



Department of
Conservation
Te Papa Atawhai

DOCCM-7229957

23rd December 2022

By Email:
districtplan@waitomo.govt.nz

To whom it may concern

Dear Sir/Madam,

Proposed Waitomo District Plan

Please find enclosed the submission by the Director-General of Conservation in respect of the Proposed Waitomo District Plan. The submission identifies the Director-General's concerns.

Please contact Jesse Gooding in the first instance if you wish to discuss any of the matters raised in this submission jgooding@doc.govt.nz or 027 224 8714.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'R. Scrimgeour'.

Ray Scrimgeour
Acting Operations Manager
Maniapoto District

RESOURCE MANAGEMENT ACT 1991

SUBMISSION ON A VARIATION / CHANGE TO THE WAITOMO DISTRICT PLAN

TO: Waitomo District Council

SUBMISSION ON: Proposed Waitomo District Plan

NAME: Penny Nelson
Director-General of Conservation

ADDRESS: Address for service:
RMA Shared Services
Department of Conservation
Private Bag 3072
Hamilton 3240
jgooding@doc.govt.nz
Attn: Jesse Gooding

STATEMENT OF SUBMISSION BY THE DIRECTOR-GENERAL OF THE DEPARTMENT OF CONSERVATION

The Director-General of Conservation (the Director-General) is the administrative head of the Department of Conservation (DOC). DOC's functions are set out in section 6 of the Conservation Act 1987, and relevantly include¹ :

The functions of the Department are to administer this Act and the enactments specified in Schedule 1, and, subject to this Act and those enactments and to the directions (if any) of the Minister, -

- (a) To manage for conservation purposes, all land, and all other natural and historic resources, for the time being held under this Act, and all other land and natural and historic resources whose owner agrees with the Minister that they should be managed by the Department. ...*
- (b) To advocate the conservation of natural and historic resources generally*

Pursuant to clause 6 of the First Schedule of the Resource Management Act 1991 (RMA), I Ray Scrimgeour, Acting Operations Manager, Maniapoto Operations District, acting upon delegation from the Director-General of the Department of Conservation (D-G), make the following submission in respect of the Proposed Waitomo District Plan.

1. This is a submission on the Proposed Waitomo District Plan (PDP).
2. For your convenience I have provided a glossary of terms abbreviated in Attachment 1. The specific provisions of the PDP that my submission relates to are set out in Attachment 2 to this submission. The decisions sought in this submission are required to ensure that the PDP:

¹ "Conservation" is defined in s2 of the Conservation Act as: "The preservation and protection of natural and historic resources for the purpose of maintaining the intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations"

- a. Promotes the sustainable management of natural and physical resources.
 - b. Gives effect to the relevant National Policy Statements including the New Coastal Policy Statement 2010 (NZCPS) and the National Policy Statement for Freshwater Management 2020 (NPS-FM).
 - c. Recognises and provides for the matters of national importance listed in section 6 of the Act and has regard to the other matters in section 7 of the Act.
 - d. Gives effect to the Regional Policy Statement (RPS) contained in the Waikato Regional Policy Statement, including Te Ture Whaimana o Te Awa o Waikato (the 'Vision and Strategy'), and where appropriate the Horizons One Plan as required by section 75(3) of the RMA.
 - e. Is consistent with the National Policy Statement for Indigenous Biodiversity (NPS-IB), exposure draft, dated June 2022, for the purpose of effectiveness and efficiency, given this National Policy Statement is likely to be in effect before the PDP is operative.
 - f. Is otherwise consistent with Part 2 of the RMA.
 - g. The changes sought are necessary, appropriate and sound resource management practice.
4. Without limiting the generality of the above I **seek** the following decisions from the Council:
 - 4.1 That the particular provisions of the PDP that I support, as identified in Attachment 2, are retained.
 - 4.2 That the amendments, additions and deletions to the PDP sought in Attachment 2 are made.
 - 4.3 Further or alternative relief to like effect to that sought in 4.1 – 4.2 above.
 5. I wish to be heard in support of my submission and if others make a similar submission, I will consider presenting a joint case with them at the hearing.

Yours sincerely



Ray Scrimgeour Operations Manager
Maniapoto Operations District

Pursuant to delegated authority
On behalf of
Penny Nelson
Director-General of Conservation

Date: 23/12/2022

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011.

