO-APP1 significance criteria.</u></p> <p>Mapped SNAs – are areas of significant indigenous vegetation and/or significant habitat of indigenous fauna shown on the planning map and listed in ECO-SCHED1 that meet one or more of the ecological significance criteria listed in ECO-APP1.</p> <p>Unmapped SNAs – are areas containing significant indigenous vegetation and/or significant habitat of indigenous fauna types listed in ECO-SCHED2 that occupy at least the specified minimum contiguous area, and are not mapped SNAs.</p> <p>This approach provides a resource consent pathway for both identified and unidentified areas of significant indigenous vegetation and/or significant habitat of indigenous fauna.</p> <p>The provisions in this chapter are consistent with the matters in Part 2 - District Wide Matters - Strategic Directions and <del>give effect to matters in Part 2 – District Wide Matters - Urban Form and Development.</del></p> <p>Add policy ...</p> <p>Indigenous vegetation <u>and natural ecosystems</u> are important because <u>they have</u> the following functions to:</p>
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			<ul style="list-style-type: none"> <li>• Provide nature based solutions to climate change and resilience to its effects</li> </ul>
ECO-O1	Support with amendment	<p>The Canterbury Regional Policy Statement recognises the ongoing loss and degradation of ecosystems and indigenous biodiversity as a key issue. Objective 9.2.1 Halting the decline of Canterbury’s ecosystems and indigenous biodiversity sets a goal to halt the decline. Objective 9.2.2 promotes restoration and enhancement of indigenous biodiversity and 9.2.3 requires protection of significant indigenous vegetation and habitats.</p> <p>An “overall” approach is inconsistent with the CRPS and the use of that term here suggests that significant habitat and vegetation can be removed and replaced elsewhere. This is not the intention of RMA s 6c nor the CRPS for significant indigenous vegetation or significant habitat of indigenous fauna.</p> <p>We are concerned that using the term “or” in clause 2 of the objective would mean that “enhanced” is an alternative to “maintained”. This is not consistent with council’s functions which are to “maintain”. We agree that enhancement as an improvement to indigenous biodiversity beyond maintenance is an appropriate objective.</p> <p>Further changes to the objective wording may also be necessary to ensure that s6(c) is provided for where SNA’s are not yet identified, if the SNA</p>	<p>Amend objective O1 as follows:</p> <p><del>“Overall,</del> there is an increase in <u>the quality and extent of</u> indigenous biodiversity throughout the District, comprising:</p> <ol style="list-style-type: none"> <li>1. protected and restored SNAs; and</li> <li>2. other areas of indigenous vegetation and habitat of indigenous fauna that are maintained <del>or</del> <u>and where practicable enhanced.</u>”</li> </ol>

		approach is not amended to capture such areas as sought in this submission.	
ECO-P1	Support in part	<p>Clarify that this policy applies to mapped, unmapped and areas meeting the APP1 criteria.</p> <p>It is not entirely clear, despite the introduction stating the unmapped SNAs are SNAs, where these areas fit in the Policies. If the intent is to apply APP1 criteria to unmapped SNA's it would suggest that such areas may not in fact be significant.</p> <p>The CRPS Policy 9.3.1 Protecting Significant Areas sets out the Territorial Authorities responsibilities for protecting significant natural areas. This includes a strong directive that includes the word "will" for setting of objectives, policies and may include methods in district plans to provide of the identification and protection of indigenous vegetation and significant habitats of indigenous fauna.</p>	<p>Amend P1 as follows:</p> <p><b>"Identification of mapped SNAs</b>  Recognise the additional clarity and certainty provided by mapped SNAs by listing them in ECO-SCHED1 <u>and by the vegetation and habitats of unmapped SNAs by listing them in ECO-SCHED2</u>, and continuing to identify <del>new mapped</del> SNAs <u>beyond these areas</u> through applying the significance criteria in ECO-APP1."</p>
ECO-P2	Support in part	<p>Forest &amp; Bird is generally supportive of policy direction for the protection and restoration of SNAs where this captures mapped SNAs, unmapped SNAs and other areas meeting the APP1 criteria.</p> <p>We consider that amendments are needed to clarify the scope of the policy and to include further measures. For example some of the clauses within</p>	<p>Please amend:</p> <p>"Protect and restore SNAs by:  <u>X. restricting clearance that would impact on species that are threatened, at risk, or reach their national or regional distribution limits in the District, and on naturally uncommon ecosystems;</u></p>

