



Royal Forest and Bird Protection
Society of New Zealand Inc.

www.forestandbird.org.nz

Submission on the Proposed Waitomo District Plan

Clause 6 of the First Schedule, Resource Management Act 1991
Form 5

23 December 2022

To: Waitomo District Council
By email: districtplan@waitomo.govt.nz

1. Submitter details

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2. Trade competition declaration

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

3. Hearing options

Forest & Bird wish to be heard in support of this submission.

Forest & Bird would consider presenting a joint case with others making a similar submission.

4. Submission

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

Te Mana o te Taiao, the Aotearoa New Zealand Biodiversity Strategy was released in 2020. The strategy is an "all of sector" strategy. The success of the strategy will rely on its

implementation, especially by Territorial Authorities that have obligations under the Resource Management Act 1991 to control land use for the purpose of protecting and maintaining indigenous biodiversity. Te Mana o te Taiao has a specific objective that recognises how biodiversity can provide nature-based solutions to climate change and resilience to its effects. Forest & Bird considers this to be a critical element to address in the next generation Waitomo District Plan.

5. Forest & Bird's submission relates to the whole Plan, as it deals with the following subjects:
- How the Plan Works
 - Interpretation
 - National Direction Instruments
 - Strategic Direction
 - Energy, Infrastructure and Transport
 - Hazards and Risks
 - Historical and Cultural Values
 - Natural Environment Values
 - Subdivision
 - General District-Wide Matters
 - Area-Specific Matters
 - Zones
 - Schedules
 - Maps

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

Forest & Bird Submission on proposed Waitomo District Plan December 2022

Provision The specific provisions of the proposal that my submission relates to e.g. provision number, map number	Support / Oppose / Amend	Relief Sought <i>What decision are you seeking from Council? What action would you like: retain / amend / add / delete?</i> Text that is shown as <u>underlined</u> is proposed to be added. Text shown with strikethrough formatting is proposed to be deleted.	Reasons
Part One - Introduction and General Provisions			
Chapter 12: National Policy Statements and New Zealand Coastal Policy Statement			
General comment	Amend	Include the National Policy Statement for Highly Productive Land 2022 Include a statement of how the plan has regard to the National Emissions Reduction and Adaption Plans Include the National Policy Statement on Indigenous Biodiversity	The national instruments are missing from the list. The NPS for indigenous biodiversity is expected to be gazetted soon and will need to be given effect to in decision making on this proposed Plan.
Chapter 13: National Environmental Standards			
General comment	Amend	Include the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 and an explanation of how this is relevant to activities addressed in the Plan i.e. with respect to set backs of urban activities and earthworks from wetlands.	Missing from the list. Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.
Chapter 9: Definitions			
Biodiversity offset	Amend	Add a note under the definition as follows: “Significant residual effect, means any measurable effect arising from activities after avoidance, remediation, and mitigation measures have been taken.”	The use of the term significant in the definition creates uncertainty as to the extent of adverse effects which are to be offset. The meaning of a “significant residual effect” is different to a

			significant adverse effect under the RMA.
Conservation activities	Support with amendments	<p>Amend to the following: “means any activity that involves the preservation and protection of indigenous habitat, flora and fauna that fundamentally benefits indigenous biodiversity and safeguards it for future generations. For the avoidance of doubt, the following activities are conservation activities: (a) Conservation <u>Restoration planting using indigenous plants of the same ecological district.</u> (b) The restoration of wetlands and the margins of water bodies. (c) Stock exclusion. (d) <u>Research and monitoring where whole plants are not removed and habitat is not disturbed.</u> (e) The establishment, maintenance or upgrading of public walking/cycle tracks. (f) <u>Interpretive signs and directional signs where within an SNA whole plants are not removed and habitat is not disturbed.</u> (g) Any Department of Conservation or Fish and Game New Zealand structure or building for visitor purposes or staff accommodation on public conservation land. (h) Underground structures on Crown land. (i) <u>Ecosystem protection, rehabilitation or restoration works including removing plant pests or the management of a nuisance plant or animal species that is impacting on the biodiversity values of a site or area as identified in the Waikato Regional Pest Management Plan and riparian fencing, including crossings and their approaches that are consented, permitted or otherwise authorised by Waikato Regional Council.</u></p>	<p>The definition as worded has issues. a) Restricting this to plant pests only is too limiting. We recommend including animal pests also. b) Restricting pest species to those identified in the Waikato Regional Pest Management Plan is also too limiting, as the WRPMP only identifies some species. It is possible that other species may also impact on biodiversity values of sites or areas.</p> <p>Forest & Bird has some concerns with how this definition may be used or interpreted as a reason to remove indigenous vegetation or the habitat indigenous species.</p> <p>Add a definition of “conservation planting” or refer to “restoration planting”.</p> <p>Because for the activities captured by this definition trimming, pruning and removal of indigenous vegetation would be a permitted activity under ECO-R10, the scale and potential for adverse effects needs to be clear within the definition. Alternatively require a RDIS consent for these activities within SNAs</p>

			<p>and limit the rule to activities carried out by the District and Regional Council.</p> <p>The use of a structure or building may be a conservation activity but it is not clear that construction is or would be at a scale or location appropriate as a permitted activity.</p> <p>It is not clear what “otherwise authorised by the Waikato Regional Council” means nor should a permitted activity status automatically be included.</p>
Add a new definition		<p>Add a definition for vegetation clearance or removal as follows:</p> <p><u>“vegetation clearance or removal means the clearing or removal or destruction of indigenous or exotic vegetation by any means, including cutting, crushing, smothering, cultivation, irrigation, chemical application, drainage, stopbanking, overplanting, or burning. Indigenous vegetation clearance has the same meaning as applies to native vegetation”</u></p>	<p>The plan uses both clearance and removal with respect to indigenous vegetation, however neither term are defined.</p> <p>Forest & Bird is seeking for rules to restrict all vegetation clearance in SNAs. This is because exotic vegetation can form an important part of the ecosystem within an SNA including providing habitat for indigenous species. We therefore seek a definition of clearance/removal as it applies to vegetation generally so that it can be applied to both indigenous and exotic vegetation.</p>
Part Two District Wide Matters			
Chapter 16: Strategic Direction and Urban Form and Development SD			
Overview	support	Retain the statement on the status of objectives as proposed	This statement ensures it is clear that all objectives have the same status.

Chapter 16 objectives	Support with some minor amendments	Retain subject to minor amendments below	The objectives are generally appropriate to give effect to higher order documents
SD-O14	Amend	“There is no significant increase in the risk from known natural hazards, including the effects of climate change, to people, property, and infrastructure <u>and indigenous species and habitats</u> as a result of subdivision, land use and development.”	Natural hazard risks also affect indigenous species and habitats so should be specified along with people, property and infrastructure
SD-O15	Amend	The community is prepared to adapt to the effects of climate change and recognises the opportunities and risks associated with those effects, <u>including the risks to indigenous species and habitats.</u>	The intention of this amendment is to enable indigenous species to adapt to climate change, which may be by ensuring that there is room for indigenous species to retreat, if necessary, e.g. for kororā little blue penguins to be able to nest further inland if current locations become threatened by increasingly severe storms and sea level rise.
SD-O24	Support with amendments	Amend SD-O24 to: “Promote liveable <u>liveable</u> , sustainable, well-functioning urban environments by incorporating low impact, <u>nature based and low-carbon</u> design solutions”	Adding the term ‘low-carbon’ aligns this Objective with policies in Chapter 20 Transport, as well as expanding the concept of good design to cover reducing greenhouse gas emissions in general. Adding the term ‘nature based’ recognises the benefits indigenous biodiversity can have in reducing human impact on the environment. Climate change considerations need to be a priority at all levels of planning.
SD-O26	Support with amendments	Amend to: “Ensure that development in coastal settlements is appropriate in relation to its level of <u>to protect coastal</u> natural character, avoids <u>areas of natural hazard risk and</u> ribbon development along coastal margins, and ensures planned, cohesive, compact growth.	Consistency with the NZCPS and RPS. .

SD-O28	Oppose	Amend to read “ Avoid Minimise urban expansion onto highly productive land...”	To align with the National Policy Statement for Highly Productive Land the objective should read ‘Avoid’ rather than ‘Minimise’. Urban expansion into such areas has flow on effects often resulting in agricultural intensification at less desirable locations, and loss and degradation of indigenous biodiversity.
Energy, Infrastructure & Transport			
Chapter 17: Energy ENGY			
Overview	Amend	“Oil and petrol <u>currently</u> fuel <u>most of</u> our vehicles...”	The vehicle fleet is already electrifying. The Emissions Reduction Plan is aiming for 30% of the light vehicle fleet to be electric by 2035 ¹ . During the 10 year life of this plan an increasingly higher proportion of vehicles will be electric, and some could be hydrogen fuelled.
ENG-O1 and O2	Support	Retain	Solving the climate crisis needs multiple solutions at multiple scales, however this will need to be in appropriate locations to ensure effectiveness and efficiency, to avoid perverse outcomes and achieve other matters of national importance and significance.
ENG-O4	Amend	<p>ENGY-O4. Provide for authorised activities in the rural production zone by:</p> <ol style="list-style-type: none"> 1. Enabling the growth and expansion of such activities to meet the future demand of the district <u>where appropriate</u>; and 2. Managing adverse environmental effects on the receiving environment by internalising effects to the property boundary, or through avoid, 	Amend the wording so that enabling of growth and expansion is only when <u>appropriate and to ensure that adverse effects within the property boundary are avoided, remedied or mitigated in accordance with s5(2)(c) of the RMA.</u>

¹ <https://thespinoff.co.nz/partner/06-12-2022/the-long-range-thinking-thats-driving-our-ev-network>

		remedy, or mitigation measures <u>within the property boundary</u> as far as practicable.	
ENG-P1	Amend	Amend so that significant adverse effects are to be avoided and other adverse effects avoided, remedied or mitigated. Amend to ensure the policy does not apply within the coastal environment.	As currently written the policy is uncertain for the protection of s6 matters and would conflict with the directives of Policies 11, 13 and 15 in the NZCPS.
ENG-P2	Amend	Amend wording to “protect” the values of overlays and scheduled sites and features.	The word “manage” is inconsistent with other policy directions in the plan and does not give effect to the RPS or other higher order documents.
ENG-P3	Support with amendment	Amend as follows: “recognise the social, <u>environmental</u> and economic benefit to the community from sharing <u>renewable</u> electricity that has been generated locally.”	Support as for ENG-O1; amend to recognise the environmental benefits of avoiding the need for additional large scale generation and distribution infrastructure; and also avoiding the loss of power through long distance transmission. Add the word ‘renewable’ for clarity.
ENGY-P4	Amend	Add to Matters to consider: “ <u>7. Effects on indigenous species including highly mobile species</u> ” Or “ <u>Effects on indigenous biodiversity</u> ”	Effects on indigenous species including highly mobile species need specific mention, e.g. the impacts on birds of wind turbines (including how bird migration pathways might change with climate change), impacts on bats, impacts on stream ecology.
ENGY-P5	Amend	Change the word “Allow” to “ <u>Provide for</u> ”. Add to list of “must be avoided within”: “ <u>7. Areas of significant habitat of highly mobile species such as bats and seabirds.</u> ”	It may not be appropriate to allow these activities in all areas beyond those set out. For example it is not clear whether allowing for these activities would include vegetation clearance and earthworks. “Provide for” is a less directive term which sets policy

			<p>direction for such provision to be made but does not have the directiveness to “allow” in every case.</p> <p>The addition to the list is necessary to protect highly mobile species. For example, bats range over wide areas and their habitat is not currently adequately covered by SNAs; seabird migration pathways are over land in places².</p>
ENGY-P10	Oppose	<p>Delete the term “waste to energy”. “For any co-generation or waste to energy conversion: 1. Acknowledge the benefits of the efficient use and disposal of waste;”</p> <p>Include a definition for “Co-generation”.</p> <p>Delete Clause 2 and replace with two new clauses: A clause that states that significant adverse effects on the environment are to be avoided and other adverse effects avoided, remedied or mitigated.</p> <p>A clause to ensure that within the coastal environment, effects are managed in accordance with the coastal chapter and biodiversity provisions in the coastal environment.</p>	<p>It is unclear what a “waste to energy” activity would be and what waste it would involve. Forest & Bird is concerned that this would support a “waste to energy” process that may not be suitable in Aotearoa New Zealand. Materials that burn are generally also materials that can be readily recycled or composted, with the exception of some plastics. To burn plastics safely requires good separation from other waste materials and expensive pollution controls, and therefore requires plants that are costly to build and maintain.</p> <p>It is unclear what is meant by “manage” in Clause 2. Section 5 of the RMA sets direction for avoiding, remedying, or</p>