ATTACHMENT 1

Glossary of Abbreviations Used	
Full Term	Abbreviation
Director-General of Conservation	D-G
Department of Conservation	DOC
Resource Management Act 1991	RMA
Proposed Waitomo District Plan	PDP
New Zealand Coastal Policy Statement 2010	NZCPS
National Policy Statement for Freshwater Management 2020	NPS-FM
National Policy Statement for Indigenous Biodiversity Exposure Draft, dated June 2022	NPS-IB
National Policy Statement Highly Productive Land 2022	NPS-HPL
National Environmental Standard Freshwater, as at November 2022	NES-F
National Environmental Standard for Plantation Forestry as at November 2022	NES-PF
Waikato Regional Policy Statement	WRPS
Significant Natural Area	SNA
Bat Protection Area overlay	BPA
Light Sensitivity Area overlay	LSA
High Natural Character Area	HNC
Outstanding Natural Feature	ONF
Outstanding Natural Landscape	ONL
Coastal Marine Area	CMA

ATTACHMENT 2:

**PROPOSED WAITOMO DISTRICT PLAN
SUBMISSION BY THE DIRECTOR-GENERAL OF CONSERVATION**

The specific provisions that my submission relates to are set out in Attachment 2. My submissions are set out immediately following these headings, together with the reason and the decision I seek from the Council.

The decision that has been requested may suggest new, additional or revised wording for identified sections of the proposed plan. This wording is intended to be helpful but alternative wording of like effect may be equally acceptable. The wording of decisions sought shows new text as underlined and in *italics*. Original text to be deleted is shown as ~~strikethrough~~.

Unless specified in each submission point my reasons for supporting are that the provisions are consistent with the purposes and principles of the Resource Management Act 1991 (RMA).

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
All definitions	<p>Support</p> <p>Support the proposed definitions as providing appropriate clarity and certainty for plan users and aligning with the RMA and higher order documents.</p>	<p>Retain as notified, except where specific changes are requested below.</p>
<p>New Definition – Effects Management Hierarchy</p>	<p>In relation to other submission points made by the D-G, I seek that the effects management hierarchy is defined in the Plan to ensure that there is an appropriate cascade of effects management approaches, starting with avoidance, and ending with offsetting or compensation of residual adverse effects, to appropriately manage adverse effects on significant values.</p> <p>The draft National Policy Statement for Indigenous Biodiversity (NPS-IB) gives meaning to the effects management hierarchy in Clause 1.5(4).</p>	<p>I seek the following or relief to like effect</p> <p>Insert a new definition of ‘Effects Management Hierarchy’ which is generally consistent with the draft National Policy Statement for Indigenous Biodiversity (NPS-IB).</p> <p><u><i>The effects management hierarchy is an approach to managing the adverse effects of an activity. It requires that:</i></u></p> <p><u><i>(a) adverse effects are avoided where practicable; and</i></u> <u><i>(b) where adverse effects cannot be demonstrably avoided, they are minimised where practicable; and</i></u> <u><i>(c) where adverse effects cannot be demonstrably minimised, they are remedied where practicable; and</i></u></p>

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
		<p><i>(d) where more than minor residual adverse effects cannot be demonstrably avoided, minimised, or remedied, biodiversity offsetting is provided where possible; and</i></p> <p><i>(e) where biodiversity offsetting of more than minor residual adverse effects is not demonstrably possible, biodiversity compensation is provided; and</i></p> <p><i>(f) if biodiversity compensation is not appropriate, the activity itself is avoided.</i></p>
<p>Definition of Biodiversity offsets</p>	<p>Oppose</p> <p>The draft NPS-IB contains a definition for ‘Biodiversity Offsetting’ which is based on good practice guidance and is recommended.</p>	<p>Delete the notified definition and insert the following or words to the like effect:</p> <p><u>biodiversity offset means a measurable conservation outcome that complies with the framework in Appendix 4 and results from actions that:</u></p> <p><i>(a) redress any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, and remediation measures have been sequentially applied; and</i></p> <p><i>(b) achieve a measurable net gain in type, amount, and condition (structure and quality) of indigenous biodiversity compared to that lost.</i></p>
<p>Definition of Conservation activities</p>	<p>Support in part</p> <p>The proposed definition does not provide for the use of helicopters and other aircraft by DOC. Helicopter use is frequently required for DOC’s core pest management work and for accessing remote locations to maintain assets. The D-G considers use of aircraft by DOC to be a ‘conservation activity’.</p>	<p>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:</p> <p>(a) Conservation planting.</p> <p>(b) The restoration of wetlands and the margins of water bodies.</p> <p>(c) Stock exclusion.</p> <p>(d) Research and monitoring.</p> <p>(e) The establishment, maintenance or upgrading of public walking/cycle tracks.</p> <p>(f) Interpretive signs and directional signs.</p>

