

**BEFORE THE HEARINGS PANEL  
FOR THE PROPOSED WAIMAKARIRI DISTRICT PLAN**

**UNDER** the Resource Management Act 1991 (RMA)  
**IN THE MATTER** of the Proposed Waimakariri District Plan  
**AND**  
**IN THE MATTER** of Hearing Stream 7A: Residential (not rezoning),  
Large Lot Residential (not rezoning), Ecosystems  
and Indigenous Biodiversity, Variation 2 – Financial  
Contributions

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**STATEMENT OF EVIDENCE OF VICTORIA WATT ON BEHALF OF THE  
CANTERBURY REGIONAL COUNCIL**

**HEARING STREAM 7A: ECOSYSTEMS AND INDIGENOUS BIODIVERSITY  
AND RESIDENTIAL ZONES**

**30 August 2024**

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## SUMMARY STATEMENT

- 1 The Canterbury Regional Council (**Regional Council**) submission was generally supportive of the notified Proposed Waimakariri District Plan (**pWDP**) provisions subject to this hearing stream. The Regional Council did, however, seek some amendments to the provisions relating to the Ecosystems and Indigenous Biodiversity and Residential Zones chapter.
- 2 My evidence focuses on the recommendations that are important in giving effect to the National Policy Statement for Indigenous Biodiversity 2023 (**NPSIB**) and the Canterbury Regional Policy Statement (**CRPS**), and to achieving the best outcomes for to ecosystems and indigenous biodiversity and residential zones.
- 3 I have reviewed the Section 42A (**S42A**) reports prepared by Ms Shelley Milosavljevic (Pūnaha hauropi me te rerenga rauropi taketake / Ecosystems and Indigenous Biodiversity) and Mr Andrew MacLennan (Whaitua Nohonoho / Residential Zones) for the Waimakariri District Council. I have also reviewed the ecological evidence of Ms Kate Steel on behalf of Waimakariri District Council (Appendix C to Ms Milosavljevic's S42A report).
- 4 Some of the recommendations set out in the S42A reports address the Regional Council's concerns. Where my concerns remain, I have suggested amendments beyond those provided by the S42A reports, including the following:
  - (a) Expanding ECO-P2 to include controlling land use activities near Significant Natural Areas (SNAs) to provide a buffer from edge effects rather than just limiting irrigation.
  - (b) Amending ECO-R4 to regulate cultivation and stock grazing, as well as irrigation infrastructure, in close proximity to any SNA.
  - (c) The S42A officer has accepted the Regional Council's submission point to amend Table ECO-2 to include threatened / at risk *non-vascular* plants provided a list of these threatened and at risk non-vascular plants is given via evidence. Based off evidence from Dr Philip Grove, CRC proposes to table a list of threatened / at risk non-vascular plants for inclusion in Table ECO-2 at the hearing.
- 5 My evidence focusses on the recommendations that are important in giving effect to the Canterbury Regional Policy Statement (**CRPS**) and in

achieving the best outcomes in relation to ecosystems and indigenous biodiversity and residential zones. My amendments are attached as **Appendix 1** to my evidence.

## **INTRODUCTION**

- 6 My full name is Victoria Elizabeth Moodabe Watt.
- 7 I am a Senior Planner at the Regional Council, a position I have held since January 2023.
- 8 I hold a Bachelor of Science in Geography and Environmental Science from the University of Canterbury. I have over 4 years' experience in planning.
- 9 My relevant experience includes drafting plan provisions, section 32 report writing, and preparing submissions on plan changes.
- 10 Prior to joining the planning team at the Regional Council, I worked as a Resource Consent Planner in the Consents Planning team processing resource consent applications.
- 11 I have prepared this planning evidence on behalf of the Regional Council.

## **CODE OF CONDUCT**

- 12 Whilst I acknowledge that this is not an Environment Court hearing, I confirm that I have read and am familiar with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and I agree to comply with it while giving any oral evidence during this hearing. Except where I state that I am relying on the evidence of another person, my evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 13 Although I am employed by the Regional Council, I am conscious that in giving evidence in an expert capacity that my overriding duty is to the Hearing Panel.

