
Submission on Waimakariri District Council - Proposed District Plan

Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Waimakariri District Council - Development Planning Unit

Date received: 26/11/2021

Submission Reference Number #:120

This is a submission on the following proposed plan (the **proposal**): Waimakariri District Council - Proposed District Plan

Address for service:

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Attachments:

Submission final_JRL_26Nov2021.docx

I wish to be heard: Yes

I am willing to present a joint case: Yes

Could you gain an advantage in trade competition in making this submission?

- No

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- Yes

Submission points

Point 120.1

Section: Definitions

Sub-section: Definitions

Provision:

ECOLOGICAL SERVICES

the benefits people obtain from ecosystems that support us by providing services on which our health, livelihoods, and well-being depend, i.e., water purification and regulation; provision of food, medicine, fiber, and energy; and places for physical, cultural, spiritual and recreation.

Sentiment: Amend

Submission:

Definitions

6. Ecological services. A typo – delete “i.e” and insert “e.g.” The activities listed are only examples of a wider range of possible functions.

Relief sought

Definitions

6. Ecological services. A typo – delete “i.e” and insert “e.g.”

Point 120.2

Section: ECO - Punaha hauropi me te rerenga rauropi taketake - Ecosystems and indigenous biodiversity

Sub-section: Schedules

Provision:

ECO-SCHED2 - Schedule of significant indigenous vegetation or significant habitat of indigenous fauna types comprising unmapped SNAs 📌

Sentiment: Amend

Submission:

7. I support the Council’s increased attention to ecological and indigenous biodiversity matters in the Proposed Plan. This reflects national legislation and guidance, but also shows that Council understands the importance of the remaining areas of indigenous biodiversity, and that healthy ecosystems are needed to support a healthy community. These areas are assets for the District and for the landowners on whose properties they remain. There appears to be recognition that blanket rules cannot be applied across all vegetation and habitat types – I support this because it allows for site-specific assessment of effects and mitigation /management. However, I think that there should be more attention to local/District biodiversity values in addition to national or regional values. There should be provisions for species and habitats that are threatened or locally uncommon.

8. In particular, riparian and wetland habitats and vegetation have been reduced in area and quality by water and land use changes and should be provided for specifically. These need to be added into ECO-SCHED2 for example.

Relief sought

There should be provisions for species and habitats that are threatened or locally uncommon.

In particular, riparian and wetland habitats and vegetation have been reduced in area and quality by water and land use changes and should be provided for specifically. These need to be added into ECO-SCHED2 for example.

Point 120.3

Section: ECO - Punaha hauropi me te rerenga rauropi taketake - Ecosystems and indigenous biodiversity

Sub-section: ECO - Punaha hauropi me te rerenga rauropi taketake - Ecosystems and indigenous biodiversity

Provision:

Indigenous biodiversity includes all plants and animals that occur naturally in New Zealand and have evolved or arrived without human assistance. It provides important ecosystem services, shaping our local and cultural identity and has considerable intrinsic value to mana whenua and people of the District.

The diverse ecosystems of the District contain remnants of indigenous vegetation and habitats of indigenous fauna which were once widespread, but over time have been destroyed, fragmented and degraded by land use and pests. These remnants (SNAs) have significant biodiversity value and are critical for preventing the extinction of rare species and loss of ecosystems.

The purpose of this chapter is to protect SNAs, and maintain indigenous biodiversity, as required under the RMA.

SNAs are areas of significant indigenous vegetation and/or significant habitat of indigenous fauna. They comprise two types:

- 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.
- 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.

This approach provides a resource consent pathway for both identified and unidentified areas of significant indigenous vegetation and/or significant habitat of indigenous fauna.

The provisions in this chapter are consistent with the matters in Part 2 - District Wide Matters - Strategic Directions and give effect to matters in Part 2 - District Wide Matters - Urban Form and Development.

Other potentially relevant District Plan provisions

As well as the provisions in this chapter, other District Plan chapters that contain provisions that may also be relevant to ecosystems and indigenous biodiversity include:

- Appendix APP2: contains standards for creation of a bonus allotment and establishment of a bonus residential unit.
- General Rural Zone and Rural Lifestyle Zone: the underlying zones for SNAs, contains correlating provisions relating to bonus allotments and bonus residential units, along with setback requirements for certain activities from SNAs.
- Subdivision: contains provisions for creation of a bonus allotment, and subdivision of an area containing a mapped SNA;
- Earthworks: contains provisions for earthworks within a SNA.
- Natural Character of Freshwater Bodies: contains provisions regarding activities within natural character of scheduled freshwater bodies setbacks.
- Coastal Environment: contains provisions for activities within the coastal environment including natural character areas (ONC, VHNC, HNC), many of which overlay SNAs.
- Natural Features and Landscapes: contains provisions for natural features and landscapes, many of which overlay SNAs.
- Hazardous Substances HS-R2: contains a rule precluding the establishment of a major hazard facility within a SNA.
- Energy and Infrastructure: contains provisions managing activities within a SNA.