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		<p>(g) Any Department of Conservation or Fish and Game New Zealand structure or building for visitor purposes or staff accommodation on public conservation land.</p> <p>(h) Underground structures on Crown land.</p> <p>(i) Ecosystem protection, rehabilitation or restoration works including removing plant pests 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</p> <p><i>(j) Any use of aircraft by the Department of Conservation</i></p>
<p>Definition - Environmental Compensation</p>	<p>Oppose</p> <p>The draft NPS-IB contains a definition for ‘Biodiversity Compensation’ which is based on good practice guidance and is recommended.</p>	<p>Delete the notified definition and insert the following or words to like effect:</p> <p><i><u>Biodiversity compensation means a conservation outcome that complies with the principles in Appendix 4 and results from actions that are intended to compensate for any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, remediation, and biodiversity offset measures have been sequentially applied.</u></i></p>
<p>New Definition – Bat Protection Area</p>	<p>At present there is a gap in the Waikato planning framework as common areas dedicated to the protection of long-tailed bats and other threatened or at-risk mobile fauna have not been identified and set aside for protection.</p> <p>Long-tailed bats (<i>Chalinolobus tuberculatus</i>) have the highest threat ranking of Nationally Critical (the same ranking, for instance as Kākāpō or Takahē).</p> <p>The Waitomo district supports a population of long-tailed bats. The causes for their decline include a combination of cutting old-age trees that they use to roost in, clearance of lowland forests, clearance of trees for urban expansion and agricultural intensification as well as predation by introduced animals.</p> <p>The D-G requests Waitomo District Council work with the Department of Conservation and other submitters to identify appropriate sites as Bat Protection Areas. These areas should receive a Bat Protection Area</p>	<p>Insert Bat Protection Areas as follows or with relief to like effect:</p> <p><i><u>Areas of significant habitat that provide the resources and conditions needed for long and/or short tailed bats to remain present, and will include, but may not be limited to areas that provide for breeding, roosting, foraging and commuting..</u></i></p>

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
	<p>overlay on the planning maps. Activities in the BPA will be subject to provisions that avoid and minimise adverse effects on the bats and their habitat.</p>	
<p>New Definition – Light Sensitive Area</p>	<p>Artificial lighting can adversely affect the behaviour of long tailed bats reducing the area available to bats for foraging and commuting (refer to Appendix 1.².</p> <p>As submitted above the D-G requests the identification and mapping of Bat Protection Areas. It is recommended that Bat Protection Areas also be added to a schedule of Light Sensitive Areas, along with other light sensitive wildlife habitat. The D-G recommends working with the ecologists and lighting experts to determine the appropriate performance standards for Light Sensitive Areas such as minimum lux levels, added illuminance and colour temperature.</p> <p>Recent examples of planning approaches to mitigate the adverse effects of lighting on bats include Hamilton City Council’s Plan Change 5 – Peacocke Structure Plan and, as an example of the basic concept being suggested here, the Timaru Proposed District Plan.</p>	<p>Insert the following definition or relief to like effect</p> <p><u>Light Sensitive Area:</u></p> <p><u>Includes land in the following areas:</u></p> <ol style="list-style-type: none"> a. <u>Significant Areas Overlay</u> b. <u>Outstanding Natural Landscapes Overlay</u> c. <u>the Natural Open Space Zone.</u> d. <u>Bat Protection Areas Overlay</u>
<p>New Definition – Risk</p>	<p>Insert new definition of ‘risk’ as this is a term used in the Plan when considering natural hazards.</p>	<p>Insert a new definition for risk consistent with the definition of risk in the New Zealand Coastal Policy Statement</p>
<p>Definition of Farm quarrying</p>	<p>Oppose in Part</p> <p>The D-G considers that this definition should be amended to exclude the disturbance of indigenous vegetation (as well as earthworks, buildings and car parking). This indicates that the disturbance of indigenous vegetation is its own land use activity.</p>	<p>Amend as follows or with wording to like effect:</p> <p>Means an activity where sand or rock is extracted primarily for use on the source land holding and the material extracted must not exceed 1000 m³ per holding per calendar year.</p> <p><u>It does not include earthworks, indigenous vegetation or habitat of indigenous fauna disturbance or the use of land and accessory buildings for offices, workshops and car parking area.</u> See also forestry quarrying, quarrying activities and quarry.</p>
<p>Definition of forestry quarry</p>	<p>Oppose in part</p> <p>The D-G considers that this definition should be</p>	<p>Amend as follows or with wording to like effect:</p>