² <https://www.waikatoregion.govt.nz/assets/WRC/WRC-2019/TR201920.pdf> *Sites of importance to shorebirds and seabirds in the Waikato region, 2019*. See **Migration route** “The entire western coastal strip of the region has very high ecological value as the primary north-south shorebird migration route in the country. ... while most flocks are generally following the coastline, the migration route extends several kilometres offshore and inland from the coast, and in places may be up to 10 km or more wide” (pp10-11)

			<p>mitigating any adverse effects of activities on the environment.</p> <p>Clause 2 is also not consistent with the directive provisions of the NZCPS.</p>
ENGY-P11	Support with minor amendments	<p>Allow <u>Provide for</u> facilities which produce biogas by anaerobic fermentation of waste, <u>organic materials</u>, where this is the most environmentally appropriate use of such material, ensuring both the benefits and any effects, including the potential for reverse sensitivity effects, are taken into account. Avoid locating these facilities in areas of the district where a non-complying activity status is signalled in the rules.</p> <p>Include a definition of “organic materials” to capture those generally used in produce of biogas by anaerobic fermentation process.</p>	<p>Forest & Bird is generally supportive of the production of biogas by anaerobic fermentation of organic materials which would otherwise be disposed of as waste, but only where this is the most environmentally appropriate use of such materials. We suggest not using the term waste, as these are organic materials which are resources, and can be disposed of in multiple ways, for example, through composting or to landfill.</p> <p>It is also important to ensure there are not unintended consequences, for example, producing more ‘waste’ materials (through wasteful processes) than is necessary, simply to provide material for the biogas fermenter.</p> <p>The term “Allow” is not appropriate for this policy.</p>
ENGY-P12	Support	Retain the avoid directives with respect to clauses 3 and 4 in-particular.	Agree that coal and non-renewable electricity generation should be avoided.
ENGY-P13	Oppose	Delete	There are a number of uncertainties and inconsistencies with higher order direction in this policy. This includes:

			<ul style="list-style-type: none"> • Inconsistency with the avoid directive of the NZCPS; • Uncertainty to what “is unavoidable” or what happens when it is not possible to offset residual effects such as where limits to offsetting apply. • That when determining adverse effects that may not require avoidance for certain activities, the protection of s6(c) matters that are potentially adversely affected must inform any decision of whether adverse effects are to be avoided. It is not appropriate to make such a determination solely on the activity sought to be undertaken. • The policy does not appropriately establish residual adverse effects and therefore is not consistent with the Appendix 4 Biodiversity Offsetting Framework or best practice. • It is not clear on what basis offsetting is the only practical solution and the statement that the values and characteristics of the SNA will be maintained through offsetting is not born out by either of the
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			<p>measures set out in clauses a. and b. This is because the need to consider an offset is established by residual adverse effects which represent a loss. To maintain, would require values to be retained which is more aligned with avoidance, remediation and mitigation measures. It is hard to see how values can be lost and maintained within the same the SNA.</p> <p>Forest & Bird also has concerns with the adequacy of offsetting principles, including limits to offsetting as addressed with respect to Appendix 4 in this submission.</p>
ENGY-P14	Oppose in part	<p>Amend to: “Enable Provide for lawfully established existing hydro-electricity generation and associated activities located within the rural production zone...”</p> <p>Make a consequential change to ENGY-P15 to include “lawfully stablished” before “existing”.</p>	<p>Generally support provision for existing renewable energy generation, however this should only be where the activity is lawfully established and should not be so enabling as to assume activities will be appropriate in perpetuity. In particular, for hydro, the consenting process can allow for appropriate reconsideration of activities when consents expire.</p>
ENGY rules		<p>Retain the statement that provisions in Part 2 district wide chapters apply.</p> <p>Clarify for all rules that vegetation clearance must comply with ECO rules.</p>	<p>Rules ENGY – R5, R7 and R9 only refer to SNAs. Vegetation clearance outside SNAs must also be considered under ECO provisions and other overlays as relevant to the protection of the overlay matter.</p>

		<p>Add a condition or standard to all permitted activities to restrict the removal of individual trees, exotic tree shelterbelts and stands of trees that may provide habitat to NZ bats.</p> <p>Add a matter of control/discretion to include effects on the habitats of NZ bats.</p> <p>Delete the specific limit on vegetation clearance in ENGY –R23 and refer to compliance with the ECO rules including clearance limits sought in this submission.</p> <p>Include other amendments as needed to protect the habitats of indigenous fauna when considering providing for ENGY activities.</p>	<p>ENGY – R17 refers to coastal and natural character chapters but fails to include ECO chapter.</p> <p>ENGY – R19/20 it is not clear whether vegetation clearance outside of SNAs is intended to be provided for in this performance standard and the rules it applies to. Forest & Bird considers that vegetation clearance beyond SNAs must also be restricted consistent with the ECO rules. To protect habitat of bats the ENGY standards must include provisions relating to the removal of individual trees, exotic tree shelterbelts and stands of trees, and that these trees are retained if they provide habitat for NZ bats.</p> <p>ENGY – R23 includes a limit on vegetation clearance of 50m³ in any one calendar year. Forest & Bird consider that provision maybe made for maintenance purposes and minor upgrades to lawfully established existing hydro, however this should be limited to within a few metres of the infrastructure rather than providing for extending areas of clearance on an annual basis. That approach would lead to cumulative loss and effects.</p>
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			<p>Clearance of indigenous vegetation outside of SNAs should also be limited as sought in this submission on the ECO chapter provisions.</p> <p>Restrictions on all vegetation clearance are also required to protect indigenous fauna including bats.</p>
ENGY-R9	Oppose	<p>Add an additional condition/standard to ENGY – R9. PER Activities: “Where: ... <u>2A. the activity is not undertaken in an area known to be used by seabirds.”</u> <u>Clarify the provisions for non-compliance and include that where condition 2A is not met the activity is a discretionary activity.</u></p>	<p>Birds, as highly mobile species, can be impacted by wind turbines.</p>
ENGY-R14	Oppose	<p>Amend the rule so that provision is made to consider consenting of lawfully established activities as NC activities, but that new Coal Fired Electricity Generation and energy generated from non-renewable sources not listed in Table 1 the activity status should be Prohibited.</p>	<p>“Coal-fired electricity generation and energy generated from non-renewable sources not listed in Table 1” are no longer appropriate due to climate change impacts, except for the short-term emergency measures allowed for in ENGY-R3.</p>
ENGY – R18	Support in part	<p>Retain discretionary status for earthworks in SNAs and make changes to policies sought above so that provision for ENGY does not override the protection and avoidance requirements of s6 of the RMA and the NZCPS, which are to be set out in provisions of other chapters including ECO and CEs and must be able to be fully applied.</p> <p>Delete clause 2 and add “CE-R8” to clause 1.</p> <p>Add a new clause referring to CE rules for earthworks within coastal hazard areas.</p>	<p>Rule CE-R8 addresses outstanding and high/very high natural character which are listed in clause 1.</p> <p>The CE chapter also includes rules for earthworks in coastal hazard areas and otherwise appears to rely on the EW chapter.</p> <p>It is not certain that the identified Schedule 6 SNAs capture all matters where adverse effects are to be avoided in accordance with NZCPS Policy 11(a)</p>

		Add a new clause that other than as provided for in the CE rules listed above, earthworks in the coastal environment associated with an energy activity are DIS activities.	and significant adverse effects are to be avoided and other effects remedied or mitigated in accordance with Policy 11(b). There are also significant adverse effects that are to be avoided and other adverse effects to be remedied or mitigated beyond the outstanding and high/very high coastal overlays for natural features, landscapes and natural character in accordance with Policies 13 and 15 of the NZCPS that are not addressed within the coastal or EW rules. For example EW-R5 and EW standards in Table 2 would allow 100m3 and 2000m3 in a calendar year which may be contrary to the protection of indigenous biodiversity, natural character, features and landscapes and where consent is required there is no discretion to consider effects on these matters.
ENGY-R19	Amend	Add to Matters over which discretion is restricted: (j) The actual or potential effects on bats and birds	Bats and birds, as highly mobile species, are not restricted to SNAs
ENGY-R20	Amend	Add to Matters over which discretion is restricted: (j) The actual or potential effects on bats and birds	Bats and birds, as highly mobile species, are not restricted to SNAs
Chapter 18 National Electricity and Gas Transmission			
General comment	Support with amendment	Retain the scope of the chapter being to address the effects of other land use activities on these networks. Clarify that the NEGТ rules apply to other activities within the National Grid yard and adjacent to the gas transmission network; that is activities other than those associated with the operation, maintenance etc. of those networks. Include a statement at the start of the rules that	The scope of the chapter is supported, such that adverse effects associated with these networks are addressed in the ENGY and NU chapters.

		chapters 17 ENGY and 19 NU include specific provisions for these networks and that other Part 2 chapters also apply.	
Chapter 19 Network Utilities NU			
General comment	Amend	Add objectives and policies that explicitly refer to climate change mitigation and adaptation.	The term “resilient” is included in NU-O1, NU-O5 and NU-P2, but it would be helpful for this to be more explicit. Adaptation to climate change and mitigation of the effects of network utilities on emissions may not be covered by just using the word “resilient”.
NU-P7	Amend	Change the word “minimise” to “avoid”.	It is appropriate that the adverse effects listed be avoided. Minimising does not set clear direction on the extent of adverse effect that may be acceptable. The policy does not give effect to the NZCPS where these activities occur within the coastal environment.
NU-P8	Amend	<p>Possible rewording: “<u>Manage the</u> Enable clearance of indigenous vegetation outside of overlays, scheduled sites and features, cave entrances and sinkholes, <u>the coastal environment</u> and water body margins <u>to maintain indigenous biodiversity.</u>”</p> <p>Make amendments to the ECO policies to provide direction on the maintenance of indigenous biodiversity.</p>	<p>The current wording is ambiguous and could be interpreted to mean clearance of indigenous vegetation is being enabled close to (“outside of”) cave entrances and sinkholes etc. Clarify that reference to coastal means the coastal environment, so that this is excluded from the clearance directions of this policy.</p> <p>Policy direction to “manage” is appropriate to the Council’s function to maintain indigenous biodiversity. Enabling is not appropriate, particularly as not all areas meeting the significance</p>

			criteria of the RPS will have been identified and listed in schedule 6.
NU-P9	Amend	<p>Add new clauses to NU-P9 as follows:</p> <p><u>“4. Managing adverse effects on indigenous biodiversity in accordance with ECO chapter provisions”</u></p> <p><u>“5. Managing adverse effects on natural character, landscapes and features in the coastal environment in accordance with the EC chapter provisions”</u></p> <p>Amend the CE chapter to include policy direction and rules that avoid significant adverse effects and remedy or mitigate other adverse effects on natural character, landscapes and features in the coastal environment that are not identified as outstanding or high/very high.</p>	The approach to adverse effects is inappropriate to achieve s6 matters and give effect to the NZCPS.
NU-PX	Amend	<p>Add a new policy in the Adverse Effects section to: <u>“Ensure the location, scale and operation of RSI and network utilities and their ancillary activities protect the significant habitat of indigenous species.”</u></p>	Currently there are no provisions to protect the significant habitats of indigenous fauna beyond identified significant natural areas. This needs to be captured with respect to the habitat values of exotic and indigenous vegetation at the site of proposed activities. General vegetation clearance rules with clearance limits are not site specific and can be inadequate to protect habitat.
NU-P11	Support in part	<p>Amend as follows:</p> <p><u>“Ensure consideration the protection of the values, qualities and characteristics of overlays, scheduled sites and features when proposing new infrastructure or undertaking significant upgrades to existing infrastructure.”</u></p>	The policy wording is uncertain as to what “consideration” means and whether this would protect in accordance with s6 and the NZCPS.
NU-P12	Oppose in part	<p>Amend as follows:</p>	The provision for RSI needs to be considered in the context of what is to