- Temporary Activities TEMP-R5: contains provisions managing temporary military training activities within a SNA.
- Special Purpose Zone (Kāinga Nohoanga): how the Ecosystems and Indigenous Biodiversity provisions apply in the Special Purpose Zone (Kāinga Nohoanga) is set out in SPZ(KN)-APP1 to SPZ(KN)-APP5 of that chapter.
- Sites and Areas of Significance to Māori: this chapter recognises the cultural values of certain including wetlands/repō. It also aims to protect the ecological values of wāhi tapu and wāhi taonga sites.
- Natural Open Space Zone and Open Space Zone: the underlying zone for many SNAs.
- Any other District wide matter that may affect or relate to the site.
- Zones: the zone chapters contain provisions about what activities are anticipated to occur in the zones.

Sentiment: Amend

Submission:

9. Paragraph 2: I think the wording here needs to change. “Remnants” are not the same as “SNAs”. “Remnants” can include single plants or small areas of vegetation, rocky outcrops, small patches in an area of improved pasture, braided river margins – literally the indigenous plants or habitats that are left. All these are important – they can support threatened invertebrates, lizards, lichens or fungi and worthy of protection and conservation management. Only those remnants that meet the criteria in EOC-APP1 are Significant Natural Areas. This would then explain ECO-P4.

10. Para 2 – insert “water and” after “degraded by”. While the District Plan is limited in respect of freshwater management, it should recognise the effects that water uses have had on land biodiversity.

11. I suggest that para 2 should read (my additions in italics):

The diverse ecosystems of the District contain remnants of indigenous vegetation and habitats of indigenous fauna which were once widespread, but over time have been destroyed, fragmented and degraded by *water and* land use and pests. These remnants (~~SNAs~~) have significant biodiversity value, *providing habitat for other indigenous plants and animals. Those areas meeting criteria relating to size, quality or species supported are identified as Significant Natural Areas (SNAs)* and are critical for preventing the extinction of rare species and loss of ecosystems. *The adverse effects of water and land use on areas of indigenous vegetation and habitats that do not meet the SNA criteria also need to be limited*”

12. Para 3 should then indicate the importance of recognising these important assets to the community through support and assistance for landowners (linking to the bonus allotment policy ECO-P3). I suggest:

“This approach provides a resource consent pathway for both identified and unidentified areas of significant indigenous vegetation and/or significant habitat of indigenous fauna. *It also provides for recognition of the asset value of indigenous biodiversity to landowners through bonus lot consideration.*”

Relief sought

9. Paragraph 2: I think the wording here needs to change. “Remnants” are not the same as “SNAs”. “Remnants” can include single plants or small areas of vegetation, rocky outcrops, small patches in an area of improved pasture, braided river margins – literally the indigenous plants or habitats that are left. All these are important – they can support threatened invertebrates, lizards, lichens or fungi and worthy of protection and conservation management. Only those remnants that meet the criteria in EOC-APP1 are Significant Natural Areas. This would then explain ECO-P4.

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The diverse ecosystems of the District contain remnants of indigenous vegetation and habitats of indigenous fauna which were once widespread, but over time have been destroyed, fragmented and degraded by *water and* land use and pests. These remnants (~~SNAs~~) have significant biodiversity value, *providing habitat for other indigenous plants and animals. Those areas meeting criteria relating to size, quality or species supported are identified as Significant Natural Areas (SNAs)* and are critical for preventing the extinction of rare species and loss of ecosystems. *The adverse effects of water and land use on areas of indigenous vegetation and habitats that do not meet the SNA criteria also need to be limited*”

12. Para 3 should then indicate the importance of recognising these important assets to the community through support and assistance for landowners (linking to the bonus allotment policy ECO-P3). I suggest:

“This approach provides a resource consent pathway for both identified and unidentified areas of significant indigenous vegetation and/or significant habitat of indigenous fauna. *It also provides for recognition of the asset value of indigenous biodiversity to landowners through bonus lot consideration.*”

Point 120.5

Section: ECO - Punaha hauropi me te rerenga rauropi taketake - Ecosystems and indigenous biodiversity

Sub-section: Objectives

Provision:

Ecosystems and indigenous biodiversity

ECO-O1

Overall, there is an increase in indigenous biodiversity throughout the District, comprising:

1. protected and restored SNAs; and
2. other areas of indigenous vegetation and habitat of indigenous fauna that are maintained or enhanced.

Sentiment: Amend

Submission:

ECO-O1:

13. A third item should be added:

“3. Indigenous vegetation planted and habitats created for indigenous biodiversity purposes.”

This would recognise that planting and habitat creation can contribute to the objective of increasing the area of indigenous vegetation and habitats.

Relief sought

ECO-O1:

13. A third item should be added:

“3. Indigenous vegetation planted and habitats created for indigenous biodiversity purposes.”

Point 120.6

Section: ECO - Punaha hauropi me te rerenga rauropi taketake - Ecosystems and indigenous biodiversity

Sub-section: Policies

Provision:

Protection and restoration of SNAs

Protect and restore SNAs by:

ECO-P2

1. limiting indigenous vegetation clearance within SNAs;
2. limiting planting within mapped SNAs;
3. limiting irrigation near mapped SNAs in order to provide a buffer from edge effects;
4. providing for an on-site bonus allotment or bonus residential unit within sites containing a mapped SNA;
5. supporting and promoting the use of covenants, reserves, management plans and community initiatives;

6. encouraging pest control; and
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.