		<p>which recognise remnant vegetation, species that are threatened, at risk, or national or regional distribution limits, and naturally uncommon ecosystems in ECO-P4 appear to be more within the scope of this policy.</p> <p>There is no context for “limiting” to ensure it achieves protection.</p> <p>The policy needs amending to ensure it provides direction for all three types of SNA (mapped, unmapped and other areas meeting the APP1 criteria).</p> <p>APP1 needs to be recognised within the policy so that all aspects of an area meeting the criteria and the values that contribute to significance are protected and maintained.</p> <p>Pest control can be an appropriate measure to address adverse effects of an activity. In such cases “encouraging” is not sufficiently directive. As worded the policy does not provide an adequate basis to set permitted activity or consent conditions.</p> <p>Fencing of SNA’s is an effective measure for excluding stock and avoiding adverse effects of other animals which browse or predate on indigenous biodiversity.</p> <p>Including a clause within this policy for a bonus allotment is not appropriate or necessary because:</p>	<p><u>XY. recognising the values of indigenous vegetation within:</u></p> <p><u>a. the Lower Plains Ecological District and High Plains Ecological District has been widely destroyed, fragmented and degraded by land use and pests and therefore any remaining indigenous vegetation is likely to be of ecological importance and require protection; and</u></p> <p><u>b. the Oxford Ecological District, Torlesse Ecological District and Ashley Ecological District, where a larger proportion of indigenous vegetation remains, through limits for vegetation clearance that are set to protect areas that meet the significance criteria in APP1 and maintain the ecosystem function and connectivity within the ecological district;</u></p> <ol style="list-style-type: none"> <li>1. limiting indigenous vegetation clearance within SNAs;</li> <li>2. limiting planting within mapped SNAs;</li> <li>3. limiting irrigation near mapped SNAs <u>and unmapped SNAs</u> in order to provide a buffer from edge effects;</li> <li><del>4. providing for an on-site bonus allotment or bonus residential unit within sites containing a mapped SNA</del></li> <li><u>4. recognising that the area may be significant by meeting any one or more of the criteria in ECO-APP1 and that protection requires maintaining all biodiversity values that contribute to the significance of the area;</u></li> <li>5. supporting and promoting the use of covenants, reserves, management plans and community initiatives;</li> </ol>
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		<ul style="list-style-type: none"> <li>- Including the measure in P2 suggests that other aspects of P2 would not be applied; and</li> <li>- The provision for bonus allotment/unit is set out in P3 and there is no reasons to suggest this would or should be inconsistent with P2.</li> </ul>	<p>6. <u>requiring pest control to manage adverse effects and encouraging pest control for restoration opportunities;</u></p> <p><u>XZ. supporting fencing of SNA's to exclude stock, other farmed and domestic animals; and</u></p> <p>7. working with and supporting landowners, the Regional Council, the Crown, Queen Elizabeth the Second National Trust, NZ Landcare Trust, and advocacy groups, including by providing information, advice and advocacy."</p>
ECO-P3	Support in part	<p>Is it not clear whether clause 2 is additional to clause 1 or could be considered separately. The reference to APP2 is confusing as it is not clear that that appendix is located in Part 3, the area specific section of the plan.</p> <p>The difference between a "substantial long-term net benefits" and significant additional long-term benefits" is uncertain as is the requirements for what such benefits would entail. It seems unlikely that as proposed the benefits to be afforded biodiversity would justify an additional bonus allotment. In addition Part 3 APP2 does not provide any additional requirements with respect to additional bonus allotments/units.</p> <p>While the bonus allotment/unity approach can support active protection of SNA's it still should be applied with caution as it intensified adjacent land use which puts increasing pressure on SNAs, including by:</p>	<p>Amend P3 as follows:</p> <p>"Bonus allotments and bonus residential units</p> <p>1. Enable an on-site bonus allotment or bonus residential unit within a site containing a mapped SNA, where:</p> <ul style="list-style-type: none"> <li>a. an eligible SNA is legally protected in perpetuity; and</li> <li>b. the SNA <u>is 2ha or more in size and</u> is physically protected and restored, as set out in <u>Part 3, Appendix APP2; and</u></li> <li>c. substantial and long-term net benefits to indigenous biodiversity are likely to be achieved.</li> </ul> <p><del>2. One additional on-site bonus allotment or bonus residential unit may be considered where:</del></p> <ul style="list-style-type: none"> <li><del>a. the mapped SNA area to be protected and restored is at least twice the minimum area required by Appendix APP2; and</del></li> <li><del>b. the protection and restoration would:</del> <ul style="list-style-type: none"> <li><del>i. provide significant additional long-term benefits to the mapped SNA; or</del></li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>- Removing vegetation on the site that may provide a support function to the SNA; and</li> <li>- Introducing animals and plants that may be considered pests within the SNA.</li> </ul> <p>We would consider the application of this policy beyond “mapped SNAs” to include unmapped and other areas meeting the APP1 criteria if the policy is amended as sought in this submission.</p> <p>We also consider that amendment is required to ECO-P3 to clarify that a bonus allotment cannot be sought for sites where the “ecosystem type” is less than that specified in Part 3 APP2 Table APP2-1.</p> <p>We are generally supportive of Part 3 APP2 but consider that management plans should include provision for fencing of SNAs beyond the buffer and that buffer for SNAs that are larger than 2ha should be increased 20 metres to improve protection of these important areas.</p>	<p><del>ii. support further ongoing indigenous biodiversity restoration and enhancement activities elsewhere on the site.</del></p> <p>Retain Part 3 APP2 with the following amendments:</p> <ul style="list-style-type: none"> <li>- Include provision for fencing of SNAs beyond the buffer area in the management plan matters;</li> <li>- increase the Buffer for “Any other SNA <del>listed</del> <u>mapped</u> in ECO-SCHED1 that is not covered above; 2ha +” to 20 metres.</li> </ul>
ECO-P4	Support in part	<p>Forest &amp; Birds supports the approach that this policy provides direction development of rules and for decision making beyond areas that meet the significance criteria in ECO-APP1.</p> <p>However, there is some uncertainty as to whether the policy is to be considered for areas that do meet ECO-APP1 beyond mapped SNAs. For example, clause 3 appears to apply to areas that would meet the APP1 criteria and clause 5 promoting the use of covenants would also be relevant to SNAs.</p>	<p>Retain ECO-P4 with the following amendments:</p> <p><b>“Maintenance and enhancement of other indigenous vegetation and habitats</b></p> <p>Maintain and enhance indigenous vegetation and habitats of indigenous fauna that do not meet the significance criteria in ECO-APP1 by:</p> <ol style="list-style-type: none"> <li>1. continuing to assess the current state <u>and extent</u> of indigenous biodiversity across the District;</li> <li>2. restricting indigenous vegetation clearance or modification of habitat of indigenous fauna, by</li> </ol>

		<p>The policy fails to recognise that remnant indigenous vegetation may provide important ecological functions and connectivity for species within SNAs, wetlands and other waterbodies.</p> <p>Nether ECO-P2 or P3 as proposed recognise that limiting the extent of indigenous vegetation clearance beyond mapped and unmapped SNAs provides opportunity to apply APP1 to identify and protect other SNAs.</p> <p>In addition to the amendments sought for ECO -P4 we suggest amendments to ECO-P2 above to capture some of these aspects as appropriate to SNAs.</p>	<p>recognising that indigenous vegetation within:</p> <p>a. the Lower Plains Ecological District and High Plains Ecological District has been widely destroyed, fragmented and degraded by land use and pests and therefore clearance of any remaining indigenous vegetation needs to be restricted in order to protect what remains; and</p> <p>b. the Oxford Ecological District, Torlesse Ecological District and Ashley Ecological District, has a larger proportion of indigenous vegetation remaining and therefore some clearance of indigenous vegetation may be acceptable <u>subject to ECO-P2</u> ;</p> <p>3. recognising that <u>it may not always easy to identify locations of the District that contains species that are threatened, at risk, or reach their national or regional distribution limits in the District, and naturally uncommon ecosystems, and that a cautionary approach is taken to activities beyond SNAs to provide for their protection</u> <del>limiting their clearance;</del></p> <p>4. providing information, advice and advocacy to the landowner and occupier;</p> <p>5. supporting and promoting the use of covenants, reserves, management plans and community Initiatives <u>that maintain indigenous biodiversity and support connectivity with SNAs</u>; and</p> <p>6. working with and supporting landowners the Regional Council, the Crown, the QEII National Trust, NZ Landcare Trust and advocacy groups.</p>
ECO-P5	Support in part	An “order” of wording, is not the same as a hierarchy, particularly where the term “or” means that the words can be applied interchangeably.	New Policy:

		<p>There needs to be policy direction on how adverse effects will be managed both in and outside of SNAs.</p> <p>For clarity and to give effect to the NZCPS policy ECO-P5 should only apply beyond the coastal environment. The NZCPS includes adverse effects on natural character, features and landscapes that must also be avoided.</p> <p>To give effect to the NPSFM and avoid any duplication or inconsistency with the NES-F policy ECO-P5 should not be applied to wetlands.</p>	<p><b><u>ECO-PX Management of effects in and outside of SNAs and outside of the coastal environment</u></b></p> <p><u>1) significant adverse effects on indigenous biodiversity within an SNA are avoided;</u>  <u>2) adverse effects on indigenous biodiversity in other areas are avoided as far as practicable;</u>  <u>3) where avoidance is not practicable (in terms of 2)) or relates to adverse effects that are not significant adverse effects (in terms of (1)) remedy adverse effects,</u>  <u>5) after remediation, mitigate where adverse effects remain</u>  <u>6) after applying (2) to (5), and “residual adverse effects” remain, consider biodiversity offsetting.</u></p> <p><b>Offsetting residual effects</b></p> <p>A biodiversity offset will only be considered where there are residual adverse effects which cannot practicably be avoided, remedied or mitigated (in that order of hierarchy); and:</p> <ol style="list-style-type: none"> <li>1. the biodiversity offset is consistent with ECO-APP2;</li> <li>2. the biodiversity offset will recognise the limits to offsets due to irreplaceable and vulnerable biodiversity (including effects that must be avoided in accordance with ECO-P7 (1));</li> <li>3. there is a strong likelihood that the offsets will be achieved in perpetuity; and</li> </ol>
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			<p>4. the biodiversity offset will achieve a net gain of indigenous biodiversity if the area contains any of the following:</p> <ul style="list-style-type: none"> <li>a. indigenous vegetation in land environments where less than 20% of the original indigenous vegetation cover remains;</li> <li>b. areas of indigenous vegetation associated with sand dunes and wetlands;</li> <li>c. areas of indigenous vegetation located in 'originally rare' terrestrial ecosystem types not covered under (a) and (b) above; or</li> <li>d. habitats of threatened, and at risk, indigenous species.</li> </ul>
ECO-P7	Support in part	<p>Forest &amp; Bird supports the policy but considers that amendments are required to integrate with other relevant ECO policies.</p> <p>This policy should apply in addition to P1, P2 and P4 so that an integrated approach can be applied to identification, protection and maintenance subject to the avoidance, remediation and mitigation requirements of P6.</p>	<p>Retain and amend P7 by adding a lead in sentence as follows:</p> <p><b><u>"Indigenous biodiversity in the coastal environment</u></b></p> <p><u>In addition to ECO-P1, P2 and P4, within the coastal environment:</u></p> <p>1. Avoid adverse effects of activities on: ...."</p>
ECO-P8	Support with amendment	<p>The NPSFM requires that plans give effect to Te Mana o te Wai and this includes a the hierarchy of priorities for freshwater. This means that in making decisions on indigenous vegetation that would affect waterbodies the wellbeing of the waterbody must be the first priority. Given the overlap in functions for</p>	<p>Amend P8 as follows:</p> <p><u>"when considering the protection, maintenance or any effects of activities on indigenous biodiversity that may adversely affect freshwater, the wellbeing of the waterbody is prioritised, including by:</u></p> <p><u>a) Recognising Te Mana o te Wai,</u></p>

		maintain indigenous biodiversity in wetlands and riparian margins under the RPS amendments are required to P8.	<u>b) maintain the ecological integrity of waterbodies; and</u> <u>c) by avoiding indigenous vegetation clearance near them or within a wetlands."</u>
ECO-R1 Activity Status PER Indigenous vegetation clearance within any mapped SNA or unmapped SNA All Zones	Support in part	<p>While Forest &amp; Bird generally accepts that activities for the protection, maintenance and restoration of an SNA can be permitted within limits; permitting clearance on the basis of authorities under other legislation is inappropriate. This does not implement councils' functions and responsibilities under the RMA, nor does it guarantee that adverse effects would be more than minor. If such activities cannot meet the permitted activity standards which are designed to avoid, remedy or mitigate adverse effects a consent should be sought.</p> <p>A plan can be more stringent than the NES for Plantation Forestry to protect an SNA. This appropriate to protect s6(c) matters in Waimakariri within a mapped or unmapped SNA.</p> <p>Clause f is inappropriate as the NES-F does not "authorise" vegetation clearance activities. Rather it permits some vegetation clearance within natural wetlands and requires consent for others. We also consider that permitting clearance solely on the basis of the NES-F does not achieve integration with the control and management of indigenous biodiversity under the ECO provisions.</p> <p>A plan can include a provision that is more stringent than the NES-F. We consider that the conditions of</p>	<p>Amend ECO-R1 by:</p> <p>Amending Condition 1. b. "for the purpose of protecting, maintaining, restoring or accessing the SNA's ecological values <del>where it involves:</del> <del>i. carrying out activities in accordance with a registered protective covenant under the Reserves Act 1977, Conservation Act 1987 or Queen Elizabeth the Second National Trust Act 1977;</del> <del>ii. carrying out activities in accordance with a Reserve Management Plan approved under the Reserves Act 1977;</del> <del>iii. carrying out activities by or on behalf of the Crown in accordance with a Conservation Management Plan prepared under the Conservation Act 1987; or</del> iv. erecting a fence, <u>and:</u> <u>a. where the fence is necessary for a property boundary within an SNA the clearance is no more than 1m wide within an SNA; or</u> <u>b. the fence is located so that there is no more than 0.5m width of clearance along the fence line within the SNA;"</u></p> <p>Delete d. "<del>for the purpose of harvesting indigenous vegetation that was planted for the purpose of plantation forestry;</del>"</p>