**SCOPE OF EVIDENCE**

- 14 I have been asked to provide evidence in relation to the Ecosystems and Indigenous Biodiversity and Residential chapter of the Proposed Waimakariri District Plan (**pWDP**).
- 15 My evidence addresses:
- (a) An overview of the Regional Council's interest in the Ecosystems and Indigenous Biodiversity and Residential chapter of the pWDP;
  - (b) The relevant statutory framework with a particular focus on the CRPS;
  - (c) Recommendations in the relevant S42A Reports (insofar as they relate to the Regional Council's submission points), including:
    - (i) Officer's Report: Pūnaha hauropi me te rerenga rauropi taketake / Ecosystems and Indigenous Biodiversity, prepared by Ms Shelley Milosavljevic for Waimakariri District Council, dated 16 August 2024.
    - (ii) Officer's Report: Whaitua Nohonoho - Residential Zones, prepared by Mr Andrew Maclennan for Waimakariri District Council dated 16 August 2024.
- 16 In preparing my evidence I have reviewed the following documents:
- (a) the Section 32 report prepared and notified by Waimakariri District Council (**WDC**) in support of the pWDP;
  - (b) the notified provisions of the Ecosystems and Indigenous Biodiversity and Residential Zones chapter of the pWDP;
  - (c) the key submissions made on the notified provisions Ecosystems and Indigenous Biodiversity and Residential Zones chapter;
  - (d) the S42A reports referred to above;
  - (e) the evidence of Dr Philip Grove on behalf of the Regional Council;
  - (f) the CRPS; and
  - (g) the National Policy Statement for Indigenous Biodiversity (NPSIB).

## **REGIONAL COUNCIL'S INTEREST AND OVERVIEW OF SUBMISSION ON HEARING STREAM 7A OF THE PWDP**

### **Ecosystems and Indigenous Biodiversity**

- 17 In my opinion the provisions of the Ecosystems and Indigenous Biodiversity chapter generally give effect to the CRPS and NPSIB, but the Regional Council does have remaining concerns in relation to some specific provisions.
- 18 The Regional Council works with territorial authorities across the region, including through engagement on draft district plan provisions, and district development, growth management and town centre strategies.
- 19 The focus of the Regional Council's submission was to ensure that the CRPS is given effect to and to avoid any duplication or inconsistencies with the regional planning framework. This reflects the Regional Council's statutory responsibility regarding the implementation of the CRPS and the relevant statutory tests in the RMA that apply to the preparation of district plans. Where necessary, submission points have been made in partial support of the proposed provisions, with amendments requested where these would achieve greater consistency or better give effect to the CRPS.
- 20 A copy of my recommended amendments to provisions with the Ecosystems and Indigenous Biodiversity chapter is provided as **Appendix 1** to this statement of evidence.

### **Residential**

- 21 The Regional Council lodged a submission on the pWDP as notified. This submission indicated general support for the provisions in relation to the Residential Chapter.
- 22 The Regional Council expressed concern about the quarry setback in the Large Lot Residential Zone not aligning with the general rural zone setback. The S42A officer has recommended an amendment to the setback and I agree with this amendment and consider it addresses the Regional Council's submission point.

## STATUTORY FRAMEWORK

23 Section 75(3) of the RMA requires that:

*A district plan must give effect to –*

- (a) any national policy statement; and*
- (b) any New Zealand coastal policy statement; and*
- (ba) a national planning standard; and*
- (c) any regional policy statement.*

24 Relevant national and regional planning documents that the provisions relevant to Hearing Stream 7A of the pWDP must give effect to include the NPSIB and the CRPS.

25 Section 75(4) requires that a district plan must not be inconsistent with any applicable water conservation order or regional plan, which in this case includes the Canterbury Land and Water Regional Plan (**LWRP**) (although I am not recommending any specific changes on the basis of their being a need for consistency between the LWRP and the pWDP).

### **CRPS provisions**

26 My assessment of the relevant framework under the CRPS that applies to the Ecosystems and Indigenous Biodiversity and Residential provisions is attached to my evidence as **Appendix 2**.

27 My opinion as expressed in this statement of evidence has been informed by this statutory framework, and I have taken guidance from the relevant policy documents when suggesting amendments to the provisions, given the requirement to give effect to both national policy statements and the CRPS under the RMA.

### **National Policy Statement for Indigenous Biodiversity**

28 As Ms Shelley Milosavljevic states, the ECO provisions were drafted to give effect to the relevant higher order documents that were in existence at the time (principally the CRPS). The NPSIB was published in 2023 after the pWDP was notified. Given the timing, the CRPS 2013 also has not been reviewed to give effect to it yet.

29 The CRPS is currently under review and is due to be publicly notified in December 2024. Nevertheless, the Ecosystem and Indigenous

Biodiversity provisions of the CRPS 2013 and the NPSIB both seek to prevent loss of indigenous biodiversity.