Sentiment: Amend

Submission:

ECO-P2

14. Items 2 and 3 should refer to all SNAs, not just mapped ones. If an area meets the criteria to be an SNA then activities within it should be treated in the same way as a mapped one. This would also apply to the activity rules.

15. Item 3: replace “limiting” with “managing” or “controlling”. Managed use of excess irrigation water may be beneficial to a wetland habitat SNA, for example.

16. Item 6: replace “encouraging” with “supporting weed and”. Council is in a position to actively support and advise on pest and weed management.

Relief sought

ECO-P2

14. Items 2 and 3 should refer to all SNAs, not just mapped ones. If an area meets the criteria to be an SNA then activities within it should be treated in the same way as a mapped one. This would also apply to the activity rules.

15. Item 3: replace “limiting” with “managing” or “controlling”. Managed use of excess irrigation water may be beneficial to a wetland habitat SNA, for example.

16. Item 6: replace “encouraging” with “supporting weed and”. Council is in a position to actively support and advise on pest and weed management.

Point 120.7

Section: ECO - Punaha hauropi me te rerenga rauropi taketake - Ecosystems and indigenous biodiversity

Sub-section: Policies

Provision:

Bonus allotments and bonus residential units

ECO-P3

1. Enable an on-site bonus allotment or bonus residential unit within a site containing a mapped SNA, where:
 - a. an eligible SNA is legally protected in perpetuity; and
 - b. the SNA is physically protected and restored, as set out in Appendix APP2; and
 - c. substantial and long-term net benefits to indigenous biodiversity are likely to be achieved.
2. One additional on-site bonus allotment or bonus residential unit may be considered where:
 - a. the mapped SNA area to be protected and restored is at least twice the minimum area required by Appendix APP2; and
 - b. the protection and restoration would:
 - i. provide significant additional long-term benefits to the mapped SNA; or
 - ii. support further ongoing indigenous biodiversity restoration and enhancement activities elsewhere on the site.

Sentiment: Amend

Submission:

ECO-P3

17. I support the Council's position to enable bonus allotments to provide protection for SNAs. I would like to see further recognition of these natural assets through rates relief and support. In relation to P3 1c.: more guidance is needed on assessment of "net benefit"; this should state whether the net benefit is to be measured across the site/Ecological District/Region; how it should be calculated; and by whom it will be assessed.

18. Similarly, more guidance is needed on "additional long-term benefits". How will these be measured/assessed? In both these cases, lack of clarity could lead to loop-holes in the consenting process.

Relief sought

ECO-P3

17. I support the Council's position to enable bonus allotments to provide protection for SNAs. I would like to see further recognition of these natural assets through rates relief and support. In relation to P3 1c.: more guidance is needed on assessment of "net benefit"; this should state whether the net benefit is to be measured across the site/Ecological District/Region; how it should be calculated; and by whom it will be assessed.

18. Similarly, more guidance is needed on "additional long-term benefits". How will these be measured/assessed? In both these cases, lack of clarity could lead to loop-holes in the consenting process.

Point 120.8

Section: ECO - Punaha hauropi me te rerenga rauropi taketake - Ecosystems and indigenous biodiversity

Sub-section: Policies

Provision:

Maintenance and enhancement of other indigenous vegetation and habitats

Maintain and enhance indigenous vegetation and habitats of indigenous fauna that do not meet the significance criteria in ECO-APP1 by:

1. continuing to assess the current state of indigenous biodiversity across the District;
2. restricting indigenous vegetation clearance or modification of habitat of indigenous fauna, by recognising that indigenous vegetation within:
 - 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
 - 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;
3. recognising that the District contains species that are threatened, at risk, or reach their national or regional distribution limits in the District, and naturally uncommon ecosystems, and limiting their clearance;
4. providing information, advice and advocacy to the landowner and occupier;
5. supporting and promoting the use of covenants, reserves, management plans and community initiatives; and
6. working with and supporting landowners the Regional Council, the Crown, the QEII National Trust, NZ Landcare Trust and advocacy groups.

ECO-P4

Sentiment: Amend

Submission:

19. Item 2a. “Lower” should be “Low”. This typo is repeated throughout the Plan, so a search/replace should be carried out.
20. Item 2a: Insert “water and” before “land use”. As discussed above, water use has affected habitats and vegetation.
21. Items 2, 3: I do not think that these sections provide adequate protection for remnant indigenous vegetation or habitats. Species, vegetation and habitats that are threatened or at risk at a local level, or reach local distribution limits should be included and given protection. This may then influence the rationale for the two levels of protection afforded in different Ecological Districts. At a Policy level all indigenous biodiversity should be afforded protection; different methods for achieving this in different ecological contexts can then be set out through rules.

Relief sought

19. Item 2a. “Lower” should be “Low”. This typo is repeated throughout the Plan, so a search/replace should be carried out.
20. Item 2a: Insert “water and” before “land use”. As discussed above, water use has affected habitats and vegetation.
21. Items 2, 3: I do not think that these sections provide adequate protection for remnant indigenous vegetation or habitats. Species, vegetation and habitats that are threatened or at risk at a local level, or reach local distribution limits should be included and given protection. This may then influence the rationale for the two levels of protection afforded in different Ecological Districts. At a Policy level all indigenous biodiversity should be afforded protection; different methods for achieving this in different ecological contexts can then be set out through rules.