		<p><u>“Consider pProvisione</u> for regionally significant infrastructure within overlays, scheduled sites and features where:</p> <ol style="list-style-type: none"> 1. There is a demonstrated functional or operational need for the infrastructure to be located within the overlay, scheduled site or feature; and 2. It is demonstrated through an options assessment that locating within the overlay, scheduled site or feature is the best practicable option, having particular regard to the financial implications, social, cultural and environmental effects of the preferred option, compared to alternative options; <u>and</u> <p><u>Adverse effects can be managed in accordance with overlay provisions including those in the ECO and CE chapters.”</u></p>	be protected within overlays, schedules sites and features.
NU-P13	Amend	Amend as follows: “In assessing the effects of any application and the directions contained in Policy NU-P1 to Policy NU-P12, <u>in addition to other relevant matters,</u> have regard to: ...”	The policy could preclude the consideration of other matters when assessing effects, for example the protection of matters in accordance with s6 and the NZCPS.
NU-P21	Oppose in part	Clarify that the considerations in Policy 21 are in addition to other polices above	Needs clarifying
NU-P22	Oppose in part	Amend Policy 22 as follows: “Provide for the development of the national grid: <ol style="list-style-type: none"> 1. In urban zoned areas, development should minimise adverse effects on urban amenity and should avoid material adverse effects on the commercial zone, areas of high recreational or amenity value and existing sensitive activities; and 2. Outside the coastal environment, <u>seek to avoid the adverse effects of the national grid within overlays, scheduled sites and features and otherwise manage adverse effects in accordance with ECO provisions;</u> and 3. <u>In the coastal environment w</u>Where the national grid has a functional need or operational need to locate within the coastal environment, <u>in</u> 	<p>The policy is inconsistent with the NZCPS and would conflict with coastal overlay provisions.</p> <p>The policy should rely on ECO provisions to provide direction of how adverse effects are to be addressed on indigenous biodiversity other than the national grid specific “seek to avoid” approach.</p>

		<p>accordance with specific overlay provisions and CE chapter provisions; manage adverse effects by: ... extent practicable; and”</p> <p>4. retain</p> <p>5. retain subject to amendments to policies 21 and 22 sought above.</p>	
NU Rules	Oppose in part	<p>Retain the statement that the rules in this chapter only apply to network utilities.</p> <p>Amend wording in NU policies that refers to regionally significant infrastructure to refer to network utilities for consistency.</p> <p>Amend the third point with respect to Part 2 District-Wide Matters to read as follows: <u>“Part 2 District-Wide Matters unless specifically stated otherwise in a rule.”</u></p> <p>Alternatively use the same wording and ENGY Rules that to undertake any activity it must comply with all the rules listed in ENGY Table 1 and 2, and <u>“Any relevant provision in Part 2 District-Wide Matters.”</u></p> <p>Include for all permitted activities that “PER activities must: Comply with ECO chapter rules and any relevant overlay rules with respect to vegetation clearance and earthworks.”</p> <p>For all RDIS activities include “effects on indigenous biodiversity” as a matter of discretion.</p>	<p>It is not appropriate to exclude the ECO chapter, the CE chapter or other chapters that relate to s6 matters or give effect to the NZCPS.</p> <p>It would be more certain to specifically state in any relevant NU rule where compliance with that rule overrides rules on that activity/effect in another Part 2 District-Wide Matters chapter.</p>
NU-R9	Oppose in part	Remove provision for new walkways and cycleways within SNAs as a permitted activity.	The rule does not provide for the appropriate assessments and measures to address effects.
Chapter 20 Transport TRAN			
Overview	Amend	Add a paragraph recognising the contribution of transport to climate change and carbon emissions.	Transport makes a significant contribution to climate change and carbon emissions, at 16% of the total carbon emissions in the Waikato region (see the WRC Climate Action Road

			Map ³), and the Waitomo District has the highest transport emissions per capita in the region (see Waikato Region Greenhouse Gas Emissions Inventory July 2018 – June 2019). This is not recognised in the overview of this chapter.
Objectives – general	Amend	Add a new objective with this wording or similar: <u>“The transport system is low-carbon and energy efficient and supports reductions in greenhouse gas emissions.”</u>	Reducing emissions from transport is a national and regional priority. Councils are required to take climate change into account when making decisions.
TRAN-O1	Support with amendment	Specifically, we support with amendment the inclusion of: “2. Maximises opportunities to link with <u>planned</u> land use and development; and 3. Promotes the use of walking and cycling and reduces the dependency on private motor vehicles.”	Designing transport infrastructure in a way that encourages walking or cycling to activities in the local area, instead of short car trips, should be a high priority. People need to feel safe in order to make this mode shift from private cars to walking and cycling.
TRAN-O2	Support	Retain	Enabling a range of mobility options will help with the mode shifts required to meet transport emissions reduction targets. As above, safety is very important for this to occur.
TRAN-O3	Oppose in part	Amend TRAN-O3 by deleting the words “ are enabled that ”	This is not the sole basis on which enabling of such activities should be determined. It may be better to turn this around so that activities which do not achieve this are not enabled or remove the direction on enabling all together.
TRAN-O6	Oppose in part	Amend TRAN-O6 by replacing “ managed ” with “ <u>avoided, remedied or mitigated</u> ”	It is unclear what is meant by managed. Section 5 of the RMA sets direction for

³ <https://waikatoregion.govt.nz/assets/WRC/WRC-2019/Climate-Roadmap.pdf>

			avoiding, remedying, or mitigating any adverse effects of activities on the environment.
TRAN-P1.4	Amend	Amend TRAN-P1 clause 4.: “ Seeking improvements to pedestrian and cyclist safety...”	“Seeking” improvements is uncertain. Improvements need to be made to encourage mode shift.
TRAN-P1.6	Amend	Amend TRAN-P1 clause 6: “ Accommodating and encouraging <u>Prioritising</u> alternative modes of transport; and”	It would be good to see alternative modes of transport being prioritised.
TRAN-P1.10	Amend	We recommend this change or similar: “Minimising energy consumption, <u>carbon emissions environmental effects</u> and whole of life costs including <u>embodied carbon</u> in construction, maintenance and operation, and <u>11. Avoiding, remedying or mitigating adverse effects of new transport activities and for existing transport systems seeking opportunities to remediate and reduce environmental effects where degradation has occurred.</u> ”	Carbon emissions need specific mention, as does embodied carbon as part of whole of life environmental impacts. Minimising is not appropriate to addressing environmental effects.
TRAN-P2	Support with amendment	Specifically, we support the inclusion of: “1. Avoiding conflict between vehicles, pedestrians and cyclists; and 2. Avoiding the adverse cumulative effects of activities;” and “5. Appropriately locate, maintain and operate electric vehicle charging stations;” Include in clause 3: “ <u>and to avoid impacts on indigenous biodiversity</u> ”	These policies will help with mode shift. It is also important to consider adverse cumulative effects. The appropriate design and location of access points should also avoid adverse effects on indigenous biodiversity.
TRAN - Rules	Support in part	Retain the explanation that any activity must comply with “any relevant provision in Part 2 District-Wide Matters.” Include for all permitted activities that “PER activities must: Comply with ECO chapter rules and any relevant overlay rules with respect to vegetation clearance and earthworks.” For all RDIS activities include “effects on indigenous biodiversity” as a matter of discretion.	Part 2 matters are relevant
Natural Environment Values			
Chapter 26 Ecosystems and Indigenous Biodiversity ECO			

<p>ECO Overview</p>	<p>Oppose in part</p>	<p>Amend the overview of the chapter and scope of provisions to include rules and policy for the maintenance of indigenous biodiversity which includes SNAs.</p> <p>Clarify that maintenance of indigenous biodiversity is not limited to areas not classified as SNA.</p> <p>Amend the overview to explain that areas meeting the significance criteria are identified in Schedule 6 and on the planning maps, and that further areas may be identified on a case by case basis through resource consent processes.</p> <p>Include an explanation of the extent to which this chapter gives effect to the NZCPS, including the requirement to protect indigenous biodiversity under Policy 11 of the NZCPS being included in the ECO chapter and that adverse effects of other vegetation clearance in the coastal environment as it may relate to protection of natural character, landscapes and features is addressed by provision in the CE and NLF chapters.</p> <p>Amend those other chapters to ensure this explanation is correct.</p> <p>Amend the overview to state that effects on SNAs within the Manawatū-Whanganui region are addressed by both the district and regional plan.</p>	<p>The Council has the function to maintain indigenous biodiversity. This requires controls for vegetation clearance beyond areas that are SNA.</p> <p>The control of activities is also necessary to provide for protection of the habitat of fauna which cannot be protected solely through controls on the clearance of indigenous vegetation in SNAs.</p> <p>It is not clear how the NZCPS is given effect to by this or other chapters with respect to indigenous biodiversity and vegetation clearance controls.</p> <p>While Horizons Regional Council has the function for the maintenance of indigenous biodiversity in the Manawatū-Whanganui region, the Council still has responsibilities under s6 when exercising its other functions and powers. This matter is also recognised in the Manawatū-Whanganui RPS. This means that the Waitomo District plan must include provisions for council to recognise and provide for s6 matters when carrying out its other functions including: s31(1)(b) the control of any actual or potential effects of the use, development, or protection of land. For example, in controlling the effects of ENGY activities the Plan needs to include provision for protection of s6 matters,</p>
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			including in the Manawatū-Whanganui region. While there may appear to be some overlap the Council holds functions that are different to those held by the regional council. Forest & Bird has also identified that the Manawatū-Whanganui regional plan provisions which focus on vegetation clearance to trigger protection and maintenance considerations, do not provide for protection of significant habitats of indigenous fauna within exotic vegetation.
ECO-O1	Oppose	Delete and replace with: <u>“Indigenous biodiversity including significant indigenous vegetation and the significant habitats of indigenous fauna is protected.”</u>	For the best outcomes, biodiversity should be considered holistically, i.e. include indigenous biodiversity everywhere, not just within SNAs, and not just “where appropriate”. This would also align better with the WRPS ECO-P1 and the NZCPS
ECO-O3	Oppose	Delete	Adverse effects on indigenous biodiversity should be avoided, remedied or mitigated. It is not possible to assess an activity via a permitted activity rule. While it may be common practice that permitted activity rules do not provide for activities with more than minor adverse effects, it is not appropriate to set an objective in this respect, particularly where protection is required as a matter of national importance. This approach is also problematic from a cumulative effects

			perspective and does not account for activities that would not be appropriate in any case within an SNA.
ECO-04	Amend	Amend: “Maintain, or enhance and where practicable possible restore district-wide indigenous biodiversity outside of significant natural areas. ”	All three things should be the objective for indigenous biodiversity throughout the district
ECO-05	Support in part	Amend: “Within the coastal environment overlay protect areas of indigenous biodiversity, including significant natural areas.”	The wording “protection of ‘areas’ of indigenous biodiversity” does not align with Policy 11 of the NZCPS. ‘Areas’ is also too specific and may not protect highly mobile indigenous species. Referring to “overlay” also seems unnecessary as the coastal environment is mapped.
ECO-06	Support with amendment	Amend: “ Ensure that The Waikato River Vision and Strategy is given effect to.”	The word ensure is more aligned with policy direction than an objective outcome.
General comment on ECO policies	Amend	<p>Forest & Bird seeks that the ECO policies:</p> <p>Provide for protection of s6(c) matters through provisions to protect Schedule 6 SNAs and other areas meeting the significance criteria set out in the RPS.</p> <p>Maintain indigenous biodiversity.</p> <p>Set out an effects management hierarchy that requires avoidance in accordance with Policy 11 of the NZCPS in the coastal environment.</p> <p>Requires the avoidance of significant adverse effects on significant indigenous vegetation and the significant habitats of indigenous fauna, unless the activity is for the National Grid or renewable energy, in which case those activities should seek to avoid adverse effects.</p> <p>Requires that all other activities avoid adverse effects on indigenous biodiversity to the extent practicable.</p> <p>Recognises that it may not be practicable to avoid adverse effects to achieve protection as required by s6(c).</p>	While Forest & Bird has set out specific amendments to the policies listed below, the overall intent of what Forest & Bird is seeking may not be clear due to our attempts to work within the framework and wording of the proposed policy. For this reason we also set out our overall relief sought to the ECO policies.