- 30 I agree with the S42A officer in terms of the need to give effect to the NPSIB to the extent that there is scope within submissions. I also note that central government has notified the Resource Management (Freshwater and Other Matters) Amendment Bill which is looking to suspend NPSIB 2023 requirements for 3 years. This suspension does not affect NPSIB 2023 obligations on councils for SNAs already existing in policy statements, proposed policy statements, plans, proposed plans, or plan changes before the commencement of this Bill. Considering the Bill was notified following notification of this district plan review and also has not yet been enacted, I consider the bill to be irrelevant to the consideration of the provisions before the Commissioners.
- 31 In terms of the NPSIB Ms Milosavljevic has completed a high-level comparison of the degree to which the CRPS already gives effect to the NPSIB (Table 3, Page 18 of the S42A report). I generally agree with Ms Milosavljevic's assessment but note she has mostly focused on chapter 9 (Ecosystems and Indigenous Biodiversity Chapter) of the CRPS. I note that there are other parts of the CRPS that are also relevant in considering the extent to which the CRPS gives effect the NPSIB such as:
- (a) Section 4.3 of CRPS outlines tools and processes to sustain good working relationships and works to giving effect to Policy 1 of the NPSIB (Indigenous biodiversity is managed in a way that gives effect to the decision-making principles and takes into account the principles of the Treaty of Waitangi). Paragraph 4.3.12 of the CRPS states that CRC will provide for involvement of Ngāi Tahu as Tāngata whenua in decision-making processes. Under section 4.3, it also notes that CRC will take into account, and where possible, give effect to the principles of the Treaty of Waitangi.
  - (b) Section 4.4 of the CRPS also assists in giving effect to Policy 2 of the NPSIB (Tangata whenua exercise kaitiakitanga for indigenous biodiversity in their rohe) and states that CRC will enable the exploration of opportunities for Ngāi Tahu to be actively involved in the exercise of kaitiakitanga both at operational and political levels.

- 32 I also note that method (9) under Policy 9.3.3 (integrated management approach) states that local authorities should recognise potential effects of climate change on the life-supporting capacity and/or mauri of ecosystems and species distribution. I consider this works towards giving effect to Policy 4 of the NPSIB (Indigenous biodiversity is managed to promote resilience to the effects of climate change).
- 33 Whilst I consider that these matters also relevant in considering the extent to which the CRPS given effects to the NPSIB I do not consider that any of these alter the assessment of the extent to which the CRPS already gives effect to the NPSIB, or what the pWDP is required to give effect to.

## **RECOMMENDATIONS IN THE S42A REPORTS**

### **Ecosystems and Indigenous Biodiversity**

- 34 The Regional Council supported ECO-O1, ECO-P1, ECO-P5, ECO-P7, ECO-P8 and ECO-SCHED1 as notified, in the pWDP.
- 35 The Regional Council's submission also supported in part but sought amendments to ECO-P2, ECO-P3, ECO-P4, ECO-R1, ECO-R2, ECO-R4, ECO-AN1, ECO-MD1, ECO-MD3, ECO-SCHED2, APP2.
- 36 The Regional Council opposes in part to ECO-SCHED3 – Table ECO-2.

### **Outstanding issues from the Regional Council's submission**

- 37 Having read the S42A recommendations on the Regional Council's submission points, I agree with the officer's analysis, but there are three points where my view differs from that of the S42A officer.
- 38 These points are in relation to:
- (a) Policy ECO-P2;
  - (b) Rule ECO R4; and
  - (c) ECO -SCHED 3 – Table ECO2.
- 39 I address each of these as follows.