Point 120.9

Section: ECO - Punaha hauropi me te rerenga rauropi taketake - Ecosystems and indigenous biodiversity

Sub-section: Activity Rules

Provision:

ECO-R1	Indigenous vegetation clearance within any mapped SNA or unmapped SNA
	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none">within any mapped SNA or unmapped SNA, the indigenous vegetation clearance is:<ol style="list-style-type: none">required for maintenance, repair or replacement purposes and is:<ol style="list-style-type: none">within an existing access track; orwithin 3m of an existing building; orwithin 2m of an existing fence, existing gate, existing fire pond, existing stock yard, existing trough, or existing water tank;within 2m of existing critical infrastructure, regionally significant infrastructure, strategic infrastructure or lifeline utility;for the purpose of protecting, maintaining, restoring or accessing the SNA's ecological values where it involves:<ol style="list-style-type: none">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;

All Zones

- ii. carrying out activities in accordance with a Reserve Management Plan approved under the Reserves Act 1977;
- 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
- iv. erecting a fence;
- c. for biosecurity purposes and is undertaken by, or on behalf of, the District Council, the Regional Council or Crown, or their nominated agent;
- d. for the purpose of harvesting indigenous vegetation that was planted for the purpose of plantation forestry;
- e. for the purpose of customary harvesting;
- f. expressly authorised under the NESF; or
- g. for the purpose of forming a walking or cycling access track where:
 - a. the track has a maximum width of 2m; and
 - b. the area of indigenous vegetation clearance is a maximum of 1% of the total area of the SNA on that site, or a maximum of 50m² from the SNA on that site, whichever is lesser; and
 - c. does not involve the clearance of any tree with a trunk greater than 15cm in diameter when measured 1.4m above ground.

Activity status when compliance not achieved:
NC

Advisory Note

- Upon request, the Council Ecologist may be able to formally confirm whether an area comprises, or does not comprise, an unmapped SNA as described in ECO-SCHED2 within the area of proposed indigenous vegetation clearance. An applicant can also seek alternative professional advice. If the area does not comprise an unmapped SNA as described in ECO-SCHED2, then this rule will not apply.

Sentiment: Support

Submission:

ECO-R1

22. I support making activities where permitted standards are not met “non-complying”. It should be very difficult to clear indigenous vegetation in any SNA.

Relief sought

ECO-R1

22. I support making activities where permitted standards are not met “non-complying”. It should be very difficult to clear indigenous vegetation in any SNA.

Point 120.10

Section: ECO - Punaha hauropi me te rerenga rauropi taketake - Ecosystems and indigenous biodiversity

Sub-section: Activity Rules

Provision:

ECO-R2		Indigenous vegetation clearance outside any mapped SNA or unmapped SNA
		Activity status: PER
		Where:
		<ol style="list-style-type: none">1. the indigenous vegetation is not within any mapped SNA or unmapped SNA: and2. 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 expressly authorised under the NESF; and3. the indigenous vegetation clearance is:<ol style="list-style-type: none">a. required for maintenance, repair or replacement purposes and is:<ol style="list-style-type: none">i. within an existing access track; orii. within 3m of an existing building; oriii. within 2m of an existing fence, existing gate, existing fire pond, existing stock yard, existing trough, or existing water tank;b. for the purpose of protecting, maintaining, restoring, and accessing ecological values and involves:<ol style="list-style-type: none">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;ii. carrying out activities in accordance with a Reserve Management Plan approved under the Reserves Act 1977;iii. carrying out activities by or on behalf of the Crown in accordance with a Conservation Management Plan prepared under the Conservation Act 1987; oriv. erecting a fence;c. is for the purpose of customary harvesting;d. for biosecurity purposes and is undertaken by, or on behalf of, the District Council, Regional Council or Crown, or their nominated agent;e. of indigenous vegetation which has been planted and/or is managed as part of a domestic garden or has been planted for
Lower Plains Ecological District		Activity status when compliance not achieved: RDIS
High Plains Ecological District		Matters of discretion are restricted to: ECO-MD1 - Indigenous vegetation clearance

- amenity purposes or as a shelterbelt;
- f. for the maintenance, repair, or replacement of existing flood protection works administered by the Regional Council or District Council;
- g. for the purpose of harvesting indigenous vegetation that was planted for the purpose of plantation forestry;
- h. of the indigenous understorey to plantation forest, and is incidental to permitted or otherwise authorised plantation forest clearance; or
- i. required for the purpose of maintaining improved pasture.

Activity status: PER

Where:

- 4. the indigenous vegetation is not within any mapped SNA or unmapped SNA; and
- 5. 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 expressly authorised under the NESF; and
- 6. the indigenous vegetation clearance is not on land above 900m in altitude; and
- 7. the indigenous vegetation clearance of indigenous vegetation shall be a maximum of 100m² or 10% of the total area of the site, whichever is lesser, on any site in any continuous five year period and the indigenous vegetation does not comprise any species or habitats listed in ECO-SCHED3 that are naturally occurring;
- 8. the indigenous vegetation clearance is:
 - a. required for maintenance, repair or replacement purposes which is:
 - i. within an existing access track; or
 - ii. within 3m of an existing building; or
 - iii. within 2m of an existing fence, existing gate, existing fire pond, existing stock yard, existing trough, or existing water tank;
 - b. required for the purpose of maintaining improved pasture; or
 - c. for the maintenance, repair, or replacement of existing flood protection works administered by the Regional Council or District Council;
 - d. for the purpose of protecting, maintaining, restoring, or accessing ecological values and involves:
 - i. carrying out activities in accordance with a registered protective covenant under the Reserves Act 1977, Conservation Act 1987 or Queen Elizabeth the Second