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	amended to exclude the disturbance of indigenous vegetation. This indicates that the disturbance of indigenous vegetation is its own land use activity.	Has the same meaning as Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (as set out below): (a) means the extraction of rock, sand, or gravel for the formation of forestry roads and construction of other plantation forestry infrastructure, including landings, river crossing approaches, abutments, and forestry tracks, — (i) within a plantation forest; or (ii) required for the operation of a plantation forest on adjacent land owned or managed by the owner of the plantation forest; and (b) includes the extraction of alluvial gravels outside the bed of a river, extraction of minerals from borrow pits, and the processing and stockpiling of material at the forest quarry site; but (c) does not include <i>indigenous vegetation or habitat of indigenous fauna disturbance</i> earthworks, mechanical land preparation, or gravel extraction from the bed of a river, lake, or other water body
New Definition: Significant Natural Area	The D-G considers that a definition ‘significant natural area’ is needed to establish that SNAs should include all areas which meet the criteria in WRPS APP5, whether presently mapped or not.	Insert the following definition or relief to like effect: <u>Means</u> a. <i>identified areas of significant indigenous vegetation and significant habitats of indigenous fauna, as set out in SCHED 6 and shown on the Planning Maps; or</i> b. <i>areas that have been assessed as an area of significant indigenous vegetation or significant habitat of indigenous fauna in accordance with the criteria set out in WRPS APP5</i>
Definition of quarry	Oppose in part The D-G considers that this definition should be extended to exclude the disturbance of indigenous vegetation (as well as earthworks, buildings and car parking). This indicates that the disturbance of indigenous vegetation is its own land use activity.	Amend as follows or with wording to like effect: means a location or area used for the permanent removal and extraction of aggregates (clay, silt, rock or sand). It includes the area of aggregate resource and surrounding land associated with the operation of a quarry and which is used for quarrying activities . <u>It does not include earthworks, indigenous vegetation or habitat of indigenous fauna disturbance or the use of land and accessory buildings for offices, workshops and car parking area.</u>
Energy		
ENGY-O4	Oppose in part:	I seek the following or relief to like effect:

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
	<p>The D-G opposes this objective as it does not provide appropriate direction to the protection of s6 RMA matters such as significant indigenous biodiversity, outstanding natural landscapes, outstanding natural features and outstanding natural character through consistent application of the effects management hierarchy, in line with the NPS-FM and NPS-IB exposure draft.</p>	<p>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; and 2. Managing adverse environmental effects on the receiving environment by or <i>through avoid, remedy, or mitigation measures through consistent application of the as far as practicable effects management hierarchy.</i>
<p>New Objective ENGY-Ox</p>	<p>The D-G seeks a new objective to recognise and provide for s6 RMA matters such as significant indigenous biodiversity, outstanding natural landscapes, outstanding natural features and outstanding natural character through consistent application of the effects management hierarchy, in line with the NPS-FM and NPS-IB exposure draft.</p>	<p>I seek the following or relief to like effect:</p> <p><i><u>The adverse effects of renewable electricity generation activities are:</u></i></p> <ol style="list-style-type: none"> 1. <i><u>avoided on the identified characteristics and values of the sensitive environments the infrastructure is located within; and</u></i> 2. <i><u>managed by applying the effects management hierarchy to achieve the relevant objectives for the underlying zone in other areas.</u></i>
<p>ENGY-P5</p>	<p>Support in part</p>	<p>I seek the following or relief to like effect:</p> <p>Allow <i><u>renewable electricity generation and</u></i> activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation, however they must be avoided within:</p> <ol style="list-style-type: none"> 1. An identified outstanding natural landscape or an outstanding natural feature; or 2. An area of outstanding natural character or high/very high natural character; or 3. The site or surroundings of a heritage building or structure; or 4. A significant archaeological site; or 5. A site or area of significance to Māori; or 6. A significant natural area. 7. <i><u>A bat protection area</u></i>
<p>ENGY-P13</p>	<p>Oppose in part</p>	<p>I seek the following or relief to like effect:</p>