*Policy ECO-P2*

- 40 The Regional Council requested additional wording in sub-clause 3 to better align with CRPS Policy 9.3.1 (and therefore ensure it is given effect to) so that it applied to activities other than just irrigation. The Regional Council supports the concept of protecting SNAs from edge effects. However, irrigation is not the only activity that can result in cross-boundary or edge effects on adjoining or nearby SNAs and in my opinion the policy should not be limited to one type of land use only.
- 41 Ms Milosavljevic agreed with the Regional Council's request for ECO-P2(3) to apply to all SNAs and not just those that are mapped but considers the request to cover more activities than just irrigation overly restrictive on existing activities.
- 42 I consider ECO-P2 as it is currently recommended by Ms Milosavljevic, does not give effect to Objective 9.2.2 and Policy 9.3.1 (3) of the CRPS and does not provide for protection of significant indigenous vegetation and habitats for indigenous species. This is due to other land use activities other than just irrigation have the ability to cause edge effects on SNAs. The introduction section in chapter 9 of the CRPS states that the most significant losses in indigenous habitat and biodiversity have occurred in lowland environments where up to 90% of the original indigenous vegetation has been lost and that indigenous vegetation and habitats remaining in these areas are fragmented and under continued threat from edge effects.
- 43 Dr Philip Grove has provided evidence on behalf of the Regional Council in response to the S42A report and notes based on the recommendations from the S42A officer that we can anticipate further and ongoing reduction in ecological values for many of Waimakariri District's remaining SNAs. Areas identified as significant will *not* be protected to ensure no net loss of indigenous biodiversity or indigenous biodiversity values as a result of land use activities. I note that the effect of the proposed amendment to ECO-P2 (and ECO R4 as outlined below) is that those activities that have the potential to cause edge effects will require a resource consent before being able to take place. I consider that this is appropriate given the requirement in section 6 of the RMA to protect areas of significant indigenous vegetation. In my opinion this will also ensure that both Policy 9.3.1 (3) of the CRPS and Policy 6 of the NPSIB are given effect to.

- 44 In relation to the section 32 tests I note that SD-O1 as recommended to be amended by the S42A officer also requires that the quality and quantity of indigenous ecosystems and habitat, and indigenous biodiversity is maintained so there is at least no overall loss and significant indigenous vegetation and habitats are protected. A similar objective is reflected in ECO-O1. In my opinion, the amendments sought in my evidence will help ensure that these objectives are achieved.
- 45 I have undertaken an analysis outlining the cost and benefits of amending ECO-P2 to include controlling cultivation and stock grazing near SNAs in addition to irrigation in Table 1 below.

*Table 1: Cost and benefits of the proposal*

	<b>Benefits</b>	<b>Costs</b>
<b>Environmental</b>	<p>Areas of natural significance will be protected from edge effects caused by land use activities (specifically cultivation, stock grazing and irrigation) to ensure no net loss of indigenous biodiversity or indigenous biodiversity values. This ensures section 6 of the RMA is given effect to which requires the protection of significant indigenous vegetation and significant habitats of indigenous fauna.</p> <p>Diverse ecosystems are more resilient and can better withstand environmental stresses.</p>	None identified.

	Significant natural areas play a role in carbon sequestration, helping mitigate climate change.	
<b>Economic</b>	<p>Significant natural areas attract tourists generating ecotourism.</p> <p>Maintaining biodiversity helps sustain industries dependent on natural resources.</p> <p>As indicated above, significant natural areas play a role in carbon sequestration, helping mitigate climate change, reduce the long-term costs associated with climate-related adaptation.</p>	<p>Cost to farmers wanting to cultivate/sow these areas either: because they stop cultivation/sowing in these areas or because they now have to go through the cost of obtaining a resource consent.</p> <p>Costs in terms of not being able to cultivate etc, will only be where protection of the biodiversity isn't able to be achieved.</p> <p>Loss of land available for stock grazing.</p>
<b>Social</b>	None identified.	None identified.
<b>Cultural</b>	<p>The protection of indigenous biodiversity and SNAs ensures the safeguarding of Ngāi Tahu traditions with ancestral lands, water and sites.</p> <p>The protection of mahinga kai areas and opportunities.</p>	None identified.

46 As such, I have recommended amendments to ECO-P2 in Appendix 1 attached to my evidence.

*Rule ECO-R4*

47 Rule ECO-R4 is the key rule that implements ECO-P2. Accordingly, in addition to the amendment to ECO-P2, the Regional Council's

- submission sought to amend the rule to control irrigation, as well as cultivation and stock grazing in close proximity to any SNA.
- 48 Amendments made to ECO-P2 should be reflected in amendments to ECO-R4 by expanding the activities controlled to cultivation and stock grazing.
- 49 Ms Milosavljevic agrees with the reasoning in the Regional Council's submission that ECO-R4 could apply to setting back cultivation and stock grazing from SNAs as these activities have potential to cause edge effects. Ms Steel also notes that she is supportive of controlling cultivation, potentially with an exemption for continuation of light grazing that is maintaining the area and values of the SNA and for grazing that is recommended in a management plan. Even so, Ms Milosavljevic considers this amendment would be an unreasonable restriction for landowners and therefore recommended that the Regional Council's request be rejected.
- 50 Based on the reasonings above under the ECO-P2 assessment and Dr Grove's ecological evidence, I disagree with Ms Milosavljevic recommendations and consider this won't give effect to Objective 9.2.2 and Policy 9.3.1 (3) and does not fully provide for protection of significant indigenous vegetation and habitats for indigenous species. I have recommended amendments to ECO-R4 in Appendix 1 attached to my evidence.