Oxford Ecological District

Torlesse Ecological District

Ashley Ecological District

Activity status when compliance not achieved: RDIS

Matters of discretion are restricted to:

ECO-MD1 - Indigenous vegetation clearance

- National Trust Act 1977;
- ii. carrying out activities in accordance with a Reserve Management Plan approved under the Reserves Act 1977;
- 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
- iv. erecting a fence;
- e. for the purpose of customary harvesting;
- f. for biosecurity purposes and is undertaken by, or on behalf of, the District Council, the Regional Council or Crown, or their nominated agent;
- g. of indigenous vegetation which has been planted and/or is managed as part of a domestic garden or has been planted for amenity purposes or as a shelterbelt;
- h. for the purpose of harvesting indigenous vegetation that was planted for the purpose of plantation forestry; or
- i. of the indigenous understorey to plantation forest, and is incidental to permitted or otherwise authorised plantation forest clearance.

Sentiment: Amend

Submission:

23. I support making activities that do not meet permitted standards outside any SNA restricted discretionary if another matter is added to ECO-MD1 to clearly assess indigenous fauna values: “12. The extent of adverse effects on indigenous fauna”

24. Low/Lower typo.

25. b (iv): As I read this, clearing indigenous vegetation outside an SNA to erect a fence for “protecting, maintaining, restoring or accessing ecological values” is a permitted activity – i.e. requires no assessment or audit. I am concerned about this clause. While the consent process for fencing to keep stock out of some areas of indigenous vegetation should not become a barrier to such work there is also a danger that inappropriate clearance could be done in the name of protection etc. Some expert input is needed. It is through on-going farm activities such as this that the last examples of small shrubs and herbs, together with the animals that they support, have been and will continue to be lost.

Relief sought

23. I support making activities that do not meet permitted standards outside any SNA restricted discretionary if another matter is added to ECO-MD1 to clearly assess indigenous fauna values: “12. The extent of adverse effects on indigenous fauna”

24. Low/Lower typo.

25. b (iv): As I read this, clearing indigenous vegetation outside an SNA to erect a fence for “protecting, maintaining, restoring or accessing ecological values” is a permitted activity – i.e. requires no assessment or audit. I am concerned about this clause. While the consent process for fencing to keep stock out of some areas of indigenous vegetation should not become a barrier to such work there is also a danger that inappropriate clearance could be done in the name of protection etc. Some expert input is needed. It is through on-going farm activities such as this that the last examples of small shrubs and herbs, together with the animals that they support, have been and will continue to be lost.

Point 120.11

Section: ECO - Punaha hauropi me te rerenga rauropi taketake - Ecosystems and indigenous biodiversity

Sub-section: Activity Rules

Provision:

ECO-R3 Planting of indigenous vegetation		
Significant Natural Areas (SNA) Overlay	Activity status: PER Where: 1. planting shall be of an indigenous species naturally occurring (either now or historically) within the relevant ecological district in which the planting is to take place. 📌	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: ECO-MD2 - Species selected for planting
Ashley River/ Rakahuri Saltwater Creek Estuary - ONC	Activity status: PER	Activity status when compliance not achieved: RDIS
Jockey Baker Creek - VHNC	Where: 2. planting shall be of an indigenous species naturally occurring (either now or historically) within the relevant ecological district in which the planting is to take place.	Matters of discretion are restricted to: ECO-MD2 - Species selected for planting
Te Kōhanga Wetlands - HNC		
Tūtaepatu Lagoon - HNC		
Advisory note: <ul style="list-style-type: none">Species planted should be from a seed that is sourced from within the relevant ecological district. Please contact the District Council Ecologist for advice on selecting species, and a list of local nurseries that stock such species.		

Sentiment: Amend

Submission:

ECO-P2

14. Items 2 and 3 should refer to all SNAs, not just mapped ones. If an area meets the criteria to be an SNA then activities within it should be treated in the same way as a mapped one. This would also apply to the activity rules.

Relief sought

ECO-P2

14. Items 2 and 3 should refer to all SNAs, not just mapped ones. If an area meets the criteria to be an SNA then activities within it should be treated in the same way as a mapped one. This would also apply to the activity rules.

Point 120.12

Section: ECO - Punaha hauropi me te rerenga rauropi taketake - Ecosystems and indigenous biodiversity

Sub-section: Activity Rules

Provision:

ECO-R4	Irrigation infrastructure near any mapped SNA	
	Activity status: PER	Activity status when compliance not achieved: RDIS
All Zones	Where: 1. any new irrigation infrastructure shall be set back a minimum of 20m from any mapped SNA that is not part of a registered protective covenant under the Queen Elizabeth the Second National Trust Act 1977.	Matters of discretion are restricted to: ECO-MD1 - Indigenous vegetation clearance

Sentiment: Amend

Submission:

ECO-P2
14. Items 2 and 3 should refer to all SNAs, not just mapped ones. If an area meets the criteria to be an SNA then activities within it should be treated in the same way as a mapped one. This would also apply to the activity rules.