		<p>Where it is not practicable to be able to avoid adverse effects, adverse effects are remedied, where adverse effects cannot be remedied, they are mitigated.</p> <p>Where residual adverse effects remain after the steps to avoid, remedy and mitigate set out above, consideration may be given to whether it is appropriate to offset residual effects in accordance with the criteria in Appendix 4.</p> <p>Where residual adverse effects remain after offsetting or it is not appropriate to offset residual adverse effects the activity should be declined.</p>	
ECO-P1	oppose	<p>Delete and replace ECO-P1 as follows: <u>“Recognise and protect areas of significant indigenous vegetation and the significant habitats of indigenous fauna, including by:</u></p> <ol style="list-style-type: none"> 1. <u>Managing land use and development to protect significant natural areas identified in Schedule 6; and</u> 2. <u>Identifying and protecting other areas meeting the significance criteria in Appendix 5 of the WRPS as significant natural areas, including through resource consent processes; and</u> 3. <u>Assessing the effect of activities on values, characteristics and extent of these areas when activities are proposed; and</u> 4. <u>In the coastal environment managing adverse effects in accordance with ECO-P7; and</u> 5. <u>outside the coastal environment, for the national grid and renewable energy activities seeking to avoid adverse effects on indigenous biodiversity</u> 6. <u>in all other cases avoiding significant adverse effects on significant natural areas;</u> 	<p>The proposed policy does not ensure the protection of s6(c) matters.</p> <p>There are also a number of uncertainties with the policy including:</p> <ul style="list-style-type: none"> • The distinction between loss or degradation and other adverse effects is unclear. If a more restrictive approach is intended to loss and degradation that is lost through the subsequent clauses of the policy. • How “unavoidable” adverse effects would be determined • A lack of hierarchy for effects management • Whether protection would be achieved

		<p>7. <u>managing other adverse effects in accordance with the effects management hierarchy in ECO PX.”</u></p> <p>Add a new policy setting out an effects management hierarchy for adverse effects on indigenous biodiversity as follows: <u>“ECO-PX effects management hierarchy for adverse effects on indigenous biodiversity</u></p> <ol style="list-style-type: none"> 1. <u>Subject to ECO-P1, avoid adverse effects as far as practicable while recognising the functional and operational needs of Regionally Significant Infrastructure and the need to maintain indigenous biodiversity and protect significant natural areas</u> 2. <u>where adverse effects cannot be avoided, remedy adverse effects</u> 3. <u>where adverse effects cannot be remedied, mitigate adverse effects</u> 4. <u>where residual adverse effects remain after applying 1, 2 and 3 above:</u> <ol style="list-style-type: none"> a. <u>in significant natural areas in relation to RSI activities consider whether offsetting is appropriate in accordance with APP4 Offsetting criteria; and</u> b. <u>outside significant natural areas consider whether offsetting is appropriate in accordance with APP4 Offsetting criteria</u> c. <u>If a and b are not satisfied consider whether the proposal should go ahead having regard to the residual effects and the need to maintain indigenous biodiversity and to provide for the protection of significant natural areas.”</u> 	<p>A clear effects management hierarchy is needed that provides for protection of SNAs and ensures the maintenance of indigenous biodiversity across the district.</p>
ECO-P2	Oppose	Delete ECO-P2	Making a distinction in the level of protection between ‘locally significant

		<p>Add a new policy capturing aspects of P2 clause 4 and 5 and P6 clauses 1 to 13 as follows: <u>“Maintain, restore and support the improvement of indigenous biodiversity through:</u></p> <ol style="list-style-type: none"> 1. <u>Protecting the health and functioning of significant natural areas that are or include wetland;</u> 2. <u>Protecting and improving connectivity along and between significant natural areas and other areas of indigenous vegetation and habitat of indigenous fauna;</u> 3. <u>Supporting and encouraging landowners to:</u> <ol style="list-style-type: none"> a. <u>fence off stock from areas of indigenous vegetation;</u> b. <u>undertake plant and animal pest control;</u> c. <u>apply for covenants to provide permanent protection to indigenous biodiversity;</u> 4. <u>The establishment of both mountain to sea corridors and north-south corridors of terrestrial and aquatic ecosystems; and</u> 5. <u>The reconnection of fragmented ecosystems on land and via waterways; and</u> 6. <u>The establishment of buffers around underrepresented and/or threatened indigenous ecosystems; and</u> 7. <u>The creation of ecological stepping stones or corridors to link indigenous vegetation; and</u> 8. <u>The improvement of habitat of nationally threatened or at risk indigenous species; and</u> 	<p>natural areas’ and ‘internationally, nationally or regionally significant’ is not appropriate. The WRPS has set out criteria to identify areas that must be recognised and protected under 6(c) of the RMA.</p> <p>The policy direction for “allowing” removal of vegetation within SNAs is uncertain and should be removed.</p> <p>Clauses 4 and 5 which set direction with respect to protection are helpful and we consider these should be included in a new policy combined with the clauses of Policy ECO-P6 for the maintenance, restoration and improvement of indigenous biodiversity more generally, that is not specific to SNAs.</p>
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ECO-P3	Oppose	Delete ECO-P3	<p>While Forest & Bird generally support maintenance activities for lawfully established infrastructure within SNAs, this needs to be within limits at the permitted activity level. This policy direction is enabling without any effects management considerations. Even where an activity may be “unavoidable” some adverse effects of the activity may be able to be avoided. Avoid is always the first step in the effects management hierarchy, which in some cases or for some effects where</p>

			<p>complete avoidance of all adverse effects is not required may be worded as to “avoid as far as practicable”.</p> <p>Focusing just on removal of vegetation rather than effects fails to consider or provide for protection of habitat values of significant areas.</p> <p>It is difficult to understand how indigenous biodiversity can be protected or enhanced through indigenous vegetation removal in a significant natural area.</p> <p>We agree that health and safety should be provided for where there is an imminent risk, however for emergency activities provision is made under s330 of the RMA and the ability to seek retrospective consent enables council to consider appropriate remediation, mitigation and offsetting measures.</p>
ECO-P4	Oppose	Delete	<p>The policy is not clear about what limited circumstances and read with other proposed policies does not seem very limited at all.</p> <p>The policy does not protect significant natural areas.</p> <p>Appropriate provision is captured within the effects management hierarchy added in amendments at ECO-P1 above</p>
ECO-P5	Amend	Amend ECO-P5 as follows: “Where the limited circumstances of unavoidable removal of activities <u>that may adversely affect indigenous vegetation, or habitats of indigenous fauna, or disturbance of wetland areas are being considered</u>	<p>In addition to our comments earlier in this section about lack of clarity with ‘limited circumstances’ and concern about ‘removal of indigenous</p>

		<p>(including situations provided for in ECO-P4), in addition to any other considerations, have regard must be given to the following matters:</p> <ol style="list-style-type: none"> 1. Whether the area contains nationally significant examples of indigenous community types and indigenous ecosystems and/or vegetation types that are threatened in the coastal environment, or are naturally rare; and 2. Effects on the required range of habitats, including roosting, nesting, foraging and migratory pathways of fauna; and 3. Effects on the habitats of threatened and at risk species including migratory pathways; and 4. Effects on the maintenance of ecological corridors, processes and sequences; and 5. Whether sensitive sites remain buffered from intensive land use, development and subdivision; and 6. The outcome of consultation where indigenous vegetation clearance is proposed in locations that are of significance to mana whenua; and 7. Effects on natural waterway and wetland habitats and hydrology; and 8. The legal and physical protection of existing habitat; and 9. Whether consideration has been given to opportunities that contribute to no net loss of indigenous biodiversity at a regional scale; and 10. Whether any there are practicable alternative locations for the activity that would avoid or reduce the need for removal of adverse effects on indigenous vegetation or habitats of indigenous fauna or disturbance of wetland areas, are used in the first instance; and <u>10. Whether the area contains indigenous ecosystems or indigenous fauna habitat that are threatened by climate change factors, such as sea level rise, drought, fire or pathogens."</u> 	<p>vegetation', the role of climate change factors in threatening indigenous ecosystems must be acknowledged.</p>
ECO-P6	Oppose in part	Delete and incorporate clauses 1 to 13 into new Policy ECO-PX as set out in amendments under ECO-P1 above	The policy is set out to apply to consent applications but considers matters that the council should be encouraging outside of consent processes. These matters are better addressed in a policy

			that is not specific to consent applications but that can also be considered in those processes as sought for Policy ECO-PX under amendments at under ECO-P1 above.
ECO-P7	Oppose in part	Delete clause 4 of ECO-P7	It is not clear what requirement is being referred to. Nor is the approach to adverse effects described consistent with the effects management hierarchy as sought in this submission. Also, the term enhancement is a term more synonymous with offset than remediation or mitigation.
ECO-P8	Oppose in part	Amend ECO-P7 as follows: Provide Control indigenous vegetation clearance for the purpose of forestry or woodlots and only consider providing for continuous cover forestry and/or sustainable forest management/sustainable harvesting only where it is outside significant natural areas and the indigenous biodiversity values and ecological characteristics of the area are maintained or enhanced. Avoid this activity where the site is in a significant natural area and set new activities back at least 500m from significant natural areas <u>vegetation or habitat that is currently a naturally uncommon or significantly underrepresented ecosystem or habitat for indigenous species or has associations of indigenous species that are classified as threatened or at risk, endemic to the Waikato region or at the limit of their natural range.</u>	It is not clear that the policy would restrict indigenous vegetation clearance for these purposes. There should be controls on indigenous vegetation clearance with respect to other forestry and woodlots. The matters set out to avoid appear to reflect criteria for significance and would therefore indicate the area is a significant natural area whether listed in schedule 6 of not.
ECO-P9	Support in part	Amend ECO-P9 as follows: <u>“Avoid plantation forestry afforestation and harvesting in significant natural areas and set back new plantation forest 1km from Significant natural areas listed in Schedule 6 or otherwise able to be reasonably identified.</u>	The policy is appropriate but also requires setbacks for new plantation forestry to protect SNAs. Forestry tree seed can travel kilometres on the wind.
ECO-P10	support	retain	While it may not be appropriate for people to access all SNAs this policy

			gives appropriate recognition at a general level.
ECO-P11	Amend	<p>Amend to include all clauses from Policy 11 (a) of the NZCPS under clause 1 and all clauses from Policy 11 (b) of the NZCPS under clause 2.</p> <p>Amend clause 3 as follows: “Maintaining and improving <u>or enhancing</u> (i) ... (ii) <u>Inanga/whitebait...</u>”</p> <p>Amend clause 5 as follows: “Recognising the potential effects of sea level rise <u>and other impacts of climate change including increasingly severe storms</u> in the consideration of any resource consent application by ensuring sufficient coastal habitat inland migration opportunities are retained.”</p> <p>Retain other aspects of Policy ECO-P11.</p>	<p>The policy needs to include all aspects of Policy 11 of the NZCPS, clauses (a)(i) and (ii) and (b)(v) are currently missing.</p> <p>At clause 3 the term “enhancement” is a term synonymous with offset and providing this as an alternative to maintaining could result in degradation occurring in some locations with enhancement in others. The term “improving” better captures the intent of the policy.</p> <p>Clause 5 goes some way to recognising the impacts of climate change sea level rise and the need to sustain indigenous biodiversity. Inland migration opportunities for coastal fauna and flora likely to be impacted by climate related effects will become increasingly important. For example, ensuring that infrastructure (like roads) does not prevent kororā from moving further inland to nest.</p> <p>In other respects, the policy helps to give effect to the NZCPS.</p>
ECO-P12	support with amendment	<p>Amend ECO-P12 as follows: “Outside of significant natural areas, enable <u>provide for</u> activities that maintain or enhance <u>and improve</u> indigenous biodiversity including</p>	<p>The term “provide for” should be used over “enable” as it more readily allows for capturing circumstances and effects</p>

		<p>planting of indigenous species, removal or management of pest plant and animal species and other biosecurity works.”</p>	<p>management within which activities may be provided for. The term “enhance” is a term synonymous with offset and providing this as an alternative to maintaining could result in degradation occurring in some locations with enhancement in others. The term “improving” better captures the intent of the policy.</p>
<p>ECO-P13</p>	<p>Amend</p>	<p>Amend ECO-P13 as follows: “When <u>considering</u> removal of indigenous vegetation, or <u>adverse effects on</u> habitats of indigenous fauna, or disturbance of wetland areas occurs outside of significant natural areas, ensure the following matters are considered when avoiding, remedying or mitigating adverse effects on indigenous biodiversity: 1. Whether any existing cleared areas on a site that are suitable to accommodate subdivision or new development, are used in the first instance; and 2. Any practicable alternative locations that would reduce the need for removal of indigenous vegetation, or habitats of indigenous fauna, or disturbance of wetland areas are used in the first instance; and 3. Whether consideration has been given to opportunities that contribute to no net loss of indigenous biodiversity at a regional scale; and 4. The maintenance of indigenous habitats adjoining wetlands, rivers, springs, karst ecosystems and fragmented forests; and 5. The <u>retention and maintenance</u> of buffers <u>for protection</u> around underrepresented or naturally uncommon indigenous ecosystems; and 6. The maintenance or creation of ecological stepping stones or corridors to link indigenous vegetation and/or fragmented ecosystems on land and via waterways; and 7. The maintenance <u>and protection</u> of habitat of nationally threatened or at risk indigenous species, <u>recognising that exotic vegetation or pasture</u></p>	<p>Critically endangered long-tailed bats are known to use exotic vegetation to roost in or as flyways, and are also known to forage over pasture.</p>