		<p>ECO-R1 as they relate to SNAs should also apply to activities that would otherwise be permitted under the NES-F within a natural wetland that is also a mapped or unmapped SNA.</p> <p>Advisory note – Forest &amp; Bird is supportive of the advisory note however the reference to “an applicant” is inappropriate and confusing as there is no applicant for a permitted activity.</p> <p>Forest &amp; Bird supports the non-complying activity status where the conditions are not met.</p>	<p>Delete f. <del>“expressly authorised under the NESF; or”</del></p> <p>Add a new condition and the last condition as follows:  <u>“h. within a natural wetland, the clearance meets the requirements and purposes in a. to g. above and is a permitted activity under the NES-F.”</u></p> <p><u>“h. within a natural wetland, is a permitted activity under the NES-F and the clearance meets the requirements and purposes in a. to g. above.”</u></p> <p>Amend the second sentence of the Advisory Note as follows: <del>“An applicant</del> <u>A person looking to carry out vegetation clearance</u> can also seek alternative professional advice.”</p> <p>Retain the non-complying activity status where the conditions of the permitted activity rule are not met.</p>
<p>ECO-R2 Indigenous vegetation clearance outside any mapped SNA or unmapped SNA Lower Plains Ecological District High Plains Ecological District</p>		<p>The distinction between the R2 permitted rules should be clarified by numbering.</p> <p>Condition 2 is inappropriate as worded because the NES-F does not “authorise” vegetation clearance activities. Rather it permits some vegetation clearance within natural wetlands and requires consent for others. We also consider that a small change is required to allow for an exception within condition 2 where clearance is permitted under the NES-F. In this rule, because the following condition 3</p>	<p>Amend ECO-R2 as it relates to the Lower Plains Ecological District and High Plains Ecological District by:</p> <p>Numbering this rule R2.1</p> <p>Amending Condition 2 as follows: “the indigenous vegetation clearance is not within 75m of a lake, 20m of the bank of a river, or 50m of any wetland, unless the clearance is <del>expressly authorised a</del> <u>permitted activity</u> under the NESF; and”</p>

		<p>requirements and purposes also apply no further changes are required to achieve integration with the control and management of indigenous biodiversity under the ECO provisions.</p> <p>Condition 3. i. should still have a limit applied, in some cases some of these pastures may not have been touched for a number of years. They could have acquired significant indigenous biodiversity values. It's 100 square meters for the other ecological districts. Forest &amp; Bird considers the time period should be every 10 years. This better aligns with ECO-P4 which recognises that indigenous vegetation in the High and Lower Plains District have lost a great deal of indigenous vegetation and seeks to restrict the loss of any indigenous vegetation in these districts.</p> <p>Forest &amp; Bird considers that a RDIS activity classification for non-compliance with R2 is inappropriate. This is because the scope of matters where discretion needs to be provided are broad. For example, in addition the to the matters already identified in MD1 discretion should be extended to include: an assessment applying ECO-APP1, the purpose for clearance so that the effects of use can be considered on remaining and adjacent indigenous biodiversity and whether the extent of clearance maintains indigenous biodiversity.</p>	<p>Amend Condition 3. b. "for the purpose of protecting, maintaining, restoring or accessing the SNA's ecological values where it involves:  <del>i. carrying out activities in accordance with a registered protective covenant under the Reserves Act 1977, Conservation Act 1987 or Queen Elizabeth the Second National Trust Act 1977;</del>  <del>ii. carrying out activities in accordance with a Reserve Management Plan approved under the Reserves Act 1977;</del>  <del>iii. carrying out activities by or on behalf of the Crown in accordance with a Conservation Management Plan prepared under the Conservation Act 1987; or</del>  <u>iv. erecting a fence, and no more than 2m width of clearance occurs along the fence line;"</u></p> <p>Amend Condition 3.i. so that a clearance limit applies of 100m<sup>2</sup> or 10% apply over a 10yr period to align with planning timeframes. Or the definition of 'Improved Pasture' needs to be tightened up</p> <p>Change the activity for non-compliance to Discretionary</p>
ECO-R2 Indigenous vegetation clearance		<p>The distinction between the R2 permitted rules should be clarified by numbering the rules separately.</p>	<p>Ament ECO-R2 as it relates to the Oxford Ecological District, Torlesse Ecological District and Ashley Ecological District by:</p>