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
	<p>The D-G opposes this policy as it does not provide appropriate direction to the protection of s6 RMA matters such as significant indigenous biodiversity, through consistent application of the effects management hierarchy, in line with the NPS-FM and NPS-IB exposure draft.</p>	<p>ENGY-P13. Within the rural production zone where the removal of indigenous vegetation in a significant natural area is <u>proposed unavoidable</u> to provide for: regionally significant infrastructure, adverse effects must be <u>managed by applying the effects management hierarchy</u>.</p> <p>1. If <u>the effects management hierarchy has been sequentially applied and</u> offsetting adverse effects is the only practicable option, indigenous biodiversity values and ecological characteristics of the significant natural area will be <u>restored and enhanced maintained</u> by:</p> <p>a. Providing a biodiversity offset that is consistent with the framework detailed in Appendix 4 Biodiversity Offsetting Framework: and</p> <p>b. Ensuring the biodiversity offset can achieve <u>a net gain or at minimum</u> no net loss of indigenous biodiversity values at a regional scale, preferably in the affected significant natural area, or where that is not practicable, in the ecological district in which the affected significant natural area is located.</p>
ENGY-R9	<p>Oppose in part</p> <p>The D-G opposes this rule in part as it does not provide appropriate direction to the protection of s6 RMA matters such as significant indigenous biodiversity, outstanding natural landscapes, outstanding natural features and outstanding natural character through consistent application of the effects management hierarchy, in line with the NPS-FM and NPS-IB exposure draft.</p> <p>The prohibited activity status for the activity in the ONFs is supported.</p>	<p>I seek the following or relief to like effect:</p> <p>One wind turbine with a rated capacity up to and including 5kW per site, except for the industrial, general rural, rural production zones & PREC3 where the maximum is two wind turbines with a rated capacity of up to and including 5kW each per holding.</p> <p>PER: Outstanding Natural Landscapes</p> <p>DIS: Heritage buildings and structures, sites and areas of significance to Māori, significant archaeological sites, outstanding natural character, <u>significant natural areas, bat protection areas, outstanding natural landscapes</u>.</p>
ENGY-R11	Oppose in part	ENGY-R11

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
	<p>The D-G is generally comfortable with this rule but seeks amendments to ensure appropriate direction is given for the protection of s6 RMA matters such as significant indigenous biodiversity.</p>	<p>New renewable electricity generation activities including community scale renewable electricity activities not provided for elsewhere in Table 1</p> <p>NC: Outstanding natural landscapes, outstanding natural features, heritage buildings and structures, sites or areas, <i>significant natural areas (local, regional, national or international significance)</i> or, as preferred by the D-G, delete differing significance hierarchy and apply the standard significance test in accordance with WRPS APP5.</p> <p>DIS: Karst overlay, landscapes of high amenity value, <i>significant natural areas (local significance)</i>, coastal environment.</p>
Network Utilities		
<p>Indigenous Vegetation NU-P8</p>	<p>Oppose in part</p> <p>The D-G opposes this policy in part as it does not provide appropriate direction to the protection of s6 RMA matters such as significant indigenous biodiversity through consistent application of the effects management hierarchy, in line with the NPS-FM and NPS-IB exposure draft.</p>	<p>I seek the following or relief to like effect:</p> <p>Indigenous vegetation NU-P8. Enable the effects of clearance of Indigenous vegetation <i>clearance</i> outside of overlays, scheduled sites and features, cave entrances and sinkholes, coastal and water body margins <i>is managed by applying the effects management hierarchy.</i></p>
<p>NU-P11</p>	<p>Oppose</p> <p>The D-G opposes this policy as its purpose is unclear, such that it provides insufficient resource management guidance to the plan user. The values, qualities and characteristics of overlays, scheduled sites and features will need to be considered when proposing new infrastructure or undertaking significant upgrades, regardless of the wording in proposed in NU-P11.</p>	<p>I seek the following or relief to like effect:</p> <p>Delete: NU-P11 Ensure consideration of the values, qualities and characteristics of overlays, scheduled sites and features when proposing new infrastructure or undertaking significant upgrades to existing infrastructure</p>
<p>NU-P12</p>	<p>Oppose in part</p> <p>seeks amendments to align with the draft NPS-IB exposure draft and NPS-FM in applying the effects management hierarchy for infrastructure where effects cannot be avoided due to the functional need and where there are no practicable alternative locations.</p>	<p>I seek the following or relief to like effect:</p> <p>Provide for <i>Avoid the adverse effects of</i> regionally significant infrastructure within overlays, scheduled sites and features where <i>unless:</i></p>