		<p><u>may provide significant habitat for breed, roosting, nesting and/or feeding.”</u></p>	
<p>ECO Rules General comment</p>	<p>amend</p>	<p>Consider reformatting the framework used for rules so that it is clear what s9 activities the rule is applying to.</p> <p>Make it clearer what the full scope of each rule is.</p> <p>Delete the statement in the first row of Table 1 that “It does not apply to roads.”</p> <p>Add a table that sets out rules applying to activities outside of SNAs.</p> <p>Add or amend rules to ensure that all subdivision includes the requirement for an assessment against the significance criteria of the RPS to determine any significant natural areas in the area to be subdivided. If SNAs are present then ensure they are retained within one title, that they are given protection through covenant and that sufficient land outside the SNA is retained within the title to provide for a building platform and access without disturbing the SNA.</p> <p>Add the colouring required by the planning standards to different rule activity status.</p>	<p>Rules are needed to manage indigenous vegetation clearance and adverse effects of activities on indigenous biodiversity outside of SNAs.</p> <p>The scope of Table 1 rules also needs to capture SNAs that are not mapped but may be identified through consenting process such as subdivision or vegetation clearance outside of Schedule 6 SNAs.</p> <p>It is not clear that the rules include measures to address effects of subdivision and ensure the protection of SNAs.</p> <p>While the first row in Table 1 states that the rule apply to SNAs the second row makes no reference to SNAs. This is somewhat confusing given the different colour text use and the separate rules listed below the first two rows.</p> <p>The statement in the first row that “It does not apply to roads” is incorrect as R5 clearly refers to existing roads. In addition new roads should be captured by R16 if not otherwise specifically provided for.</p> <p>The format of rules in this plan is confusing to follow. For example, in the</p>

			<p>ECO rules, the description of activities is set out above the rule numbers. This creates uncertainty as to the scope of the rule.</p> <p>The circumstances or purposes which are given various rule numbers all appear to be in relation to the same activity, i.e. removal of indigenous vegetation, and it is not clear why they are listed as separate rules rather than a condition or standard of one rule.</p>
<p>ECO-R1 to R10</p>	<p>Oppose in part</p>	<p>Amend Table 1 so that it clearly applies to activities within Significant Natural Areas. That this includes both areas identified in Schedule 6 and any area that meets the significance criteria set out in Appendix 5 of the WRPS unless specifically stated otherwise in a rule.</p> <p>Delete ECO-R1 and ECO-R2</p> <p>Amend ECO-R3 to read as follows: “To remove, dead or damaged indigenous vegetation or <u>Where the indigenous vegetation is presenting an imminent danger threat to human life”</u></p> <p>Amend ECO-R4 as follows: “In the general rural, natural open space, open space and rural lifestyle zones to maintain a lawfully established fence, where any trimming, pruning or removal is within 1.5 of the fence, relocate or construct a perimeter fences to exclude for stock exclusion from a significant natural area where any trimming, pruning or removal is within 1m of the new fence line”</p> <p>Amend ECO-R5 as follows: “For maintenance purposes on or within 2 m of existing roads, driveways, tracks, fences or water intake/discharge structures”</p>	<p>R1 and R2 disregard council’s responsibilities under the RMA. Those other bodies and covenants are developed under other legislation.</p> <p>R3 dead and damaged vegetation may form important habitat and ecological function within the SNA.</p> <p>R4 it is unclear why a new fence for stock exclusion would go through an SNA. The inclusion of relocating a fence is not appropriate and could result in cumulative loss.</p> <p>R5 this should be limited to “lawfully established”. 2m for fences is too much and this should be limited to 1.5m as set out in R4 amendments.</p>

		<p>Delete ECO-R6 and ECO-R7</p> <p>Retain ECO-R8 For Māori cultural and customary uses or for scientific purposes</p> <p>Delete ECO-R9</p> <p>Delete ECO-R10 or amend the definition of “Conservation activities” as sought in this submission.</p> <p>Delete the condition set out under these rules that applies an area limit for clearance.</p>	<p>R6 it is not clear what this rule is providing for.</p> <p>Clearance for fire risk that is not an emergency should be considered through consent process to ensure the SNA is protected. This could be a RDA or controlled activity with appraised conditions and matters of discretion/control. S330 of the RMA provides for emergency situations.</p> <p>R9 it is not clear why or to what extent pest management activities would need to include the clearance of indigenous vegetation. This seems unlikely to be appropriate as a permitted activity within an SNA. For example Kauri dieback needs careful management that cannot adequately be addressed as a permitted activity.</p> <p>A general vegetation clearance limit is not appropriate. Appropriate limits to vegetation clearance should be set within the specific rule circumstance.</p>
<p>New ECO rule for subdivision in Significant Natural Areas</p>	<p>Amend</p>	<p>Add the following Controlled and Discretionary rules for Subdivisions affecting SNAs:</p> <p><u>“ECO – RAA Subdivision of Land to Create Allotments on a site with a Significant Natural Area Indigenous Biodiversity Activity Status: Controlled</u></p>	<p>As set out in Forest & Bird’s submission on the SUB chapter, integration is needed between subdivision rules and ECO chapter for the protection of SNAs.</p>

		<p><u>Where:</u></p> <p>6. <u>An assessment of the site against the significance criteria in Appendix 5 of the WRPS is provided with the application and applicant can demonstrate the adequacy of this assessment; and</u></p> <p>7. <u>One new allotment with a minimum lot size of 4,000m is created from the parent title, provided that in the GRUZ - General Rural Zone there is a balance area remaining on the original title of at least 4 ha; and</u></p> <p>8. <u>The area of significant indigenous biodiversity is legally protected in perpetuity by way of a conservation covenant with an authorised agency and is contained within a single allotment;</u></p> <p>9. <u>The subdivision will not result in buildings or access ways being located within the identified area of significant indigenous biodiversity or the need for clearance of significant indigenous vegetation to provide for a future building site or future access to any site.</u></p> <p>[Add a condition to include any relevant subdivision standards.]</p> <p><u>Matters of control are:</u></p> <p>a. <u>Subdivision layout, access, design, location, and proximity of building platforms to areas of significant indigenous biodiversity;</u></p> <p>b. <u>The inclusion of covenants on the titles including for the location of residential building platforms and access;</u></p> <p>c. <u>Management of earthworks, including earthworks for the location of building platforms and access ways;</u></p> <p>d. <u>The protection of habitats of threatened or at risk species; and</u></p>	<p>Forest & Bird propose that this is best achieved by including a Subdivision rule in the ECO chapter. The same rule could also be repeated in the SUB chapter as per the approach taken on the West Coast in the proposed Te Tai o Poutini One Plan.</p>
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		<p>e. <u>The measures to avoid, remedy, or mitigate any adverse effects on significant indigenous biodiversity.</u></p> <p><u>Non-compliance with this rule is DIS."</u></p> <p><u>"ECO – RBB Subdivision of Land to Create Allotments on a site with a Significant Natural Area not meeting Rule ECO - RAA Activity Status Discretionary</u> <u>Where:</u> <u>1. The Significant Natural Area is legally protected in perpetuity by way of a conservation covenant with an authorised agency and is contained within a single allotment;</u> <u>2. The subdivision will not result in buildings or accessways being located within any Significant Natural Area; and</u> [Add a condition to include any relevant subdivision standards.]</p> <p><u>Activity status where compliance not achieved: Non-complying"</u></p> <p>Add further requirements as necessary to the ECO/SUB rules to ensure that significant natural area(s) within the site are protected from activities within the same single allotment that contain the SNA(s).</p> <p>Make any consequential changes to the SUB chapter to ensure that subdivision on any site with indigenous biodiversity undertakes an assessment applying the significance criteria in Appendix 5 of the WRPS.</p>	
New ECO Rules	Amend	Add a new Rule to Table 1 for new mineral extraction and quarrying to be a Prohibited activity in SNAs.	Mineral extraction and quarrying are not appropriate activities within SNAs.
ECO-R11	Oppose in part	Amend the Rule to apply to "building platforms within a site that includes a Significant Natural Area or part of a Significant Natural Area.	Where a site includes an SNA the activity should be a controlled activity status to

		<p>Change the activity status to “Controlled.”</p> <p>Ensure this rule applies both outside and within the CE and within residential zones. Where:</p> <ol style="list-style-type: none"> 1. Indigenous vegetation clearance is for the purpose of the establishment of a building platform and access to an existing building site where there is no existing residential building. 2. Any disturbance or removal of indigenous vegetation for access to the site is only where alternative access is not possible and only for one accessway. <p>Matters of control to include: Alternative locations on the site to avoid or reduce disturbance of the Significant natural area The location of the accessway Effects on indigenous biodiversity and protection of any significant natural area(s).</p>	<p>enable appropriate conditions on consent.</p> <p>Provision to remove vegetation within an SNA for this purpose should only be where there is no other residential building already on the site.</p> <p>Clear controls are needed to ensure the protection of the SNA.</p>
ECO-R12	Oppose	<p>Amend to a RDIS rule Retain rule conditions and add as the first condition: <u>“1. There are no other suitable sites for the proposed activity.”</u></p> <p><u>Include as matters of discretion:</u></p> <p><u>“1. Effects on indigenous biodiversity, connectivity, values and characteristics of the significant natural area, including impacts on the coastal environment where applicable.</u> <u>2. Outcomes of consultation with mana whenua where the site has cultural or archaeological values.</u></p>	<p>The removal of vegetation in an SNA should only be permitted if there are no other suitable sites.</p> <p>This activity should only be considered at a small scale and with the ability for council to decline consent. Large scale renewable energy should not be anticipated within SNAs.</p>

		<p><u>3. Alternatives to removing indigenous vegetation from a significant natural area.”</u></p> <p><u>Make non-compliance with this rule a Non-Complying activity</u></p>	
ECO-R13	Oppose	Delete	<p>It is difficult to understand how indigenous biodiversity can be protected through indigenous vegetation removal and harvesting in a significant natural area.</p> <p>The conditions of the rule are inadequate to protect.</p>
ECO-R14	oppose	Delete or amend to Discretionary for clearance less than 500m2 and activities as set out in Condition 1.	<p>Certainty around condition 2 is complex. A discretionary classification would be more appropriate.</p>
ECO-R15	Oppose	Delete	<p>These activities are not appropriate for SNAs.</p>
ECO-R16	Oppose in Part	Amend to a Non-Complying activity	<p>Other than activities specifically provided for in these rules, other activities should not be anticipated within and SNA.</p>
ECO-R17	Oppose in part	Amend to a Prohibited activity status	<p>It is not appropriate to have planation forestry within an SNA.</p>
ECO new rules	Amend	<p>Add a new Table 2, which applies to clearance of indigenous vegetation outside of Significant Natural Areas as follows:</p> <p>New ECO Rule A - PERs <u>“Indigenous vegetation clearance is a permitted activity</u> <u>Where:</u></p> <ol style="list-style-type: none"> <u>1. The clearance is not within an SNA listed in Schedule 6; and</u> <u>2. The clearance is for the following purposes:</u> 	<p>There is currently no rule to regulate the removal of indigenous vegetation outside of Schedule 6 SNAs, or to protect habitat for indigenous species that are classified as threatened or at risk, outside of SNAs.</p> <p>Consequential amendments are required to HW-R8.</p>