<p>outside any mapped SNA or unmapped SNA Oxford Ecological District Torlesse Ecological District Ashley Ecological District</p>		<p>The second condition, numbered 5, is inappropriate as worded for the same reasons as set out with respect to condition 2 in the rule above.</p> <p>We are concerned that condition 7 would be difficult to enforce and would effectively permit double the limits set out within a ten year plan period.</p> <p>For the reasons set out on R2 above the RDIS activity status for non-compliance should be changed to Discretionary. If that amendment is not accepted then include matters for discretion to address Forest &amp; Birds concerns.</p>	<p>Numbering this rule R2.2</p> <p>Amending Condition 5 as follows: “the indigenous vegetation clearance is not within 75m of a lake, 20m of the bank of a river, or 50m of any wetland, unless the clearance is <del>expressly authorised</del> <u>a permitted activity</u> under the NESF; and”</p> <p>Amend Condition 7 so that the clearance limits of 100m<sup>2</sup> or 10% apply over a 10yr period to align with planning timeframes.</p> <p>Also Amend condition 7:</p> <p>“7... or habitats listed in ECO-SCHED3 that are naturally occurring; <u>and</u> 8.the indigenous vegetation clearance is: a.required for maintenance, repair ...”</p> <p>Amend Condition 8. d. “for the purpose of protecting, maintaining, restoring or accessing the SNA’s ecological values where it involves: <del>i. carrying out activities in accordance with a registered protective covenant under the Reserves Act 1977, Conservation Act 1987 or Queen Elizabeth the Second National Trust Act 1977;</del> <del>ii. carrying out activities in accordance with a Reserve Management Plan approved under the Reserves Act 1977;</del> <del>iii. carrying out activities by or on behalf of the Crown in accordance with a Conservation</del></p>
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			<p><del>Management Plan prepared under the Conservation Act 1987; or</del>  iv. erecting a fence, <u>and no more than 2m width of clearance occurs along the fence line;</u>"</p> <p>Change the activity for non-compliance to Discretionary</p>
R3 Planting of indigenous vegetation	Support	<p>Forest &amp; Bird is concerned that as proposed the title wording for the rule would only restrict indigenous vegetation planting and allow the planting of exotic species by exception.</p> <p>clarify the rules under R3 by numbering them separately.</p> <p>Unmapped SNA's should have the same planning considerations as for mapped SNAs</p>	<p>Amend the title of ECO-R3 as follows: "Planting of <del>indigenous</del> vegetation"</p> <p>Number the permitted rules separately as R3. 1 and R3.2</p> <p>Amend the rule R3.1 to apply to all zones with unmapped SNAs in addition to mapped SNAs.</p>
R4 Irrigation infrastructure near any mapped SNA	Support in part	<p>Forest &amp; Bird supports a permitted activity setback for irrigation infrastructure this will reduce the potential for irrigation to affect mapped SNAs and the potential for irrigation to be captured under R1 as a clearance activity.</p> <p>Forest &amp; Bird considers this rule should extend to unmapped SNA so that they are afforded the same level of protection.</p> <p>Forest &amp; Bird considers that an RDIS activity status for non-compliance is appropriate subject to amendments sought to matter 1 within ECO-MD1.</p>	<p>Amend R4 to apply to any "unmapped SNA" in addition to mapped SNAs.</p>

R5 Bonus allotment	Support in part	<p>Because the creation of an additional allotment effectively provides for a residential unit to be located on that allotment, matters for discretion that capture indigenous biodiversity consideration need to be included. Relying solely on SUB-R8 is inappropriate.</p> <p>In addition ECO-P3 and Part 3, Appendix APP2 clearly set out matters to be considered for bonus allotments.</p> <p>Forest &amp; Bird generally supports the DIS and NC status for non-compliance with SUB-8 as it relates to bonus allotments. However, if this were to change for any of the SD standards the matters for RDIS should include ECO-MD3.</p>	<p>Amend ECO-R5 to include ECO-MD3 for matters of discretion in addition to those set out in SUB-R8.</p> <p>If the activity status for non-compliance with SUB-R8 is amended as a result of other submissions to RDIS include ECO-MD3 as a matter for discretion.</p>
R6 Bonus residential unit	Support in part	Subject to the amendments Forest & Bird seeks to Appendix APP2 this rule is supported.	Retain ECO-R6
R7 Woodlot, shelterbelt or planting of any non-indigenous vegetation within any mapped SNA	Support	Forest & Bird supports the activity status of non-complying for these activities within a mapped SNA and considers this should extend to unmapped SNA so that they are afforded the same level of protection.	<p>Amend R7 to apply to any “unmapped SNA” in addition to mapped SNAs.</p> <p>Retain the non-complying activity status</p>
ECO-MD1	Oppose in part	<p>Forest &amp; Bird considers that the matters set out are inadequate for activities and associated effects that can be considered where ECO-R2 is not complied with.</p> <p>We set out a number of amendments to address these concerns, including with respect to specific matters of MD1 for the explained reasons below.</p>	<p>Amend ECO-MD1 matters for discretion as follows:</p> <p>“1. The extent to which the proposal adequately identifies indigenous biodiversity values including:  <u>a) any values that meet the criteria for significance under ECO-APP1; and</u>  <u>b) whether any naturally occurring species that are threatened, at risk, or reach their national or regional distribution limits in the District, or any naturally uncommon ecosystems listed in ECO-</u> </p>

		<p>Matter 2 is inadequate as a no-net loss approach does not necessarily protect and because there is no clear discretion to apply the APP1 criteria to determine significance.</p> <p>The reference to “obligations” in matter 5 is unclear and should be clarified.</p> <p>Matter 6 refers to “scheduled freshwater body setback” but no reference is given as to what or where these can be identified in the plan. It is also not clear whether limiting the matter to the “degree” of effect is adequate to give scope to consider the relevant policy direction.</p> <p>The words “Biodiversity Management Plan” are capitalised suggesting a specific meaning. However, there is no definition of this term.</p> <p>Given the potential for significant adverse effects from woodlot, shelterbelt and new plantation forestry, if non-compliance with Rule R2 is not amended to a full discretionary activity as sought above the matters for discretion should be amended to provide scope to consider the effects of such planting, including allowing for the application of APP1 criteria to determine whether an area outside of a mapped or unmapped SNA is significant.</p>	<p>SCHED3 are present and if so, how they will be protected or managed.</p> <p>2. The extent to which the proposal will <u>protect</u> <del>achieve no net loss of</del> indigenous biodiversity values identified as significant.</p> <p>...</p> <p>4. Any potential for avoiding, remedying, mitigating or otherwise offsetting <del>or compensating</del> for adverse effects on indigenous vegetation and habitats of indigenous fauna.</p> <p>5. Any conditions to ensure <del>obligations</del> <u>measures for protection, maintenance, restoration or enhancement</u> in respect of indigenous biodiversity endure, including beyond any changes of ownership (wholly or partially) of the landholding and review of conditions.</p> <p>6. Where the clearance is within an ONL, ONF, SAL, ONC, VHNC, HNC, or any natural character of scheduled freshwater body setback (<u>NATC Figure 1</u>), whether the indigenous vegetation proposed to be cleared contributes to the values of these areas and <u>any adverse effects of the degree to which the proposed clearance would adversely affect these values.</u></p> <p>7. <del>The relevance and quality of a Biodiversity Management Plan, if provided.</del></p> <p>...</p> <p><u>12. the purpose for clearance and the effects of use for that purpose on remaining and adjacent indigenous biodiversity.</u></p> <p><u>13. the extent to which clearance maintains indigenous biodiversity.</u></p>
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			<u>14. potentiation for wilding plants as a result of planting a woodlot or shelterbelt.”</u>
ECO-MD2	Support in part	<p>Forest &amp; Bird generally supports MD2 with respect to its application under Rule ECO-R3 subject to the inclusion of unmapped SNAs in that rule.</p> <p>However given that the rule specifically provides for the planting of indigenous vegetation the benefits of such planting should be included within the matters for discretion.</p> <p>We also consider that planting could effects natural features and landscapes of the coastal environment and that scope to consider such effects should be included.</p>	<p>Amend ECO-MD2 matter 1 as follows:</p> <p>“1. The extent to which the species proposed to be planted will <u>benefit or otherwise</u> adversely affect the:</p> <p>a. ecosystem function and indigenous biodiversity values of the SNA; and</p> <p>b. natural character, <u>natural features and landscapes</u> of the coastal environment.”</p>
ECO-MD3	Support in part	<p>Forest &amp; Bird has sought that the provision for additional bonus allotment/unit in ECO-P3 is removed. However if that amendment is not made, addition provision in the matters of discretion in MD3 should be set out to ensure decision makers have scope to consider the addition requirements, protection and restoration outcomes sought under ECO-P3.</p>	<p>Retain and amend if necessary to include matters of discretion to provide scope for consideration of outcomes sought under ECO-P3 2.</p>
ECO-SCHED1	support	A schedule of mapped SNAs provides a useful reference within the plan	retain
ECO-SCHED2 - Schedule of significant indigenous vegetation or significant habitat of indigenous fauna types comprising unmapped SNAs	support	Forest & Bird has some concerns with the adequacy and application of this schedule however we also see benefit in its use where specific SNA's have not yet been mapped.	retain
ECO-SCHED3 - Schedule of naturally uncommon	support	Forest & Bird considers that the use of this schedule in place of the application of ECO-APP1 is	retain