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
		<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 <i>financial implications</i>, social, cultural and environmental effects of the preferred option, compared to alternative options; and 3. <u>It is managed by applying the effects management hierarchy.</u>
<p>NU-P21</p>	<p>Support in part</p> <p>The D-G is generally supportive of the proposed policy but seeks additional overlays requiring protection.</p>	<p>I seek the following or relief to like effect:</p> <p>Provide for the upgrading of the national grid by:</p> <ol style="list-style-type: none"> 1. Seeking to avoid <u>Avoiding</u> adverse effects on areas identified in SCHED1 - heritage buildings and structures, SCHED2 - significant archaeological sites, SCHED3 and SCHED 4 - sites of significance to Māori, SCHED6 - significant natural areas, and SCHED8 - outstanding natural features; <u>and SCHEDx bat protection area; and SCHEDx light sensitive areas.</u> 2. When considering major upgrades, have regard to the extent to which adverse effects have been avoided, remedied or mitigated by the route, site and method selection; and 3. Recognising the constraints arising from the operational needs and functional needs of the national grid, when considering measures to avoid, remedy or mitigate any adverse effects; and 4. Recognising the potential benefits of upgrades to the national grid to people and communities; and 5. Where appropriate, substantial upgrades should be used as an opportunity to reduce existing effects of the national grid.
<p>NU-P22</p>	<p>Oppose in part</p> <p>The D-G seeks amendments to NU-P22 for it to give effect to NZCPS Policy 11a and 11b and provide appropriate direction for the protection of s6 RMA matters such as significant indigenous biodiversity, outstanding natural landscapes, outstanding natural features and outstanding natural character through consistent application of the effects management hierarchy.</p>	<p>I seek the following or relief to like effect:</p> <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. Seek to avoid <u>Avoid</u> the adverse effects of the national grid within overlays, scheduled sites and features; and

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
		<p>3. Where the national grid has a functional need or operational need to locate within the coastal environment, manage adverse effects by:</p> <p>(i) Seeking to avoid adverse effects on areas identified in SCHED6 - significant natural areas, SCHED7 - outstanding natural landscapes, SCHED8 - outstanding natural features, and SCHED10 – areas of outstanding natural character; <u>and SCHEDx bat protection areas; SCHEDx light sensitive areas; and any indigenous biodiversity values that meet the criteria in Policy 11(a) of the NZCPS 2010; and</u></p> <p>(ii) Where it is not practicable to avoid adverse effects on the values of the areas in identified in SCHED6 - significant natural areas, SCHED7 - outstanding natural landscapes, SCHED8 - outstanding natural features, and SCHED10 – areas of outstanding natural character because of the functional needs or operational needs of the national grid, remedy or mitigate adverse effects on those values; and</p> <p>(iii) Seeking to avoid significant adverse effects on:</p> <p>i. SCHED11 – areas of high/very high natural character, SCHED9 – landscapes of high amenity value and SCHED12 – karst overlay; and</p> <p>ii. SCHED1 - heritage buildings and structures, SCHED2 - significant archaeological sites, SCHED3 and SCHED 4 - sites of significance to Māori; and</p> <p>iii. indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS 2010; and</p> <p>iv. Avoiding, remedying or mitigating other adverse effects to the extent practicable; and</p> <p>4. When considering the adverse effects in respect of NU-P22.1 - NU-P22.3 above;</p> <p>(i) Have regard to the extent to which adverse effects have been avoided, remedied or mitigated by the route, site and method selection and techniques and measures proposed; and</p> <p>(ii) Consider the constraints arising from the operational needs and or functional needs of the national grid, when considering measures to avoid, remedy or mitigate any adverse effects.</p> <p>5. Other than policies relating to the coastal environment, in the event of any conflict with any other policies within the plan, NUP20, NU-P21 and NU-P22 take precedence.</p>