		<ul style="list-style-type: none"> a. <u>The maintenance, operation and repair of lawfully established:</u> <ul style="list-style-type: none"> i. <u>Roads, driveways, tracks or water intake/discharge structures, and clearance is limited to within 2m</u> ii. <u>fences, and clearance is limited to within 1.5m of the fence</u> iii. <u>structures, and clearance is limited to within 3m of the structure</u> iv. <u>buildings, and clearance is limited to within 5m of the building</u> v. <u>regionally significant infrastructure, and clearance is limited to within 5m of the infrastructure and clearance is limited to a maximum area of 50m²;</u> b. <u>Where it is necessary to remove vegetation that endangers human life or within 5m of existing buildings or structures;</u> c. <u>For the construction of new fences and traplines associated with Conservation Activities or to exclude stock or pest animals from an area of indigenous vegetation, and the clearance is limited to 2m wide to provide for the new fence;</u> d. <u>To comply with section 43 of the Fire and Emergency Act 2017;</u> e. <u>It is for Māori cultural and customary uses or Scientific purposes;</u> f. <u>It is associated with maintaining a domestic garden;</u> <u>and</u> 3. <u>Within the Coastal Environment:</u> <ul style="list-style-type: none"> a. <u>The indigenous vegetation clearance does not disturb, damage, or destroy habitat or nesting areas of protected species.</u> 	
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		<p>b. <u>The indigenous vegetation clearance does not occur in an area of land environment of category one or two of the Threatened Environment Classification.</u></p> <p><u>Where compliance with condition 1 is not achieved then Table 1 rules apply.</u> <u>Where compliance with condition 2 is not achieved the following rules B, C, D apply:</u></p> <p><u>New ECO Rule B - RDIS</u> <u>Indigenous vegetation clearance is a Restricted Discretionary Activity where:</u></p> <ol style="list-style-type: none"> 1. <u>The clearance is not within an SNA listed in Schedule 6; and</u> 2. <u>An assessment in accordance with Appendix 5 of the WRPS demonstrates that the clearance and disturbance is not within a Significant Natural Area not yet listed in Schedule 6; and</u> 3. <u>The clearance is for the purposes and activities specified in Condition 2 of Rule ECO Rule A; or</u> 4. <u>the clearance is for the purpose of upgrading or construction of the National Grid where:</u> <ol style="list-style-type: none"> a. <u>The works corridor does not exceed 3m in width; and</u> b. <u>All machinery used in construction is cleaned and made free of weed material and seeds prior to entering the site; and</u> c. <u>Rehabilitation of disturbed areas is undertaken following the completion of construction; or</u> 	
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		<p>5. <u>The clearance is for the purpose to upgrade or create new public walking or cycling tracks up to 3m in width undertaken by the Council or its approved contractor; and</u></p> <p style="padding-left: 40px;"><u>This is not within:</u></p> <ul style="list-style-type: none"> i. <u>An area of land environment of category one or two of the Threatened Environment Classification;</u> ii. <u>An Outstanding Natural Landscape overlay;</u> iii. <u>An Outstanding Natural Feature overlay;</u> iv. <u>An area of High Coastal Natural Character overlay; or</u> v. <u>An area of Outstanding Coastal Natural Character overlay.</u> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> a. <u>The functional or operational need of the national grid for the location</u> b. <u>Effects on habitats of any threatened, at-risk, or protected species;</u> c. <u>Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;</u> d. <u>Effects on ecological functioning and the life supporting capacity of air, water, soil, and ecosystems;</u> e. <u>Effects on the intrinsic values of ecosystems;</u> f. <u>Effects on recreational values of public land; and</u> g. <u>The maintenance and protection of indigenous biodiversity</u> 	
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		<p>h. <u>The adequacy of the significance assessment to the effects of the proposed activity.</u></p> <p>i. <u>The extent of indigenous clearance necessary to undertake the activity.</u></p> <p><u>Where compliance with conditions 1 and 2 is not achieved and the activity is not specifically provided for by another Rule in this ECO chapter, the activity is NC.</u></p> <p><u>Where compliance with any other condition is not achieved the activity is DIS.</u></p> <p><u>Advice note: rules in other chapters relating to overlays may also apply.</u></p> <p><u>New ECO Rule C - DIS</u> <u>The clearance of indigenous vegetation that does not comply with Rules ECO Rule B and is not NC under ECO Rule D and any other indigenous vegetation clearance not specifically provided for is a DIS activity</u></p> <p><u>New ECO Rule D - NC</u> <u>The clearance of indigenous vegetation that does not comply with conditions 1 and 2 of Rule ECO Rule B is a NC activity.”</u></p> <p>Make any consequential changes to the SUB chapter to ensure that subdivision on any site with indigenous biodiversity undertakes an assessment applying the significance criteria in Appendix 5 of the WRPS.</p> <p>Incorporate the Threatened Environment Classification by way of reference into the Plan: https://www.landcareresearch.co.nz/tools-and-resources/mapping/threatened-environment-classification/</p>	
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		Add or amend the note under HW-R8 to refer to the need to comply with ECO rules, including ECO-RA relating to the clearance of indigenous vegetation for fencing.	
New ECO rule	Amend	Add a new rule to Table 2 for indigenous vegetation clearance for mineral extraction and quarrying activities is DIS. Where: <u>1. An assessment in accordance with Appendix 5 of the WRPS demonstrates that the clearance and disturbance is not within a Significant Natural Area not yet listed in Schedule 6.</u> <u>Where compliance with 1 is not achieved the activity is NC</u>	An assessment of significance should be undertaken to ensure the activity is considered in appropriate locations.
New ECO rule – vegetation clearance setback from water bodies	Amend	Include a rule that addresses setbacks for vegetation clearance from water bodies.	The effects of vegetation clearance on natural waterways, freshwater ecosystems, habitats and networks and coastal environments are significant, and should be regulated through a rule requiring vegetation clearance activities to be set back from water bodies.
General comment – protection of mobile fauna	Amend	Include provision for protection of bat habitats including corridors, and corridors of other highly mobile indigenous species. We suggest that Waitomo DC work with WRC and DOC and other bat specialists to identify Bat Protection Areas to be included as an overlay in the DP maps, and include appropriate statements in the DP Objectives, Policies and Rules.	The Plan does not sufficiently address the protection of highly mobile species, some of which, like long-tailed bats, use exotic vegetation as habitat for roosting, travelling, and foraging (including pasture). The Draft National Policy Statement for Indigenous Biodiversity along with the Timaru Proposed District Plan (which includes Bat Protection Areas as an overlay on its maps) can provide guidance.

Chapter 27 Natural Character NATC			
NATC Overview	Amend	Include an explanation in the overview that this chapter does not provide specifically for natural character of the coastal environment with respect to the NZCPS. The natural character of the coastal environment is addressed by the CE chapter.	It is not clear which chapters address the NZCPS, and in particular the directive policies 11, 13 and 15.
NATC-P1	Amend	<p>Add mineral extraction to clause 4.</p> <p>Amend clause 7 as follows: “Providing for the continued operation of lawfully established farming activities and recreational hunting, <u>only where the operations do not adversely affect the qualities and values of wetlands, and lakes and rivers and their margins</u>”</p> <p>Add the following, or similar, clause to P1: <u>“Promoting the enhancement, restoration, and rehabilitation of the natural character of wetlands and lakes and rivers and their margins, giving special regard to areas where the natural character of wetlands and lakes and rivers and their margins have been compromised.”</u></p> <p>Add the following, or similar, clause to P1: <u>“Safeguarding the life-supporting capacity of the freshwater habitats and maintaining or enhancing indigenous biodiversity and the functioning of their ecosystems.”</u></p>	<p>Provides consistency with P1.6, and will avoid unintended consequences.</p> <p>Amendments are needed to help clarify that wetlands, lakes and rivers and their margins are often in need of restoration.</p> <p>Amendments are needed for consistency with the NPSFM.</p>
NATC-P2	Amend	<p>Amend clause 5 as follows: “Ensuring that activities are carried out in a way that maintains or <u>improves</u> water quality <u>and ecosystems of indigenous biodiversity</u>”</p> <p>Amend clause 6 as follows: “Providing for the continued operation of lawfully established farming activities, <u>only where the operations do not adversely affect the qualities and values of wetlands, and lakes and rivers and their margins</u>”</p>	<p>Water quality alone is not sufficient. The term “enhance” is a term synonymous with offset and providing this as an alternative to maintaining could result in degradation occurring in some locations with enhancement in others. The term “improves” better captures the intent of the policy.</p>
Chapter 28 - Natural Features and Landscapes NFL			
NFL Overview	Amend	Include an explanation of how this chapter gives effect to Policy 15 of the NZCPS	It is not clear which chapters address the NZCPS, and in particular the directive policies 11, 13 and 15.
NFL-P4	Amend	Add SCHED7 to clause 4.	

		<p>Amend Clause 5 to: “Minimising <u>Avoiding the removal of indigenous vegetation as far as practicable.”</u></p> <p>Amend clause 6 to. “Avoiding in the first instance or minimising <u>remedying or mitigating adverse effects on natural character from the removal of indigenous vegetation;”</u></p> <p>Make consequential changes to replace the term “minimise” with “avoid, remedy or mitigate.”</p>	<p>ONLs would also be adversely affected by forestry, particularly new forestry. Use wording aligned with the ECO chapter’s intention to protect wider biodiversity values, and also protect landscapes of high amenity value. Terminology should align with the RMA. Amendments are needed to ensure Policy 15 of the NZCPS is given effect to.</p>
NFL Rules	Amend	<p>Amend to ensure that adverse effects to be avoided under Policy 15 of the NZCPS are not caused through permitted activities.</p> <p>Make all permitted rules in Outstanding areas RDIS or reduce the scale of activities by at least half of what is set out in proposed rules.</p>	<p>Amendments are needed to ensure Policy 15 of the NZCPS is given effect to.</p>
NFL-R13	Oppose	<p>Amend the rule so that afforestation is a PR activity in Outstanding natural features and NC in Outstanding landscapes.</p>	<p>New forestry is not appropriate within outstanding landscapes or features.</p>
NFL-R14	Amend	<p>Add a condition that this activity is not in the coastal environment. Make it prohibited.</p>	<p>Amendments are needed to ensure the NZCPS is given effect to.</p>
NFL-R15	Oppose	<p>Delete</p> <p>Include a reference to compliance with rules in the ECO chapter as sought to be added in this submission.</p>	<p>For the reasons set out in this submission general indigenous vegetation clearance is not appropriate. This should relate to specific purposes and within limits to maintain indigenous biodiversity and ensure further areas of significance can be identified.</p> <p>This scale of clearances could have widespread and significant effects on indigenous biodiversity.</p>

Forest & Bird Submission on proposed Waitomo District Plan December 2022

NFL-ECO17	Amend	Add a note under the rule that rules in the ECO chapter also apply to vegetation clearance.	Clarification is needed
NFL-R19,	Oppose	As stated above these activities should not be permitted in the coastal environment.	For reasons set out above
NFL-R20 and	Oppose	Amend the rule so that afforestation is a PR activity in Outstanding natural features and NC in Outstanding landscapes. Amend the required setback from the coastal marine area to 50m from the CMA to provide more stringent protection of the values of the coastal environment than would otherwise occur under clause 68(4)(c) the NES for Plantation Forestry.	Setbacks must be more stringent than the NES for Plantation Forestry.
NFL-R21	Oppose in part	Add a condition so that replanting increases the setback from the CMA and waterbodies to at least 30 and that wildings are controlled between the forest and CMA/waterbodies.	Amendments are needed to protect, remediate and restore landscape and ecological values.
Chapter 29 Subdivision SUB			
Overview and Objectives	Support in part	Add a paragraph to the Overview and a new Objective to promote positive indigenous biodiversity outcomes as part of any subdivision. As a follow through for this, also add a suitably worded Policy.	We think there could be an additional objective for indigenous biodiversity here. This will align this chapter with the intention of Chapter 26 Ecosystems & indigenous biodiversity. Indigenous biodiversity can be maintained, enhanced and restored in some urban settings, e.g. through lighting controls where long-tailed bats are known to be present; retention ponds or similar to maintain freshwater quality in streams or other water bodies in urban areas.
SUB-O4	Support with amendment	Amend: “Subdivision protects or enhances <u>enhances the subject matters of</u> overlays, scheduled sites and features and results in development that respects the physical, cultural, historical and natural context of the site.	The recognition that some subdivision may not be possible where protection of overlay values is not possible is supported. However for SNAs values will