ecosystems, and species that are threatened, at risk, or reach their national or regional distribution limits in the District		inappropriate. However as an additional tool we see some benefit is the information set out as it provides local context.	
ECO-APP1 - Criteria for determining significant indigenous vegetation and significant habitat of indigenous fauna	support	The criteria reflect best practice and ecological advice while providing consistency nationally	retain
Natural Character of Freshwater bodies			
General	New	NATC-P2 only provides for the mapping of significant nature character. Section 6(a) does not distinguish between significant natural character and natural character that is not significant. All of the rules only relate to scheduled natural character freshwater bodies overlays.	New provisions for meeting the requirements of s(a) in relation to unscheduled natural character freshwater bodies
NATC-1 and NATC-2	Support	But question whether NATC-2 should refer to surface freshwater environment. It is not clear why NATC-1 refers to freshwater environments but then NATC-2 refers to freshwater bodies.	Retain but consider adjustment to bring two objectives in line with each other  This may require further consequential amendments in this chapter depending on the Council's approach
NATC-3	Support in part	The title refers only to margins but the objective is about the use of the freshwater body and its margins	Amend title:  Use of <u>the</u> freshwater body and <u>its</u> margin
NATC-P1	Support in part	This policy is good but some of the variables could apply equally to the freshwater body's margins.	Amend:  Recognise the following natural elements, patterns, processes and experiential qualities which

		<p>Freshwater body and margins if provided in the heading paragraph does not need to be repeated in some of the variables.</p>	<p>contribute to the natural character values of freshwater bodies <u>and their margins</u>:</p> <ol style="list-style-type: none"> <li>1. <del>freshwater bodies and their margins</del> in their natural state or close to their natural state;</li> <li>2. <del>freshwater</del> landforms and landscapes, biophysical, geologic and morphological aspects;</li> <li>3. hydrological and fluvial processes, including erosion and sedimentation;</li> <li>4. indigenous biodiversity, habitats and ecosystems;</li> <li>5. water flow and levels, colour and clarity, and water quality;</li> <li>6. the cultural values of the water body to Ngāi Tūāhuriri, including values associated with traditional and contemporary uses and continuing ability <del>of the freshwater body</del> to support taonga species and mahinga kai activities; and</li> <li>7. the experience of the above elements, patterns and processes.</li> </ol>
NATC-P2	Support in part	<p>(4) is unclear. Is the freshwater body providing the recreational activity? Or is it merely providing access to areas of recreational use?</p> <p>It is important to recognise in margins the accessibility of rivers for angling, canoeing rafting etc., but it is also important to recognise the inherent value of the freshwater body itself to provide recreational activity.</p>	<p>Amend</p> <p><b>Identify, map and schedule significant freshwater bodies <u>and their Margins</u></b></p> <p>Continue the identification, mapping, and scheduling of freshwater bodies and their margins with one or more recognised natural character attributes, where the following apply:</p>

		<p>This chapter also relates to the freshwater body margins this should be recognised</p>	<ol style="list-style-type: none"> <li>1. <del>they freshwater bodies and their margins</del> have high indigenous species and habitat values, where they support threatened, at risk, or regionally distinct indigenous species;</li> <li>2. the presence of distinctive geological features, such as fault traces, fossil localities, geoscience and geohistoric values, or represents a unique geomorphic process;</li> <li>3. cultural, spiritual or heritage associations of Ngāi Tūāhuriri <del>to the freshwater body</del>, including the ability to undertake customary practices; <del>and</del></li> <li>4. importance <del>of the freshwater body</del> to provide access and connections to areas of recreational use ; <u>and</u></li> <li>5. <u>recreational use.</u></li> </ol>
NATC-P4	Support in part	<p>It is not clear what minimising means in this context. Is it minimise in a NPS-FM, clause 3.21(1) context i.e. avoid, minimise, remedy? Or is does it mean both remedy and mitigate?</p> <p>NATC-P5 &amp; P6 does not use the word minimise, it uses avoid, remedy or mitigate</p> <p>Two policies should be consistent</p>	<p>Amend:</p> <p>Preserve the natural character values of wetlands, and lakes and rivers and their margins, and protect those values by:</p> <ol style="list-style-type: none"> <li>1. ensuring that the location, intensity, scale and form of subdivision, use and development of land takes into account the natural character values <del>of the surface freshwater bodies</del>;</li> <li>2. <u>Avoid, minimising</u> <del>remedy or mitigate, in that order</del>, indigenous vegetation clearance</li> </ol>