Relief sought

ECO-P2
14. Items 2 and 3 should refer to all SNAs, not just mapped ones. If an area meets the criteria to be an SNA then activities within it should be treated in the same way as a mapped one. This would also apply to the activity rules.

Point 120.13

Section: ECO - Punaha hauropi me te rerenga rauropi taketake - Ecosystems and indigenous biodiversity

Sub-section: Matters of Discretion

Provision:

Indigenous vegetation clearance	
 1. The extent to which the proposal adequately identifies indigenous biodiversity values including 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-SCHED3 are present and if so, how they will be protected or managed. 2. The extent to which the proposal will achieve no net loss of indigenous biodiversity values identified as significant. 3. The actual or potential effects on indigenous biodiversity or ecological values, including intrinsic values, expected to occur as a result of the proposal, including those on ecosystem connectivity, function, and integrity and species diversity.	

ECO-MD1

4. Any potential for avoiding, remedying, mitigating or otherwise offsetting or compensating for adverse effects on indigenous vegetation and habitats of indigenous fauna.
5. Any conditions to ensure obligations in respect of indigenous biodiversity endure, including beyond any changes of ownership (wholly or partially) of the landholding and review of conditions.
6. Where the clearance is within an ONL, ONF, SAL, ONC, VHNC, HNC, or any natural character of scheduled freshwater body setback, whether the indigenous vegetation proposed to be cleared contributes to the values of these areas and the degree to which the proposed clearance would adversely affect these values.
7. The relevance and quality of a Biodiversity Management Plan, if provided.
8. The extent of adverse effects on indigenous biodiversity in the coastal environment.
9. The extent to which, if any, the health of any indigenous vegetation and/or habitat of indigenous fauna is improved.
10. The extent to which, if any, the spatial extent of any indigenous vegetation and/or habitat of indigenous fauna is increased.
11. Adverse effects on Ngāi Tahu cultural values including mahinga kai and other customary uses, and access for these purposes.

Sentiment: Amend

Submission:

23. I support making activities that do not meet permitted standards outside any SNA restricted discretionary if another matter is added to ECO-MD1 to clearly assess indigenous fauna values: “12. *The extent of adverse effects on indigenous fauna*”

Relief sought

23. I support making activities that do not meet permitted standards outside any SNA restricted discretionary if another matter is added to ECO-MD1 to clearly assess indigenous fauna values: “12. *The extent of adverse effects on indigenous fauna*”

Point 120.14

Section: ECO - Punaha hauropi me te rerenga rauropi taketake - Ecosystems and indigenous biodiversity

Sub-section: Schedules

Provision:

ECO-SCHED2 - Schedule of significant indigenous vegetation or significant habitat of indigenous fauna types comprising unmapped SNAs

Sentiment: Amend

Submission:

26. I support the provision of lists of indigenous plant species (ECO-SCHED2) that warrant protection through activity-specific rules; however I think that there should also be a similar list of animal species/fauna that are given the same protection.

27. Wetland and riparian indigenous habitats are not common in Waimakariri District and should be added to this schedule. There is overlap with regulation by Environment Canterbury; however, both can be affected by land uses regulated by the District Council.

Relief sought

26. I support the provision of lists of indigenous plant species (ECO-SCHED2) that warrant protection through activity-specific rules; however I think that there should also be a similar list of animal species/fauna that are given the same protection.
27. Wetland and riparian indigenous habitats are not common in Waimakariri District and should be added to this schedule. There is overlap with regulation by Environment Canterbury; however, both can be affected by land uses regulated by the District Council.

Point 120.15

Section: NFL - Ahuatanga o te whenua - Natural features and landscapes

Sub-section: General

Provision: General

Sentiment: Amend

Submission:

28. I support identification of the Ashley/Rakahuri estuary as an ONF. In keeping with the Zone Implementation Programme Addendum and PC7 to the Land and Water Regional Plan, the area should probably be called “Te Aka Aka”.

Relief sought

28. I support identification of the Ashley/Rakahuri estuary as an ONF. In keeping with the Zone Implementation Programme Addendum and PC7 to the Land and Water Regional Plan, the area should probably be called “Te Aka Aka”.

Point 120.16

Section: GRUZ - General Rural Zone

Sub-section: Activity Rules

Provision:

GRUZ-R3 Residential unit

This rule does not apply to any minor residential unit provided for under GRUZ-R4 or any bonus residential unit provided for under GRUZ-R16.

Activity status: PER

Where:

1. a residential unit shall be located on a site with a minimum net site area of 20ha per residential unit, except where provided for in (3), (4), (5), (6) and (7) below;
2. there is more than one residential unit on a site, each residential unit shall be contained within its own delineated area and each delineated area shall be treated as though it is a site, which shall:
 - a. have a minimum net site area of 20ha per delineated area, and
 - b. have no overlap between delineated areas, and
 - c. have legal and physical access from any residential unit to a legal road; and
 - d. comply with built form standards as though each delineated area was a site;
3. a site with a minimum net site area of 4ha or more, but less than 20 ha, which does not have a residential unit