		Some subdivision proposals may not be possible if the identified <u>values and characteristics</u> cannot be appropriately protected.”	be identified through consent processes and terminology referring to “identified” values is not appropriate. In respect of other overlays characteristics are also relevant. Enhancement is not an appropriate alternative to protection.
SUB-P18	Support with amendment	Amend: “ <u>Support</u> encourage subdivision....”	The council should be activity supporting this.
SUB-P24	Amend	<p>“Encourage <u>Ensure</u> subdivision which permanently retains and protects scheduled sites and features and archaeological sites within one allotment.”</p> <p>Make further amendments to this policy or include a new policy to set direction for the assessment of subdivision sites against the significance criteria in Appendix 5 of the WRPS and to protect any SNAs so identified the same as for schedule 6 SNAs.</p> <p>Include rules to implement this policy that: Subdivision includes an assessment demonstrating whether the significance criteria in Appendix 5 of the WRPS are met or not. The subdivision must ensure there is sufficient land area within each allotment for a building platform and access to this without affecting any significant natural area, scheduled or identified through the site assessment, in the allotment.</p> <p>Forest & Bird’s submission on the ECO provisions includes rules for SUB where an SNA is identified. These rules could be applied to both the SUB and ECO chapters.</p>	<p>Ensure rather than encourage will avoid the fragmentation of indigenous habitat and habitat of indigenous species. This is particularly important for SNAs.</p> <p>This needs to apply to all SNAs not just those in Schedule 6. This requires that subdivision proposals include an assessment of the site against the significance criteria in Appendix 5 of the WRPS. This is appropriate to give effect to the WRPS, NPSIB s6(c) as well as implementing SUB-O4 and ECO objectives.</p>
SUB-R1	Amend	Add this additional rule in each of these ‘zone’ sections: Residential, settlement & tourism zones; Rural lifestyle zone; Future urban & general	This will avoid habitat fragmentation.

		rural zone; Māori purpose zone; Industrial, rural production, open space & natural open space zones: “Ensure any significant natural area, scheduled or identified through the site assessment, is in one allotment.”	
SUB-R1: matters over which discretion is restricted:	Amend	Amend “(c) <u>Effects on any scheduled site or feature, archaeological site, water body, or area of indigenous vegetation, significant habitat of indigenous fauna, or significant natural area identified through the site assessment;</u> ”	The ‘matters over which discretion is restricted’ needs this addition in order to protect significant habitat of indigenous fauna, which can be exotic vegetation, and to protect significant natural areas not scheduled.
SUB-R2	Amend	Add an additional clause: “4. <u>The boundary adjustment must ensure any significant natural area, scheduled or identified through the site assessment, is in one allotment</u> ”	As above, this will avoid habitat fragmentation.
SUB-R2: matters over which discretion is restricted:	Amend	Amend c) <u>Effects on any scheduled site or feature, archaeological site, water body, or area of indigenous vegetation, significant habitat of indigenous fauna, or significant natural area identified through the site assessment;</u>	The ‘matters over which discretion is restricted’ needs to have this addition in order to protect significant habitat of indigenous fauna, which can be exotic vegetation, and to protect significant natural areas not scheduled.
SUB-R3	Amend	Amend “1 (v) A significant natural area listed in SCHED6, or <u>significant natural area identified through a site assessment; or</u> ”	
SUB-R4: Matters over which discretion is restricted:	Amend	Amend “(c) <u>Effects on any scheduled site or feature, archaeological site, water body, or area of indigenous vegetation, significant habitat of indigenous fauna, or significant natural area identified through the site assessment;</u> ”	The ‘matters over which discretion is restricted’ needs to have this addition in order to protect significant habitat of indigenous fauna, which can be exotic vegetation, and to protect significant natural areas not scheduled.
SUB-R7: Matters over which	Amend	Amend “(c) <u>Effects on any scheduled site or feature, archaeological site, water body, or area of indigenous vegetation, significant habitat of indigenous fauna, or significant natural area identified through the site assessment;</u> ”	The ‘matters over which discretion is restricted’ needs to have this addition in order to protect significant habitat of indigenous fauna, which can be exotic

discretion is restricted:			vegetation, and to protect significant natural areas not scheduled.
SUB-R11	Amend	Make a NC activity status	It would be more appropriate for subdivision in coastal hazard areas to be non-complying. These areas can be quite fragile and the protection of natural character and indigenous biodiversity could be put at risk.
Chapter 32 Coastal Environment CE			
EC general comment	Oppose in part	Combine the objectives and policies so that there is only one set and numbers are consecutive for objectives and then policies. Retain the use of subheadings as relevant.	Having multiple sets of objectives and policies is confusing.
CE overview	Amend	Add an explanation of how the plan gives effect to the NZCPS particularly with respect to which chapters address Policies 11, 13, 14 and 15 of the NZCPS. Make amendments as needed to give effect to the NZCPS.	It is not clear whether the plan has given effect to the NZCPS, particularly with respect to Policies 11, 13, 14 and 15 of the NZCPS.
CE overview HA-2 (page 2)	Amend	Amend the wording to this or similar: "The Coastal Erosion Hazard Area 2 (CEHA 2) which is the area likely to be affected by coastal erosion over the next 100 years to 2120, assuming a continuation of existing coastal trends and the likely impact of projected sea level rise of 1.0 m of the projected increase in sea level, as determined by national guidance, but expected to be not less than 1m by 2120."	The projected sea level rise is likely to keep changing as new data emerges, so should not be a fixed figure.
CE-O1	Oppose in part	The objective should set out that natural character will be protected.	Does not give effect to Policy 13 of the NZCPS.
CE-P1 general	Oppose in part	Amend the policy to give effect to Policy 13 of the NZCPS.	The policy does not give effect to the NZCPS.
CE-P1.1	Amend	Amend clause 1 wording to this or similar: "Encouraging any new activities to consolidate within and around existing developments, or, in <u>areas that are identified as not having significant</u>	Given that a very high proportion of the coastal area all around New Zealand is modified or compromised, it seems important to add the qualifier

Forest & Bird Submission on proposed Waitomo District Plan December 2022

		natural values, locations where the natural character values have already been compromised.”	suggested, in order to protect areas with significant natural values.
CE-P1.8	Amend	Amend clause 8 wording to this or similar: “... where they protect public infrastructure, <u>but not providing seawalls for the protection of private property;</u> and”	It seems common around the country that private landowners are requesting local or regional government to provide seawalls. We need instead to be seriously looking at managed retreat.
CE-P3	oppose in part	Delete or amend to clarify why this is included in the CE chapter when biodiversity is addressed in the ECO chapter.	Needs clarification
CE-P6	Oppose in part	Add the wording of NZPCS Policy 13(1)(a)	Does not give effect to the NZCPS
CE-P7	Oppose in part	Add the wording of NZPCS Policy 13(1)(b) Ensure that policy direction in this respect is extended to all natural character that is not outstanding.	Does not give effect to the NZCPS
CE-P9	Oppose	Delete	The policy does not give effect to the NZCPS
Chapter 33 Earthworks EW			
EW-Table 2 – Performance Standards	Amend	Include an advice note that directs plan users to the WRC Erosion and Sediment Control Guidelines: http://waikatoregion.govt.nz/assets/WRC/WRC-2019/TR0902.pdf	Adverse effects on the environment would be minimised if plan users follow these guidelines when undertaking earthworks.
General comment - earthworks provisions	Oppose	Ensure that any permitted earthworks within SNAs not otherwise restricted by rules in the ECO chapter are limited to no more than 250m3. Earthworks exceeding this volume should be a Discretionary activity within SNAs.	The provisions as worded allow for earthworks up to 2000m3 in any calendar year per land holding as a permitted activity in the General Rural Zone, including SNAs in this zone. This is far too permissive given the environmental damage which could be caused by such a large volume of earthworks.
Chapter 35 Hapouri whānui HW			
Overview	Oppose	“ These activities are appropriate in most locations in the district. ” And amend the subsequent sentence to state that rules may apply to vegetation clearance in any area.	Areas of vegetation outside of those specific areas mentioned may be

			significant habitat for indigenous fauna such as long-tailed bats.
HW-R8	Oppose	Add or amend the note under HW-R8 to refer to the need to comply with ECO rules, including ECO-RA relating to the clearance of indigenous vegetation for fencing, which apply outside SNAs as sought in this submission.	<p>Rules about vegetation clearance are best placed in the ECO chapter.</p> <p>Clearance of any indigenous vegetation outside SNAs should be restricted to ensure that biodiversity is maintained and further SNAs are identified. Vegetation outside of Schedule 6 SNAs may also be significant habitat for indigenous fauna such as long-tailed bats.</p> <p>Forest & Bird have sought amendments to this effect in the ECO chapter rules.</p>
Chapter 36 Light LIGHT			
Overview and General comment	Amend	<p>Include an additional sentence to acknowledge the impact of artificial light on indigenous fauna, with this wording or similar: <u>“Unmodified artificial lighting can also impact indigenous fauna such as long tailed bats, seabirds and insects.”</u></p> <p>We recommend that Waitomo DC work with WRC, DOC and other bat and seabird specialists to identify appropriate light levels in areas of bat habitat, and in areas known to be (or potentially suitable as) pathways for seabirds coming ashore to nest, or migration pathways.</p>	<p>Artificial light interferes with many indigenous species including long-tailed bats, seabirds when they come to land or fly over land when migrating⁴, and night flying insects like moths.</p> <p>Light spill needs to be controlled in bat habitats and areas used by seabirds, or habitat which seabirds might return to once predator numbers are reduced,</p>

⁴ <https://www.waikatoregion.govt.nz/assets/WRC/WRC-2019/TR201920.pdf> *Sites of importance to shorebirds and seabirds in the Waikato region, 2019*. See Table 1: Sites of importance to shorebirds or seabirds on the west coast of the Waikato Region (p8); and **Migration route** “The entire western coastal strip of the region has very high ecological value as the primary north-south shorebird migration route in the country. ... while most flocks are generally following the coastline, the migration route extends several kilometres offshore and inland from the coast, and in places may be up to 10 km or more wide” (pp10-11)

		<p>As a follow through for this, specific Objectives, Policies and Rules could then be included.</p> <p>A Rule on modifying street lighting to reduce its impact in insects could also be included.</p>	<p>e.g. not far south of the District boundary is the Rapanui Grey Faced Petrel colony, and in Taranaki they are known to now be ‘prospecting’ for suitable nest sites in areas where they would once have lived⁵. The same situation could be occurring on cliff tops and headlands in the Waitomo District and inland forested areas like the Whareorino Forest which extends into the submontane zone.</p> <p>Modern street lighting can have a major impact on night flying insects⁶. Modifications to reduce the impact are possible, e.g. filters can be added to LED street lights, and other solutions are also possible⁷.</p>
LIGHT-O1	Amend	<p>Add this wording or similar: “while managing adverse light spill effects <u>and other impacts on indigenous fauna such as long tailed bats, seabirds and insects.</u>”</p>	See explanation above
LIGHT-P1	Amend	<p>Add this wording or similar: “the health and safety of people, <u>indigenous fauna such as long tailed bats, seabirds and insects, and...</u>”</p>	See explanation above
Part 3 - Area Specific Matters			
Chapter 41 Residential Zone RESZ			

⁵ <https://trc.govt.nz/environment/working-together/towards-predator-free-taranaki/predator-free-news/high-hopes-of-new-grey-faced-petrel-colony-2/>

⁶ <https://pubmed.ncbi.nlm.nih.gov/27251575/> *The dark side of street lighting: impacts on moths and evidence for the disruption of nocturnal pollen transport*

⁷ <https://www.bbc.com/news/science-environment-58333233> “...there are practical solutions that don't compromise public safety, they say, including dimming streetlights in the early hours, fitting motion sensors or using colour filters to cut out the most harmful wavelengths.”

