

20 December 2022

QEII submission on Proposed Waitomo district plan

Clause 6 of Schedule 1, Resource Management Act 1991
RMA Form 5

To: Waitomo District Council
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1. Submitter details:

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2. This is a **submission** on the **Proposed District Plan** for Waitomo District Council.
3. QEII **could not** gain an advantage in trade competition through this submission.
4. QEII **does not** wish to be heard in support of this submission.
5. QEII **would** consider presenting a joint case with other submitters, at a hearing, who make a similar submission.

In partnership with private landowners, QEII plays an important role in biodiversity conservation in the Waitomo District. We work alongside private landowners to place covenants on their land to protect areas with open space values, in perpetuity. Our Regional Rep for the area, Melissa Sinton facilitates our work on the ground through trusted relationships with landowners.

There are 130 registered covenants in Waitomo District, protecting approximately 5,700 hectares of privately owned land, with more at varying stages of the registration process. Most of these covenants offer protection for areas with high indigenous biodiversity value, and there are many more areas in the district in need of protection. QEII also owns and manages two properties in the Waitomo district: Tumutumumu Bush and Robert Houston Memorial Reserve. These properties are

protected and managed for their conservation values, both being highly representative of the podocarp-broadleaf forests that originally dominated the Waitomo area.

We are pleased to see that the council has continued its SNA mapping program, and that these are now included in Schedule 6 of the proposed District Plan. We note that identification and protection of significant natural areas through planning provisions is only the beginning, and we are pleased to see the importance of enhancement and restoration recognised in the objectives and policies in the proposed District Plan.

To smooth the transition of landowners into this regulatory framework, we recommend that the council puts support in place for landowners to undertake conservation activities in these identified areas (e.g., a contestable fund). It is our observation that early, ongoing engagement and support for landowners is critical for successful outcomes for indigenous biodiversity on private land. Council's current practice of providing rates remission for land protected for conservation purposes is a good start and is appreciated by landowners for the signal it sends—that efforts to legally protect biodiversity on their land is valued and supported by their local council.

We see opportunities for QEII and Waitomo District Council to work together to facilitate more of this work on private land. Around the country, other councils have successfully incentivised private land conservation by contributing to fencing costs or pest plant and animal control when landowners commit to protection through QEII covenants. We would be happy to discuss opportunities to work together further with the council to partner in protection of indigenous biodiversity in the district.

We welcome the opportunity to review and provide feedback on the Waitomo District Council's Proposed District Plan. We have made a small, focused submission in relation to provisions in the District Plan that will impact the values protected with QEII in the district.

ECO – Ecosystems and indigenous biodiversity

Provision	Position	Reasons	Change sought
<p>ECO-R2</p>	<p>Delete/amend</p>	<p>We submit that reference to QEII covenants should be removed from this rule.</p> <p>Proposed ECO-R10 covers any beneficial or non-detrimental activities that would likely already be in accordance with the terms of QEII covenants.</p> <p>Any native vegetation damage in QEII covenants that is not consistent with ECO-R10 is concerning to QEII. We are aware of several historic covenant deeds in the Waitomo district that, coupled with a provision like the proposed ECO-R2, would enable substantial damage to native vegetation in a way that we don't endorse.</p> <p>We also have experience with open rules like these creating issues with enforcement in cases of indigenous vegetation damage.</p> <p>To safeguard against this, we can only support an exception for vegetation disturbance that is in accordance with the terms of QEII covenants where that vegetation disturbance is also "for conservation purposes".</p> <p>Given proposed ECO-R10, we consider that having special provision for activities permitted by QEII covenants is not necessary and may result in unintended adverse outcomes.</p>	<p>Trimming, pruning or removal of indigenous vegetation is permitted where undertaken in the following circumstances:</p> <p>... In accordance with the terms of a Queen Elizabeth II Covenant, Ngā Whenua Rāhui Kawenata, Heritage Protection Order or covenant under the Reserves Act 1977 or Conservation Act 1987 or other relevant order, covenant, consent notice or encumbrance</p> <p>OR</p> <p>Trimming, pruning or removal of indigenous vegetation is permitted where undertaken in the following circumstances:</p> <p>.... In accordance with the terms of a Queen Elizabeth II Covenant, Ngā Whenua Rāhui Kawenata, Heritage Protection Order or covenant under the Reserves Act 1977 or Conservation Act 1987 or other relevant order, covenant, consent notice or encumbrance; <u>AND where the works are for the purpose of conservation activities.</u></p>

		If reference to QEII Trust covenants is to be retained in ECO-R2, we seek amendment to ensure that activities in accordance with QEII covenants are only permitted where they for “conservation activities”. This position is consistent with our submission on the proposed National Policy Statement for Indigenous Biodiversity.	
ECO – R10	Support	<p>We support permitted activity status for indigenous vegetation clearance where it is for the purpose of conservation activities, and subject to the limits in the proposed plan.</p> <p>This ensures that there is no unnecessary administrative/consent burden on these activities, enabling the objectives of this chapter to be met.</p>	<p>For conservation activities</p> <p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> From 20 October 2022 any clearance must be no more than a maximum of 500 m² or less of indigenous vegetation at any one time or in total cumulatively per holding OR less than 1% of the SNA size at any one time or in total cumulatively per holding – whichever is the lesser
NATC – Natural Character			
Provision	Position	Reasons	Change sought
NATC – R1 – Removal of vegetation with 5 m from the edge of a water body	Delete/amend	<p>We submit that reference to QEII covenants should be removed from this rule.</p> <p>As above, in our submission, permitted activity status is only appropriate for vegetation clearance in QEII covenants where the clearance</p>	<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> The trimming, pruning or removal of indigenous vegetation can occur within 5 m from the bankfull

		<p>is for “conservation activities” as they have been defined in the proposed District Plan.</p> <p>Given that this is provided for under NATC-R1 1(vii), we propose removing the reference to QEII covenants from 1(ii).</p> <p>Given the inclusion of permitted activity status for conservation activities at NATC-R1 1(vii), we consider that having special provision for activities permitted by QEII covenants is not necessary and is likely to result in unintended adverse outcomes, as with our submission on ECO-R2.</p> <p>If reference to QEII Trust is to be retained in NATC-R1 1(ii), we seek amendment to ensure that activities in accordance with QEII covenants are only permitted where they for “conservation activities”. As above, this position is consistent with our submission on the proposed National Policy Statement for Indigenous Biodiversity.</p>	<p>channel width (see NATC - Figure 1) only if the activity is undertaken:</p> <p>...</p> <p>(ii) In accordance with the terms of a Queen Elizabeth II Covenant, Ngā Whenua Rāhui Kawenata, Heritage Protection Order or covenant under the Reserves Act 1977 or Conservation Act 1987 or other relevant order, covenant, consent notice or encumbrance; or</p> <p>OR</p> <p>1. The trimming, pruning or removal of indigenous vegetation can occur within 5 m from the bankfull channel width (see NATC - Figure 1) only if the activity is undertaken:</p> <p>...</p> <p>(ii) In accordance with the terms of a Queen Elizabeth II Covenant, Ngā Whenua Rāhui Kawenata, Heritage Protection Order or covenant under the Reserves Act 1977 or Conservation Act 1987 or other relevant order, covenant, consent notice or encumbrance; <u>AND where the works are for the purpose of conservation activities.</u></p>
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