Activity status when compliance with GRUZ-R3 (2)(b) or GRUZ-R3 (2)(c) not achieved: DIS

erected on it, existed prior to 18 September 2021, one residential unit may be erected;	Activity status when compliance with GRUZ-R3 (1), GRUZ-R3 (2)(a), GRUZ-R3 (3), GRUZ-R3 (4), GRUZ-R3 (5), GRUZ-R3 (6), or GRUZ-R3 (7) not achieved: NC
4. a site with a minimum net site area of 4ha or more but less than 20ha, which does not have a residential unit erected on it, is subject to a subdivision consent that was granted prior to 18 September 2021, but has not been issued with certification under section 224 of the RMA, one residential unit may be erected;	
5. a site with a minimum net site area less than 4ha exists and it is a site or an allotment that was created by subdivision and was on a subdivision consent between 1 October 1991 and 24 February 2001 (inclusive of both dates) one residential unit may be erected;	
6. a site with a minimum net site area of less than 20ha exists and is a site or an allotment that was associated with the development of infrastructure, which prior to the development of the infrastructure was 20ha or more, one residential unit may be erected; and	
7. one residential unit may be established on a bonus allotment.	

Sentiment: Support

Submission:

29. I support the increase of minimum lot size for residential units in this zone. I believe this will maintain the rural character and reduce the demand for energy, services and infrastructure.

Relief sought

29. I support the increase of minimum lot size for residential units in this zone. I believe this will maintain the rural character and reduce the demand for energy, services and infrastructure.

Point 120.17

Section: SUB - Wawahia whenua - Subdivision

Sub-section: Objectives

Provision:

	Subdivision design
	Subdivision design achieves an integrated pattern of land use, development, and urban form, that:
SUB-O1	<ol style="list-style-type: none"> 1. provides for anticipated land use and density that achieve the identified future character, form or function of zones; 2. consolidates urban development and maintains rural character except where required for, and identified by, the District Council for urban development; 3. supports protection of cultural and heritage values, conservation values; and 4. supports community resilience to climate change and risk from natural hazards.

Sentiment: Amend

Submission:

30. I think that a further clause should be added: “5. *meets high standards of urban design, and creates positive outcomes socially,*

environmentally, economically and culturally. “

Relief sought

30. I think that a further clause should be added: “5. meets high standards of urban design, and creates positive outcomes socially, environmentally, economically and culturally. “

Point 120.18

Section: SUB - Wawahia whenua - Subdivision

Sub-section: Objectives

Provision:

	Esplanade reserves and esplanade strips
SUB-O3	<p>Esplanade reserves and esplanade strips created through subdivision adjacent to the sea, lakes and rivers contribute to:</p> <ul style="list-style-type: none">1. the protection of conservation values;2. public access to or along rivers and lakes or the coast; or3. enable public recreational use where it is compatible with conservation values.

Sentiment: Amend

Submission:

31. Add a fourth point: “4. climate change resilience through design and planting”

Relief sought

31. Add a fourth point: “4. climate change resilience through design and planting”

Submission of Dr Judith Roper-Lindsay on the Proposed Waimakariri District Plan

Introduction

1. I am pleased to have an opportunity to make a submission on the Proposed District Plan for Waimakariri District. I am an ecologist and, although recently retired, worked as a consultant with a number of Government Departments and local authorities for 40 years. Throughout this period my focus was on the use of sound ecological science in planning and policy. I was a member of the Ministerial Advisory Group looking at ways of protecting indigenous biodiversity on private land in the late 1990s.
2. I am a Fellow of the Environment Institute of Australia and New Zealand and former President of the New Zealand Chapter EIANZ; I have also served as President of the New Zealand Ecological Society.
3. While I did ecological work as a consultant for Waimakariri District Council when preparing its first District Plan under RMA (1991), I have had input to development of this one only as an advisory member of committees or the general public.
4. I have been a community representative on the Waimakariri Zone Water Committee, for six years, and lead its Biodiversity Working Group which brings together staff and committee members. I am the Chair of the Waimakariri Biodiversity Trust which is currently working through registration and set-up processes.
5. My submission is made in a personal capacity and focusses on those parts of the Plan relating to ecological, biodiversity and landscape matters.

Submission

Definitions

6. Ecological services. A typo – delete “i.e” and insert “e.g.” The activities listed are only examples of a wider range of possible functions.

ECO

7. I support the Council’s increased attention to ecological and indigenous biodiversity matters in the Proposed Plan. This reflects national legislation and guidance, but also shows that Council understands the importance of the remaining areas of indigenous biodiversity, and that healthy ecosystems are needed to support a healthy community. These areas are assets for the District and for the landowners on whose properties they remain. There appears to be recognition that blanket rules cannot be applied across all vegetation and habitat types – I support this because it allows for site-specific assessment of effects and mitigation /management. However, I think that there should be more attention to local/District biodiversity values in addition to national or regional values. There should be provisions for species and habitats that are threatened or locally uncommon.
8. In particular, riparian and wetland habitats and vegetation have been reduced in area and quality by water and land use changes and should be provided for specifically. These need to be added into ECO-SCHED2 for example.

Introduction

9. Paragraph 2: I think the wording here needs to change. “Remnants” are not the same as “SNAs”. “Remnants” can include single plants or small areas of vegetation, rocky outcrops,

small patches in an area of improved pasture, braided river margins – literally the indigenous plants or habitats that are left. All these are important – they can support threatened invertebrates, lizards, lichens or fungi and worthy of protection and conservation management. Only those remnants that meet the criteria in EOC-APP1 are Significant Natural Areas. This would then explain ECO-P4.