			<p>and modification, including where associated with ground disturbance and the location of structures, near wetlands, and lakes and rivers and their margins;</p> <p>3. requiring setbacks of activities <del>from wetlands, and lakes and rivers and their margins,</del> including buildings, structures, impervious surfaces, plantation forestry, woodlots and shelterbelts; and</p> <p>4. promoting opportunities to restore and rehabilitate the natural character <del>of surface freshwater bodies and their margins,</del> such as the removal of plant and animal pests, and supporting initiatives for the regeneration of indigenous biodiversity values, and spiritual, cultural and heritage values.</p>
NATC-P6	Oppose in part	There is no need for the plan to 'provide' for structures in a freshwater body or its margins. There is no such direction in the strategic directions chapter. The word 'provide' is a strong policy direction and	<p>Amend:</p> <p><del>Provide for</del> <u>Consider</u> new structure ...</p>
NATC-R2	Support in Part	Recommend not including a date with the National Pest Plant Accord. This document changes and some plants may be added to it as time progresses.	<p>Amend:</p> <p>National Pest Plant Accord (<del>reprinted with minor amendments February 2020</del>),</p>
NATC-AN2	Support in part	Part of the advice note is over reaching and does not protect or preserve the natural character of rivers	<p>Amend:</p> <p><del>... or within any ephemeral flow path where there is no defined channel</del></p>

NATC-Table 1 & Schedules	Support	<p>Support the tables and schedules, However, it is difficult to determine whether there are setback requirements for wetlands other than Pines Beach wetland. The NES Freshwater Regulation 54, makes activities within or within 10 metres of wetland a non-complying activity.</p> <p>Is the intention of the plan to rely on the NES Freshwater for the protection of the margins of wetlands?</p> <p>If it is intended that wetlands are covered by NATC-Sch 3 and unscheduled then it is inconsistent with the NES</p>	Mechanism in the plan to protect the margins of wetlands
Natural Features and Landscapes			
NFL-P1	Support in part	<p>Most if not all of the Ashley River/estuary ONF and at least part of the Waimakariri ONF are found in the coastal environment. This policy does not align NZCPS, policy 11 or policy 15. Policy 11 requires the avoidance of adverse effects on 11(a) matters and avoid significant adverse effects on 11(b) matters. NFL-P1(4) seems to contradict policy 11 in part because it says only have to avoid significant loss of indigenous vegetation regardless of the vegetation's type.</p> <p>Policy 15(a) says avoid adverse effects of activities on ONF and ONLs. 15(b) says avoid significant adverse effects and avoid, remedy or mitigate adverse effects on other natural features or landscapes in the coastal environment</p>	<p>Amend:</p> <p><u>x. avoiding any loss of indigenous biodiversity identified in policy ECO-P7;</u></p>
NFL-P3	Support		retain

NFL-P4	Support		retain
NFL-R4	Support in part	The term public amenities includes wlkways and cycleways, these can be quite large and have quite an effect	Reduce the scope of the rule to not include amenities that would not be subject to the conditions
Ashley <a href="#">River</a> /Rakahuri Saltwater Creek Estuary - Outstanding Natural Feature	Support	The landscape values listed are appropriate but it is not clear what is meant by damage to margins and associated vegetation from vehicles. It needs to be made clear that vehicles, 4x4s, quadbikes, motorbikes, and side by sides on the associated sand dunes on the spit are a threat to the dunes and the associated vegetation on those dunes and the inland lakes. This gives better effect to NZCPS policy 20	Include in Threats section:  <u>Motorised vehicles (including 4x4s; quad bikes; side by sides; and motorbikes) on the associated sand dunes</u>
SUB-Subdivision			
SUB-01	Support in part	This chapter / objective introduces a term that is not used throughout the plan and is not defined, conservation values. This objective should use consistent terminology with other chapter such as ECO. Rather than use conservation values this chapter should use or also use indigenous biodiversity values	Amend:  supports protection of cultural and heritage values, conservation values, <u>indigenous biodiversity values</u> ; and
SUB-03	Support in part	See above	Amend:  1.the protection of conservation values and <u>indigenous biodiversity values</u> ; 2. public access to or along rivers and lakes or the coast; or 3.enable public recreational use where it is compatible with conservation values <u>and indigenous biodiversity values</u> .

SUB-P6	Support in part	<p>This is good start but it could do more for the protection of indigenous biodiversity values. At this stage of the planning process it is a perfect time to identify habitats of significant fauna and mechanisms to protect and enhance those habitats. Amending as sought will give better effect to s6(c) the protection of significant indigenous biodiversity.</p> <p>For example during the development of the Peacocke Structure Plan the presence of long-tailed bats was unknown. Had the Council known about the bats it could have addressed the protection of long tailed bats through the structure plan rather than later through resource consents</p>	<p>Amend:</p> <p><u>x. identify indigenous biodiversity values and show how they will be protected and maintained</u></p>
Table-Sub 1- Minimum Allotment Sizes	Support in part	<p>It is unfortunate that the Council has not taken this plan change opportunity to address the widescale loss of productive soils in the Rural Lifestyle Zone. The Council has left the minimum lot size at 4ha. The rural lifestyle zone is a large zone encompassing an enormous amount of land.</p> <p>The council needs to address the environmental issues arising from sprawl. Other environmental problems that arise besides loss of productive land is air pollution from increase of vehicle traffic, the increase in impervious structures, fracturing of sensitive environments, loss of open space and increase of flood risks.</p> <p>Pretty much the entire area zoned Rural Residential is relatively flat. It is likely that a large part of this zone is highly productive land with a land use capability of 1 - 3</p>	<p>Amend:</p> <p>Rural Lifestyle</p> <p>Consider raising the minimum lot size in Rural Lifestyle or consider creating a number of smaller zones for smaller subdivisions for example one could be the Rural Rangiora Zone another could be the Rural Kaiapoi Zone etc., and then increasing the size of the General Rural Zone.</p>