*ECO-SCHED3 – Table ECO-2*

- 51 The Regional Council seeks the amendment of Table ECO-2 to include threatened/ at risk *non-vascular* plants.
- 52 As the table currently stands, it lists only threatened/ at risk vascular plant species. It is recommended this also included lists for threatened/ at risk non-vascular plants.
- 53 Ms Steel's evidence notes agreement with the Regional Council's request to add threatened and at risk non-vascular plants to Table ECO-2; however, notes that WDC do not have access to this list of plants and recommends the Regional Council should provide them via evidence. Ms Milosavljevic agrees with Ms Steel's advice on this matter and recommends accepting the request provided the list of these threatened and at risk non-vascular plants are provided via evidence.

- 54 As noted above, Dr Grove has provided evidence on behalf of the Regional Council and he acknowledges this 'in principle' agreement to the proposed amendment, understanding of the conservation status of indigenous non-vascular flora is a specialist (and relatively recent) subject area. He proposes to provide an initial list for inclusion to be table at the hearing, which could potentially be peer reviewed by a non-vascular flora expert before inclusion in Table ECO-2.

**Provisions the Regional Council sought to retain as notified**

*Objective ECO-O1, Policies ECO-P1, ECO-P5, ECO-P7, ECO-P8, Schedule ECO-SCHED1.*

- 55 The Regional Council's submission sought that the above objectives and policies be retained in the pWDP as notified.
- 56 I have reviewed the S42A report in respect of each of these provisions. I agree with the recommendations as set out in the S42A report in relation to each of these provisions, as the recommendations give effect to the CRPS.
- 57 Where the S42A officer has suggested an amendment to the notified provision, I agree that this is appropriate and consistent with the original intent of the provisions.

**Provisions the Regional Council's submission sought to be amended**

*Policy ECO-P3, ECO-MD3, ECO-APP2*

- 58 The Regional Council asked WDC to consider the provision of transferable development rights in addition to the bonus allotment and noted that transferable development rights might provide more of a monetary incentive to protect SNAs, where a subdivision right can be sold for use in a different zone. This would also have the benefit of the resulting development being located away from the SNA.
- 59 Ms Milosavljevic agreed that transferable development rights would provide a greater monetary incentive and poses less of a risk to the SNA but considers the request would result in a significant change to the framework of the PDP. As such, Ms Milosavljevic considers this is a matter that should be considered as part of a plan change and rejects the submission point.

- 60 I agree with Ms Milosavljevic's recommendations and consider that this matter may be best addressed as part of a future plan change.

*Policy ECO-P4*

- 61 The Regional Council submission noted support for the concept of this policy being the maintenance and enhancement of other indigenous vegetation and habitats, but notes it is unknown if there are many examples of the sorts of indigenous vegetation and habitats of indigenous fauna described in this section that would not meet one or more of the significance criteria in ECO-APP1. The Regional Council suggested through its submission to reconsider the relevance of the policy to the Waimakariri District, as the only example of this type of area may be where non-indigenous vegetation provides habitat for common / widespread (e.g. not threatened, at risk or locally uncommon) indigenous fauna.
- 62 Ms Milosavljevic agrees that ECO-P4 should be amended and considers the Regional Councils submission provides scope to amend this policy to refer 'outside SNAs' instead of 'other' as it improves clarity. I concur with Ms Milosavljevic's assessment and agree this amendment improves alignment with Clause 3.16 of the NPSIB.

*Rule ECO-R1 and Rule ECO-R2*

- 63 The Regional Council's submission sought to retain these provisions as proposed or retain the intent but requested that consideration be given to adding an approval mechanism to the customary harvesting part of the rule ((e) of ECO-R1 and (c) ECO-R2) for Rūnanga to confirm that clearance is undertaken in accordance with tikanga protocols.
- 64 As the rules currently read, in my opinion they give effect to the CRPS, particularly the applicability of the rules to both mapped and unmapped SNAs.
- 65 The Regional Council, in its submission had concerns that the current wording makes it unclear how this condition will be implemented, potentially opening it up to misuse.
- 66 As such, in its submission, the Regional Council sought to enable the activity but with more clarity about how the rule will be implemented and ensure that tikanga protocol will be observed.