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
<p>NU-R4, NU-R12, NU-R15, NU-R16, NU-R20, NU-R23, NU-R37</p> <p>Matters of discretion</p>		<p>I seek the following words or relief to like effect</p> <p>Extend the matters of discretion for RDIS activities under rules NU-R4, NU-R12, NU-R15, NU-R16, NU-R20, NU-R23, NU-R37 to:</p> <p><u>Any adverse effects on indigenous vegetation and habitats of indigenous fauna and proposed mitigation measures and the extent to which any adverse effect can be avoided, remedied or mitigated by applying the effects management hierarchy.</u></p>
<p>NU-R20</p>	<p>Oppose in part</p> <p>The D-G seeks clarification as to why the network utilities addressed in NU-R20 have been afforded a restricted discretionary activity status when located in an SNA. The D-G notes this is out of step with other network utilities that may have adverse effects at a similar scale, which have received a discretionary activity status. D-G also considers the matters of discretion, as drafted, do not provide sufficient discretion to address s6(c) matters.</p>	<p>I seek the following or relief to like effect:</p> <p>NU-R20 New substations, ground mounted transformers, compressor/scrapper stations, gas regulation valves and/or take off stations and ancillary energy storage batteries</p> <p>RDIS-DIS: Significant natural areas</p>
<p>NU-R37</p>	<p>Oppose in part</p> <p>The D-G seeks deletion of the note explaining there are no rules in the PDP that control the removal of exotic vegetation, consequential to the D-G's relief that removal of potential bat roosting trees be managed through a rule (see ECO topic). This is also contrary to various permitted activity standards and matters of discretion in the notified provisions that manage effects on the habitat of threatened or at-risk species. Threatened and at-risk species can, and often do, make exotic vegetation their habitat.</p> <p>In regard, to NU-37 (2) the D-G considers the 150m² threshold excessive without the need for an effects assessment, particularly given the standard does not manage cumulative effects over a period of time greater than 1 year.</p>	<p>I seek the following or relief to like effect:</p> <p>NU-37 Removal of indigenous vegetation PER activities must (except for SNA):</p> <p>Note: There are no rules in this plan that control the removal of exotic vegetation other than in relation to plantation forestry. PER: Significant Natural Area</p> <p>PER activities in an SNA must:</p> <ol style="list-style-type: none"> 2. Not exceed 50 m² per holding, per calendar year <u>or 250m²</u> of clearance per holding <u>in any five-year period</u> AND 3. Be required by statute or regulations, including the Electricity (Hazards from Trees) Regulations 2003 and the Telecommunications Act 2001; or 4. Be undertaken because indigenous vegetation is threatening or damaging a network utility; or 5. Be for maintenance purposes on or within 2 m of existing roads, driveways, tracks, fences or water intake/discharge structures. PER activities in SNA that do not comply are DIS activities

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
NU-R52	<p>Oppose</p> <p>The D-G opposes this rule in part as it does not provide appropriate direction to the protection of s6 RMA matters such as significant indigenous biodiversity, outstanding natural landscapes, outstanding natural features and outstanding natural character through consistent application of the effects management hierarchy, in line with the NPS-FM and NPS-IB exposure draft.</p> <p>The D-G seeks alignment of any network unities lighting rule or performance standards with her relief in regard to light sensitive and LIGHT topic.</p>	<p>Delete NU-R52</p> <p>Any other similar, alternative, additional, or consequential relief which will address the matters position and reasoning.</p>
ECO-O1 ECO-O4	<p>Whilst the D-G acknowledges that these objectives are consistent with the RMA Part 2, (section 6c) it is recommended that they are replaced with an objective that sets an overall target for the district to increase indigenous biodiversity within the district and that the objective describes how this will be achieved by the Plan provisions.</p>	<p>Replace ECO-01 and ECO-04 with the following or words to like effect:</p> <p><i>There is a net increase in indigenous biodiversity throughout the District, comprising:</i></p> <ol style="list-style-type: none"> 1. <i>Protected and restored SNAs, identified in SCHED6; and</i> 2. <i>Other areas of indigenous biodiversity that are maintained and enhanced, and</i> 3. <i>The restoration and enhancement of areas of indigenous biodiversity is encouraged and supported.</i>
ECO-P1	<p>Oppose in part</p> <p>The D-G seeks amendments to the policy to ensure it is consistent with the NPS-FM 2020, NPS-IB 2022 exposure draft and implements the WRPS ECO-P2. In particular, PDP ECO-P1 should require consistent application of the effects management hierarchy.</p>	<p>Recognise and protect the values, characteristics or extent of significant natural areas identified in SCHED6 by <u>applying the effects management hierarchy</u>:</p> <ol style="list-style-type: none"> 1. Avoiding loss or degradation in preference to remediation or mitigation; and 2. Remedying or mitigating any unavoidable adverse effects; and 3. Where any adverse effects cannot be avoided, remedied or mitigated in accordance with ECO-P1.1 and P1.2, significant residual adverse effects are offset to achieve no net loss and preferably a net gain; and 4. Where remediation, mitigation or offsetting are required, as a first priority it relates to the indigenous biodiversity that has been lost or degraded.