		<p>Highly productive land is a valuable and limited resource.</p> <p>It is difficult to see how a 4ha minimum lot size for such a large area on potentially highly productive land meets policies RURZ P-2(1), (2) and (3)</p> <p>In the MPI document Valuing Highly Productive Land: A discussion document on a proposed national policy statement for highly productive land (2019), proposed policy 4 suggests that councils will have to set minimum lot sizes on highly productive land that retain the productive capacity of that land.</p> <p>By way of comparison the Christchurch City Council has set out far more extensive minimum lot sizes for comparable land see Table 5 of Chapter 8 Subdivision, Development and Earthworks where the minimum lot size for the Rural Waimakariri Zone is 20 ha. The minimum lot sizes for the following are Rural Urban Fringe is 4ha, Rural Port Hills is 100 ha, Rural Templeton is 4 ha Rural Banks Peninsula is between 40 – 100 ha.</p> <p>Having minimum lots sizes on the south side of the Waimakariri River of 20 ha and then 4 ha on the other side of the Waimakariri is not integrated management.</p> <p>This zone either needs to be reduced or the minimum lot size needs to increase to address the ongoing loss and climate change issues.</p>	
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General District Wide Matters			
ASW-Activities on Surface of Water Body			
ASW-R1	Support in part	<p>Just wanted to point out that this provision is difficult to fully understand because there is a public boat ramp on the Salt Water Creek Estuary pull off from State Highway 1. This pull off encourages boat users to put their motorised and non-motorised vessels in the estuary.</p> <p>What sort of natural character values are affected on the estuary by the use of non-motorised vessels?</p> <p>Individuals do row their boats out on the estuary.</p>	
CE- Coastal Environment			
CE-01	Support in part	<p>The NZCPS, policy 13 requires the preservation and protection of natural character. In these high level objectives they should reflect the higher order documents language. There is no mention of maintenance in policy 13 but policy 13(1)(b) does say avoid, remedy and mitigate adverse effects on other areas of natural character. 13(1)(b) should be reflected in the policies.</p> <p>NZCPS, policy 14 requires restoration. This should be provided in the objective</p>	<p>Amend:</p> <p>The natural character attributes of the coastal environment of the District are preserved, <del>maintained</del> protected, <del>and</del> enhanced <u>and restored</u>.</p>
CE-04	Support in part	<p>NZCPS, policy 11 requires the protection of indigenous biodiversity. There is no statement in policy 11 about protection from inappropriate subdivision, use or development.</p>	<p>Amend:</p> <p>People and communities are able to provide for their social, economic and cultural well-being, recognising that the protection of natural character <del>and indigenous biodiversity</del>, public access or</p>

		This objective sends mixed signals to plan users. Indigenous biodiversity in the coastal environment is addressed through policy ECO-P7.	cultural values does not preclude subdivision, use or development, where this does not compromise these values.
CE-P1	Support		Retain
CE-P2	Support in part	It is not clear what the intention of (6) is. NZCPS Policy 11 requires the protection (not maintenance) of indigenous biodiversity in the Coastal Environment. This policy is concerning because it does not give effect to the NZCPS and it is stating that only maintenance of remnant vegetation is required.	Amend:  6. maintaining <u>indigenous biodiversity</u> , where it is <u>not already covered by ECO-P7</u> <del>including remnant vegetation and habitats of indigenous species.</del>
CE-P3	Support		Retain
CE-P5	Support		Retain
CE-P6	Support		Retain
CE-P7	Support in part	This is a difficult policy. The definition of infrastructure is far to wide ranging. It is slightly constrained by the requirement for a functional or operational need but this policy should only relate to relate to infrastructure that is regionally and nationally significant	Amend the definition of infrastructure to constrain it to regionally and nationally significant infrastructure.
CE-R2 Coastal Environment Overlay	Support in part	<p>This permitted activity is far ranging and includes a number of activities including cycleways and walking pathways. This rule would potentially make these permitted activities in the coastal environment when these activities could have significant adverse effects on any number of values.</p> <p>The permitted standards only apply to buildings and structures. It does not appear that a walking or cycle pathway are considered structures adverse effects on any number of values. It is important to note as</p>	<p>Amend by excluding amenities certain amenities from this rule that have a large impact and are not clearly covered as either a building or structure such as walking and cycling pathways.</p> <p>Create another rule for these excluded activities such as cycleways that have pertinent standards or make them discretionary activities.</p>

		<p>well that cycleways are also included in the definition of infrastructure.</p> <p>The plan needs to be clear whether cycleways are infrastructure or a structure.</p>	
<p>CE-R2 Te Kōhanga Wetlands - HNC area</p> <p>Tūtaepatu Lagoon - HNC area</p>	Support in part	<p>This permitted activity also applies to cycleways and walking pathways.</p> <p>The only matter of discretion is for buildings and structures.</p>	See above
CE-MD1	Support in part	<p>This list of matters is a good starting point but it requires the consideration of adverse effects on the natural character values of the area</p> <p>This standard uses the term minimise. None of the policy direction uses this term. The standard should use the same language as the policies rather than bring in a term.</p>	<p>Amend:</p> <p>2. Measures to <del>minimise</del> <u>avoid, remedy or mitigate</u> any adverse effects on sensitive habitats such as dunes, rivers, lakes or wetlands.</p> <p><u>x. Measures to avoid, remedy, and mitigate adverse effects on natural character values</u></p>
CE-SCHED1 - Outstanding Natural Character Areas in the Coastal Environment	Support in part	<p>There is no mention of the dunes. The dunes form an integral part of the natural character of the estuary. The mapped area includes the Ashworth spit and the sand dunes on the spit and the sand dunes north of Waikuku Beach settlement</p>	<p>Include:</p> <p><u>Dunes</u></p>
<b>Area Specific Matters</b>			
RURZ-Rural Zones General permitted rules in both General and Rural Residential	Support	<p>The rules seem appropriate however, because the NATC chapter does not appear to protect the margins of unscheduled wetlands then appropriate setbacks should be required of permitted rules that will have an adverse effect on the natural character values and indigenous biodiversity. For example Farm quarries in order to be permitted must be 100</p>	<p>Counsel to consider an appropriate setback for activities within the margins of wetlands, river and lakes for Farm quarries, primary production, .</p>

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		m away from an SNA. There is no such requirement for a wetland, river or lake.  The NES-Freshwater Reg 54 makes activities within 10 meters of wetland non-complying.	
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Thank you for the opportunity to submit.

Submission ends.

Date: 26 November 2021

(signature not required if submission filed electronically)

Contact Details Provided Above