- 67 Ms Milosavljevic considers the request to tighten up the provision for clearance for the purpose of customary harvesting would impose significant restrictions on mana whenua. She notes that 'Customary harvesting' is defined term that includes reference to it being in accordance with tikanga. As such, Ms Milosavljevic recommends rejecting this request. I have reviewed the definition and concur with Ms Milosavljevic recommendation and consider adding an approval mechanism to the rule would be redundant as such I do not support any further changes to this rule.

#### *ECO-AN1*

- 68 The Regional Council seeks further clarification to the advice note and requests that WDC clarify its jurisdiction in the beds of lakes and rivers and within the coastal marine area to avoid duplication with regional plans.
- 69 The CRPS states that the Regional Council will be solely responsible for specifying the objectives, policies and methods for the control of the use of land for the maintenance of indigenous biological diversity in the coastal marine area, in beds of rivers and lakes, and in wetlands, except where a district plan has applicable provisions.
- 70 Ms Milosavljevic notes that Chapter 9 (page 139) of the CRPS does specify these responsibilities and thus they agree that ECO-AN1(1) could be amended to better reflect this. As such, Ms Milosavljevic recommends accepting the submission.
- 71 I consider Ms Milosavljevic amendment to ECO-AN1(1) adequately addresses the concerns in the submission.

#### *ECO-MD1*

- 72 The Regional Council seeks clarification in the matter of discretion such that there is clarity with the use and relevancy of Biodiversity Management Plans.
- 73 There are no references to Biodiversity Management Plans elsewhere in the provisions, including what they need to contain and what they will be used for.
- 74 Ms Milosavljevic agrees that the use and relevancy of 'Biodiversity Management Plan' could be better clarified in ECO-MD1(7), as it is not

defined or listed elsewhere on what such a plan should address. Ms Milosavljevic considers the most appropriate method for this would be via an additional ECO appendix (e.g., ECO-APP4) that lists the requirements for a Biodiversity Management Plan (BMP).

- 75 Ms Steel advised that the matters that should be addressed in a BMP are:
- (a) “BMP assessors details and qualifications and details about the timing of the initial and subsequent evaluations;
  - (b) site details including area, topography, ecological district and habitat description, habitat modification, fence conditions;
  - (c) biodiversity values including ecosystem type, composition, presence of rare/threatened species/habitats, condition;
  - (d) threats to biodiversity values such as presence of pests/weeds, edge effects from adjacent activities, erosion, fire risk, climate change risks;
  - (e) recommended management, conservation and restoration actions with associated timeframes;
  - (f) monitoring and reporting conditions; and
  - (g) review clause”.
- 76 I concur with Ms Milosavljevic’s recommendation and consider the addition of ECO-APP4 which outlines what should be addressed in a Biodiversity Management Plan to adequately address the concerns in the Regional Councils submission.

*ECO-SCHED2*

- 77 The Regional Council seeks the reconsideration of the use of minimum contiguous areas to determine unmapped SNA status.
- 78 The Regional Council seeks to also include areas of vegetation or habitat that support indigenous species that are at risk, or uncommon, nationally or within the relevant ecological district.
- 79 I support the identification of unmapped SNAs. This is necessary to give effect to Policy 9.3.1 of the CRPS and using ECO-SCHED2 to do so may be easier to implement rather than a direct reference to the CRPS significance criteria.



- 80 ECO-SCHED2 does not give full effect to the CRPS, however, because it could provide for clearance of SNAs that are below the minimum contiguous areas contained in SCHED2. It also limits the identification of habitats for indigenous fauna to Nationally Critical or Nationally Endangered. The significance criteria in the CRPS Appendix 3 includes indigenous vegetation or habitat of indigenous fauna that supports an indigenous species that is threatened, at risk, or uncommon, nationally or within the relevant ecological district.
- 81 Ms Milosavljevic's agrees that ECO-SCHED2 could exclude some vegetation that would actually constitute a SNA so amendments are needed to address this.
- 82 Ms Milosavljevic notes that to simplify the approach for 'unmapped SNAs' and still provide inclusive protection, they consider removing the 'unmapped SNA' approach in ECO-SCHED2 and instead relying on the SNA criteria in ECO-APP1 'catch all' for areas meeting the SNA criteria that are not listed in ECO-SCHED1.
- 83 I concur with Ms Milosavljevic's and consider this would better protect SNAs and give effect to the NPSIB and CRPS.