Forest & Bird Submission on proposed Waitomo District Plan December 2022

Overview and general comment	Amend	<p>Add a sentence about protecting and encouraging improvements to indigenous biodiversity within this zone.</p> <p>As a follow through for this, specific Objectives, Policies and Rules then need to be included.</p>	<p>Protection of indigenous biodiversity needs to occur in all zones to give effect to section 6(c) of the RMA and the Objectives of the ECO chapter.</p> <p>There is evidence of long-tailed bats in and around Te Kuiti, and potentially other urban areas such as Piopio.</p>
RESZ-O1	Amend	<p>Amend: “Maintain a level of amenity that is reflective of the planned urban environment, <u>including the protection of indigenous biodiversity,</u>”</p>	<p>Protection of indigenous biodiversity needs to occur in all zones to give effect to section 6(c) of the RMA and the Objectives of the ECO chapter.</p>
RESZ-Oxx	Amend	<p>Include a new objective with this wording or similar: <u>“Ensure new residential development is designed to protect indigenous biodiversity, e.g. known corridors or other habitats used by long-tailed bats.”</u></p>	<p>Biodiversity in urban areas is good for human well-being. Long-tailed bats, along with indigenous fauna like birds, are known to be able to exist around urban areas if conditions are suitable. This includes controlling artificial light in areas used by bats, maintaining habitat used by indigenous fauna, and controlling introduced predators like cats.</p>
RESZ-P1	Amend	<p>Include an additional clause: <u>“7. Ensuring the protection of indigenous biodiversity.”</u></p>	<p>As for RESZ-O1</p>
Chapter 42 General Rural Zone GRUZ			
GRUZ-O1	Amend	<p>Amend: “Ensure the inherent life supporting capacity, health and well-being of rural land, ecosystems, <u>indigenous biodiversity,</u> soil and water resources is maintained and where possible enhanced.”</p>	<p>Protection of indigenous biodiversity needs to occur in all zones to give effect to section 6(c) of the RMA and the Objectives of the ECO chapter.</p> <p>Specifically stating indigenous biodiversity, not just ‘ecosystems’ will help clarify this.</p>
GRUZ-P1	Amend	<p>Add a new clause:</p>	<p>As for comment for GRUZ-O1</p>

		<u>“10. Ensuring the protection of indigenous vegetation and the habitats of indigenous fauna.”</u>	
GRUZ-P1.7	Oppose	Change to this wording or similar: Providing for Enabling recreational hunting activities <u>for the purposes of protecting indigenous biodiversity.</u>	Forest & Bird does not consider “providing for recreational hunting activities” is an appropriate policy for a territorial local authority nor is it compatible with protecting indigenous biodiversity. This could lead to populations of introduced pest animals like deer, goats, pigs and possums being maintained at levels suitable for recreational hunting but which will continue to degrade indigenous forests and other vegetation and impact on indigenous fauna. Hunting for the express purpose of protecting indigenous biodiversity is different from hunting simply for recreation. This Policy is also incompatible with GRUZ-O1.
GRUZ-R15	Oppose	Delete or amend this rule for consistency with new Rule ECO Rule A to D sought in these submissions.	As for our comments in ECO chapter rules.
Chapter 43: Rural Production Zone RPROZ			
RPROZ-P2.	Oppose	Delete	The effects mitigation framework is inappropriate.
Chapter 44: Rural Lifestyle Zone RLZ			
Overview	Amend	Amend: “Additional provisions in Part 2 of this plan apply to development in these areas to enhance landscape values, protect indigenous vegetation and the <u>habitats of indigenous fauna</u> , and to manage the visual effects of development.”	Protection of indigenous biodiversity needs to include habitats of indigenous fauna, and to occur in all zones to give

			effect to section 6(c) of the RMA and the Objectives of the ECO chapter.
RLZ-O1	Amend	Amend: “Maintain and enhance the key aspects of the district’s rural character, <u>indigenous biodiversity</u> , and visual amenity values while enabling rural living opportunities.	As for comment for Overview
RLZ-P4	Amend	Amend: “Manage any activities that are located near scheduled features or significant natural areas identified after the schedule was published so that they do not diminish the qualities and values of these features.”	The addition is required to protect significant natural areas identified after Schedule 6 is published.
Chapter 45: Settlement Zone SETZ			
Overview	Amend	Add a sentence about protecting and encouraging indigenous biodiversity within this zone. As a follow through for this, specific Objectives, Policies and Rules then need to be included.	Protection of indigenous biodiversity needs to occur in all zones to give effect to section 6(c) of the RMA and the Objectives of the ECO chapter.
SETZ-Objectives	Amend	Include a new Objective: <u>“SETZ-O11: Ensure indigenous biodiversity is protected and where possible enhanced”</u>	As for comment for Overview
SETZ-P1	Amend	Include a new Policy: <u>“SETZ-P1.11: Protecting and enhancing indigenous biodiversity”</u>	As for comment for Overview
Chapter 48 Natural Open Space Zone NOSZ			
Overview	Amend	Amend: “These areas often have high natural, <u>indigenous biodiversity</u> , ecological, landscape,”	Specifically stating indigenous biodiversity, not just ‘natural’ and ‘ecological values’ is more explicit in respect to giving effect to section 6(c) of the RMA and the Objectives of the ECO chapter.
NOSZ-O1	Amend	Amend: “Ensure that the zone’s natural, ecological, <u>indigenous biodiversity</u> , landscape,”	Specifically stating indigenous biodiversity, not just ‘natural’ and ‘ecological values’ is more explicit
NOSZ-O2	Amend	Amend: “Encourage public access to areas of natural open space for the community to use and enjoy for leisure and cultural activities where this does not negatively impact on <u>indigenous biodiversity</u> .”	In some cases, public access to natural open space is incompatible with protecting indigenous biodiversity.

NOSZ-O4.	Amend	Amend: “Land in this zone adjoining lakes and water bodies should facilitate public access where possible and appropriate where this does not negatively impact on indigenous biodiversity. ”	As for comment for NOSZ-O2
NOSZ-P1.4	Amend	Amend: “Any adverse effects on natural, ecological, <u>indigenous biodiversity</u> , landscape and historic heritage values can be appropriately avoided, remedied or mitigated”	The policy should also refer to indigenous biodiversity.
Chapter 49 Open Space Zone OSZ			
OSZ-P2.2	Oppose	“Retain open space and indigenous vegetation as far as practicable and <u>protect and maintain indigenous biodiversity in accordance with the ECO chapter provisions</u> ”	Not consistent with the ECO chapter provisions
Chapter 50 Future Urban Zone FUZ			
FUZ Objectives and Policies	Amend	<p>Add new objectives and policies which ensure that future development protects indigenous biodiversity and considers cumulative effects, in particular:</p> <ul style="list-style-type: none"> • Maintaining and improving biodiversity values • Enabling mitigation of climate change • Allowing adaptation to climate change 	<p>These additions are necessary to give effect to section 6 of the RMA and the Objectives of the ECO chapter.</p> <p>Cumulative effects can be considerable. It would be appropriate to include something in this chapter about minimising these effects.</p>
Schedule 6 Significant Natural Areas			
General	Support	<p>Include an advice note above the table alerting plan users that further information on biodiversity values for each site is available on request, and that a full assessment of values should be undertaken as part of a consent application process.</p> <p>Include “Within and beyond Schedule 6 areas, other criteria that are specifically listed against identified SNAs may also be met that were not apparent when significance assessments for Schedule 6 were undertaken.”</p>	<p>It is important that plan users can easily access available information on the biodiversity values for listed SNAs, but also know that this is not the sole information relied on in consent processes.</p> <p>We note that some biodiversity values information is provided in the attribute tables of the WDP online maps.</p>

Appendix 4 – Offsetting framework			
APP-4	Oppose in part	<p>Delete and replace with:</p> <p>The following sets out principles for the use of biodiversity offsets. These principles represent a standard for biodiversity offsetting and must be complied with for an action to qualify as a biodiversity offset:</p> <ol style="list-style-type: none"> 1. Adherence to effects management hierarchy: A biodiversity offset is a commitment to redress any more than minor residual adverse effects and should be contemplated only after steps to avoid, remedy, or mitigate adverse effects are demonstrated to have been sequentially exhausted. 2. Limits to biodiversity offsetting: Many biodiversity values cannot be offset and if they are adversely affected then they will be permanently lost. Examples of where an offset would be inappropriate include where: <ol style="list-style-type: none"> (a) residual adverse effects cannot be offset because of the irreplaceability or vulnerability of the indigenous biodiversity affected; (b) effects on indigenous biodiversity that are uncertain, unknown, or little understood, but potential effects are significantly adverse; (c) there are no technically feasible options by which to secure gains within acceptable timeframe. 3. No net loss and preferably a net gain: The biodiversity values to be lost through the activity to which the offset applies are counterbalanced which is at least commensurate or exceeded by the proposed offsetting activity, so that the result is no net and preferably a net gain when compared to that loss. No net loss and net gain are measured by type, amount and condition at the 	<p>Whilst the intent of the framework is supported the Appendix needs significant amendments to reflect offsetting norms in many other plans.</p> <p>All of the principles must be complied with in order to make a biodiversity offset. This needs to be stated clearly in the chapeau must be met in order to be a biodiversity offset. Without this direction then the offset could be anything. The plan/ policy requires clear concise directions and at the moment the way this appendix is worded is not clear.</p> <p>Rather than try to track changes and work with the notified wording Forest & Bird have deleted and replaced with clearer wording direction and criteria to reflect biodiversity principles used throughout NZ. The wording reflects the exposure draft of the NPS-IB, and the proposed Waimakariri District Plan.</p>

		<p>impact site and offset site and is subject to an explicit loss and gain calculation.</p> <ol style="list-style-type: none"> 4. Additionality: A biodiversity offset must achieve gains in indigenous biodiversity above and beyond gains that would have occurred in the absence of the offset, including that gains are additional to any remediation and mitigation undertaken in relation to the adverse effects of the activity. Offset design and implementation must avoid displacing activities harmful to indigenous biodiversity to other locations. 5. Like for Like: The ecological values being gained at the offset site are the same as those being lost at the impact site across types of indigenous biodiversity, amount of indigenous biodiversity (including condition), over time and spatial context. 6. Landscape context: Biodiversity offset actions must be undertaken where this will result in the best ecological outcome, preferably close to the location of development or within the same ecological district, and must consider the landscape context of both the impact site and the offset site, taking into account interaction between species habitats and ecosystem, spatial connections and ecosystem function. 7. Long-term outcomes: The biodiversity offset must be managed to secure outcomes of the activity that last at least as long as the impacts, and preferably in perpetuity. 8. Time lags: The delay between loss of indigenous biodiversity at the impact site and gain or maturity of indigenous biodiversity at the offset site must be minimised so that gains are achieved within the consent period. 9. Trading up: When trading up forms part of an offset, the proposal must demonstrate that the indigenous biodiversity values gained 	
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		<p>are demonstrably of higher value than those lost, and the values lost are not indigenous taxa that are listed as Threatened, At-Risk or Data deficient in the New Zealand Threat Classification System list, or considered vulnerable or irreplaceable.</p> <p>10. Offset in advance: A biodiversity offset developed in advance of an application for resource consent must provide a clear link between the offset and the future effect. That is, the offset can be shown to have been created or commenced in anticipation of the specific effect and would not have occurred if that effect were not anticipated.</p> <p>11. Proposing a biodiversity offset: A proposed biodiversity offset must include a specific biodiversity offset management plan.</p> <p>12. Science and matauranga Maori: The design and implementation of a biodiversity offset must be a documented process informed by science, including an appropriate consideration of matauranga Māori.</p> <p>13. Stakeholder participation: Opportunity for the effective participation of stakeholders should be provided when planning for biodiversity offsets, including their evaluation, selection, design, implementation and monitoring. Stakeholders are best engaged early in the offset process.</p> <p>14. Transparency: The design and implementation of a biodiversity offset and communication of its results to the public should be undertaken in a transparent and timely manner. This includes transparency of the loss and gain calculation and the data that informs a biodiversity offset.</p>	
Appendix 5 – Structure Plan Requirements			

Forest & Bird Submission on proposed Waitomo District Plan December 2022

APP-5.1.11	Amend	Amend: “ and indigenous vegetation, <u>and significant habitats of indigenous fauna</u> ...;”	The addition is necessary to protect indigenous fauna like long-tailed bats that use habitats other than indigenous vegetation.
APP-5.1	Amend	<p>Include these further matters to be addressed as part of a structure plan:</p> <ul style="list-style-type: none"> • any alternatives considered where development cannot be directed away from high class soils • how the development will avoid adverse effects on natural hydrological characteristics and processes, soil stability, water quality and aquatic ecosystems • any design technologies adopted or considered which will reduce environmental impacts or enhance biodiversity outcomes • climate change mitigation and adaptation 	For integrated management
Maps			
General comment	Amend	Make the Significant Natural Areas layer more widely accessible than just on the WDP online GIS maps	If this can be published on a site likely to be more widely accessed than the district council one it would help increase visibility and understanding of SNAs and the reasons for their significance.
General comment	Support	Retain SITE DESCRIPTION AND JUSTIFICATION information for SNAs	It is very helpful that this information on biodiversity values is provided in the attribute tables of the WDP online maps.
Coastal environment overlay	Support	Support the extent of the coastal environment overlay as shown on the maps	Identification of the coastal environment landward of the CMA is helpful in giving effect to the NZCPS.

Thank you for the opportunity to submit.

Date: 23 December 2022.

Contact Details Provided Above