10. Para 2 – insert “water and” after “degraded by”. While the District Plan is limited in respect of freshwater management, it should recognise the effects that water uses have had on land biodiversity.
11. I suggest that para 2 should read (my additions in italics):

“The diverse ecosystems of the District contain remnants of indigenous vegetation and habitats of indigenous fauna which were once widespread, but over time have been destroyed, fragmented and degraded by *water and* land use and pests. These remnants ~~(SNAs)~~ have ~~significant~~ biodiversity value, *providing habitat for other indigenous plants and animals. Those areas meeting criteria relating to size, quality or species supported are identified as Significant Natural Areas (SNAs)* and are critical for preventing the extinction of rare species and loss of ecosystems. *The adverse effects of water and land use on areas of indigenous vegetation and habitats that do not meet the SNA criteria also need to be limited*”

12. Para 3 should then indicate the importance of recognising these important assets to the community through support and assistance for landowners (linking to the bonus allotment policy ECO-P3). I suggest:

“This approach provides a resource consent pathway for both identified and unidentified areas of significant indigenous vegetation and/or significant habitat of indigenous fauna. *It also provides for recognition of the asset value of indigenous biodiversity to landowners through bonus lot consideration.*”

ECO-O1:

13. A third item should be added:

“3. Indigenous vegetation planted and habitats created for indigenous biodiversity purposes.”

This would recognise that planting and habitat creation can contribute to the objective of increasing the area of indigenous vegetation and habitats.

ECO-P2

14. Items 2 and 3 should refer to all SNAs, not just mapped ones. If an area meets the criteria to be an SNA then activities within it should be treated in the same way as a mapped one. This would also apply to the activity rules.
15. Item 3: replace “limiting” with “managing” or “controlling”. Managed use of excess irrigation water may be beneficial to a wetland habitat SNA, for example.
16. Item 6: replace “encouraging” with “supporting weed and”. Council is in a position to actively support and advise on pest and weed management.

ECO-P3

17. I support the Council's position to enable bonus allotments to provide protection for SNAs. I would like to see further recognition of these natural assets through rates relief and support. In relation to P3 1c.: more guidance is needed on assessment of "net benefit"; this should state whether the net benefit is to be measured across the site/Ecological District/Region; how it should be calculated; and by whom it will be assessed.
18. Similarly, more guidance is needed on "additional long-term benefits". How will these be measured/assessed? In both these cases, lack of clarity could lead to loop-holes in the consenting process.

ECO_P4

19. Item 2a. "Lower" should be "Low". This typo is repeated throughout the Plan, so a search/replace should be carried out.
20. Item 2a: Insert "water and" before "land use". As discussed above, water use has affected habitats and vegetation.
21. Items 2, 3: I do not think that these sections provide adequate protection for remnant indigenous vegetation or habitats. Species, vegetation and habitats that are threatened or at risk at a local level, or reach local distribution limits should be included and given protection. This may then influence the rationale for the two levels of protection afforded in different Ecological Districts. At a Policy level all indigenous biodiversity should be afforded protection; different methods for achieving this in different ecological contexts can then be set out through rules.

ECO-R1

22. I support making activities where permitted standards are not met "non-complying". It should be very difficult to clear indigenous vegetation in any SNA.

ECO-R2

23. I support making activities that do not meet permitted standards outside any SNA restricted discretionary if another matter is added to ECO-MD1 to clearly assess indigenous fauna values: "12. *The extent of adverse effects on indigenous fauna*"
24. Low/Lower typo.
25. b (iv): As I read this, clearing indigenous vegetation outside an SNA to erect a fence for "protecting, maintaining, restoring or accessing ecological values" is a permitted activity – i.e. requires no assessment or audit. I am concerned about this clause. While the consent process for fencing to keep stock out of some areas of indigenous vegetation should not become a barrier to such work there is also a danger that inappropriate clearance could be done in the name of protection etc. Some expert input is needed. It is through on-going farm activities such as this that the last examples of small shrubs and herbs, together with the animals that they support, have been and will continue to be lost.

ECO-SCHED2

26. I support the provision of lists of indigenous plant species (ECO-SCHED2) that warrant protection through activity-specific rules; however I think that there should also be a similar list of animal species/fauna that are given the same protection.

27. Wetland and riparian indigenous habitats are not common in Waimakariri District and should be added to this schedule. There is overlap with regulation by Environment Canterbury; however, both can be affected by land uses regulated by the District Council.

NFL

Introduction

28. I support identification of the Ashley/Rakahuri estuary as an ONF. In keeping with the Zone Implementation Programme Addendum and PC7 to the Land and Water Regional Plan, the area should probably be called "Te Aka Aka".

GRUZ-R3

29. I support the increase of minimum lot size for residential units in this zone. I believe this will maintain the rural character and reduce the demand for energy, services and infrastructure.

SUB-O1

30. I think that a further clause should be added: *"5. meets high standards of urban design, and creates positive outcomes socially, environmentally, economically and culturally. "*

SUB-O3

31. Add a fourth point: *"4. climate change resilience through design and planting"*

Dr Judith Roper-Lindsay

November 2021