### **Residential**

- 84 The Regional Council supported RESZ-O1, RESZ-O3, RESZ-O5, RESZ-P4, and RESZ-P12 as notified, in the pWDP.
- 85 The Regional Council supported in part but seeks amendments to LLRZ-BFS6.

#### *LLRZ-BFS6*

- 86 In its submission, the Regional Council sought to amend the quarry setback from 300m to 500m to align with the setback requirement with the general rural zone setback.
- 87 Mr Maclennan noted that there was inconsistency between the General Rural Zone setback quarry separation distance of 500m and the Large Lot Residential Zone 300m quarry setback. Mr Maclennan also noted that the effects of an existing quarry on the habitable buildings will be the same regardless of the underlying zone.

- 88 Mr MacLennan agrees with the amendment proposed by the Regional Council submission that the setback in the Large Lot Residential Zone also be 500m. I agree with this amendment and that it addressed the Regional Council's submission point.

### **CONCLUSION**

- 89 In summary, I generally agree with the recommendations of the S42A report officers. I have two outstanding requested amendments to ECO-P2 and ECO-R4 that in my view would help with the clarity of the provisions and to ensure that the CRPS is given effect to. The amendments also help to ensure that the protection of significant indigenous vegetation and habitats for indigenous species is provided for.

Dated this 30<sup>th</sup> day August 2024



Victoria Watt

**Appendix 1 – Amendments sought to the pWDP through the Regional Council submission on the Ecosystems & Indigenous Biodiversity chapter**

Provision	As notified	Council S42A Drafting	Canterbury Regional Council Recommended Amendments (in red)
ECO-P2	3. limiting irrigation near mapped SNAs in order to provide a buffer from edge effects;	3. limiting irrigation near <del>mapped</del> <u>certain</u> SNAs in order to provide a buffer from edge effects;	3. <u>controlling irrigation, cultivation and stock grazing</u> near SNAs in order to provide a buffer from edge effects.
ECO-R4	<p>ECO-R4 - Irrigation infrastructure near any mapped SNA</p> <p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> <li>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.</li> </ol>	<p>ECO-R4 - Irrigation infrastructure near any <del>mapped</del> SNA</p> <p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> <li>any <del>new</del> irrigation infrastructure shall be set back a minimum of <del>20m</del> <u>50m</u> from any <del>mapped</del> SNA <u>that is not a wetland.</u> <del>that is not part of a registered protective covenant under the Queen Elizabeth the Second National Trust Act 1977.</del></li> </ol>	<p>ECO-R4 - Irrigation infrastructure, <u>cultivation and stock grazing</u> near any <del>mapped</del> SNA</p> <p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> <li>any <del>new</del> irrigation infrastructure, <u>cultivation and stock grazing</u> shall be set back a minimum of <del>20m</del> <u>50m</u> from any <del>mapped</del> SNA <u>that is not a wetland.</u> <del>that is not part of a registered protective covenant under the Queen Elizabeth the Second National Trust Act 1977.</del></li> </ol>

## APPENDIX 2: STATUTORY FRAMEWORK-

1 Section 75(3) of the RMA requires that:

*A district plan must give effect to –*

- (a) any national policy statement; and*
- (b) any New Zealand coastal policy statement; and*
- (ba) a national planning standard; and*
- (c) any regional policy statement.*

2 Relevant national and regional planning documents that the provisions relevant to the Hearing stream 7A of the pWDP must give effect to include the Canterbury Regional Policy Statement (**CRPS**), and to achieving the best outcomes for the rural and residential areas.

3 I have not sought to repeat all the provisions contained in these national and regional planning documents. My evidence focusses on those I consider to be most relevant to the chapters covered by Hearing Stream 7A of the pWDP and the submission made by the Regional Council.

4 I address the CRPS further below.

### **Canterbury Regional Policy Statement (CRPS)**

#### ***Chapter 9 - Ecosystems and Indigenous Biodiversity***

##### Responsibilities of the Regional Councils and Territorial Authorities

5 The CRPS (in Chapter 9 - Ecosystems and Indigenous Biodiversity) states that the Regional Council and territorial authorities have the shared responsibility for the control of the use of land in the beds of rivers and lakes and in wetlands for maintenance of indigenous biological diversity only where:

- a. A territorial authority has identified in a district plan an area of significant indigenous vegetation or a significant habitat of indigenous fauna, that includes a bed of a river or lake or a wetland; or
- b. there are indigenous vegetation clearance provisions in a district plan that apply to areas of the district that include a bed of a river or lake, or a wetland.

- 6 The Regional Council is responsible (except as provided for above) for specifying the objectives, policies and methods the control of the use of land for the maintenance of indigenous biological diversity in the coastal marine area, in beds of rivers and lakes, and in wetlands.
- 7 Territorial authorities are solely responsible for specifying the objectives, policies and methods for the control of the use of land for the maintenance of indigenous biological diversity on all land outside of wetlands, the coastal marine area, and beds of rivers and lakes.
- 8 The Regional Council's submission therefore focuses on the areas in which the CRPS provides direction to territorial authorities, to which the pWDP is required to give effect.

*Policy framework*

- 9 The policy framework in the CRPS that is relevant to Ecosystems and Indigenous Biodiversity is found in Chapter 9. This chapter addresses issues relating to exotic and indigenous ecosystems and indigenous biodiversity, including the impact of plant and animal pests. As well as wider issues relating to ecosystems and indigenous biodiversity generally, this chapter particularly addresses wetlands as important ecosystems. Whilst this chapter provides an overview of issues associated with land, water and the coastal marine area, the focus is on the requirements of Section 6(c) of the RMA in relation to the management of land use and its effects on ecosystems and indigenous biodiversity.
- 10 Chapter 9 of the CRPS contains three objectives which are as follows:
  - a. 9.2.1 Halt the decline of Canterbury's ecosystems and indigenous biodiversity;
  - b. 9.2.2 Restore or enhance ecosystems and indigenous biodiversity; and
  - c. 9.2.3 Protect significant indigenous vegetation and habitats.
- 11 There are six policies set to achieve the above objectives.
- 12 Policy 9.3.1 seeks to protect Significant Natural Areas (SNA). SNAs must meet the significance criteria set out in Appendix 3 of the CRPS.
- 13 Policy 9.3.2 sets out the priorities for protection, being:

- a. Indigenous vegetation in land environments where less than 20% of the original indigenous vegetation cover remains.
  - b. Areas of indigenous vegetation associated with sand dunes and wetlands.
  - c. Areas of indigenous vegetation located in “originally rare” terrestrial ecosystem types not covered under (1) and (2) above.
  - d. Habitats of threatened and at-risk indigenous species.
- 14 Policy 9.3.3 sets out an integrated management approach to halting the decline in Canterbury’s indigenous biodiversity. It does this by:
- a. working across catchments and across the land/sea boundary where connectivity is an issue for sustaining habitats and ecosystem functioning;
  - b. promoting collaboration between individuals and agencies with biodiversity responsibilities;
  - c. supporting the various statutory and non-statutory approaches adopted to improve biodiversity protection; and
  - d. setting best practice guidelines for maintaining indigenous biodiversity values, particularly maintaining conditions suitable for the survival of indigenous species within their habitats, and safeguarding the life-supporting capacity and/or mauri of ecosystems.
- 15 Policy 9.3.4 seeks to promote the enhancement and restoration of Canterbury’s ecosystems and indigenous biodiversity where it will improve the functioning and long term sustainability of ecosystems.
- 16 Policy 9.3.6 sets out the criteria to the use of biodiversity offsets, by which:
- a. the offset will only compensate for residual adverse effects that cannot otherwise be avoided, remedied or mitigated;
  - b. the residual adverse effects on biodiversity are capable of being offset and will be fully compensated by the offset to ensure no net loss of biodiversity;

- c. where the area to be offset is identified as a national priority for protection under Policy 9.3.2, the offset must deliver a net gain for biodiversity;
- d. there is a strong likelihood that the offsets will be achieved in perpetuity; and
- e. where the offset involves the ongoing protection of a separate site, it will deliver no net loss, and preferably a net gain for indigenous biodiversity conservation.

### ***CRPS Chapter 6 – Recovery and rebuilding of Greater Christchurch***

#### *Responsibilities of the Regional Councils and Territorial Authorities*

17 The Territorial Authority's responsibilities under CRPS Chapter 6 include:

- a. Under Policy 6.3.9, Territorial Authorities are required to include in district plans objectives, policies and rules (if any) to give effect to Policy 6.3.9.

#### *Policy framework*

18 The relevant policy framework in CRPS Chapter 6:

#### ***Policy 6.3.9. – Rural residential development***

This policy requires the avoidance of significant reverse sensitivity effects with adjacent rural activities, including quarrying.