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
		<u>5. Where biodiversity offsetting or compensation is required it is in accordance with APP4.</u>
New	<p>The D-G seeks provisions in the Plan for identifying new areas of significant vegetation and habitats of indigenous fauna that meet WRPS APP5 but have not been ‘mapped’ – this is likely to be through the resource consent process.</p> <p>The WRPS requires that District Councils continue to work with landowners to identify the location of significant indigenous vegetation and significant habitats of indigenous fauna for inclusion in the district plan.</p>	<p>Insert the following or words to like effect:</p> <p><u>ECO-Px</u></p> <p><u>Identify Significant Natural Areas by:</u></p> <p><u>1. assessing and continuing to identify new areas of indigenous vegetation and habitats of indigenous fauna according to the criteria set out in WRPS APP5-Criteria for Identifying Significant Natural Areas; and</u></p> <p><u>2. including Significant Natural Areas on the Planning Maps and in SCHED7 – Schedule of Significant Natural Areas.</u></p>
New	<p>The D-G considers a new policy is required to better align with the NPS-IB and set out the specific adverse effects on SNAs that must be avoided (clause 3.10) which applies to all SNAs.</p> <p>The D-G considers that it is necessary to include policy setting out the need to protect and restore SNAs and other significant indigenous biodiversity in the line with the RMA (Part 2, Section 6(c)), WRPS. The NPS-IB also requires Local Authorities to promote restoration of indigenous biodiversity. ‘</p> <p>The policy should set out the measures in the plan which seek to protect and restore SNAs which also gives effect to the suggested amendments to the objective ECO-01 and ECO02.</p>	<p>Insert the following or words to like effect:</p> <p><u>Protect and restore SNAs and those other areas that meet the criteria set out in WRPS APP5 by:</u></p> <p>1. <u>avoiding adverse effects on SNAs including:</u></p> <p><u>a. loss of ecosystem representation and extent;</u></p> <p><u>b. disruption to sequences, mosaics, or ecosystems within an SNA;</u></p> <p><u>c. fragmentation of SNAs or the loss of buffers or connection to other important habitats or ecosystems;</u></p> <p><u>d. a reduction in the function of the SNA as a buffer or connection to other important habitats or ecosystems;</u></p> <p><u>e. a reduction in the population size or occupancy of Threatened, At Risk (Declining) species that use an SNA for any part of their life cycle</u></p> <p>2. <u>avoiding the clearance of indigenous vegetation and earthworks within SNAs unless these activities:</u></p> <p>a. <u>can be undertaken in a way that protects identified ecological values; and</u></p> <p>b. <u>are for regionally significant infrastructure and it can be demonstrated that adverse effects are managed in accordance with the effects management hierarchy</u></p>

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
		<p>3. <u>promoting the restoration and enhancement of significant indigenous vegetation and habitats; and</u></p> <p>4. <u>supporting and promoting the use of covenants, reserves, management plans and community initiatives.</u></p>
ECO-P2	<p>Oppose in part</p> <p>The D-G considers the distinction between locally, regionally and nationally significant SNAs inappropriate.</p> <p>Any vegetation or habitat meeting the criteria in WRPS APP5 should receive an SNA overlay and the appropriate level of protection, as required by s6 of the Act and higher policy instruments such as WRPS ECO-P2.</p> <p>A stronger protection directive should apply to all SNAs.</p>	<p>Recognise, protect, and enhance the ecological sustainability, indigenous biodiversity values and characteristics of significant natural areas by:</p> <p>1. Only allowing the removal of indigenous vegetation in sustainable quantities within locally significant natural areas; <u>and where the significance of the vegetation or habitat is not reduced.</u></p> <p>2. Only allowing the removal of indigenous vegetation in limited circumstances within internationally, nationally or regionally significant natural areas; and</p> <p>2. <u>Protecting the health and functioning of Significant Natural Areas by avoiding inappropriate land use practices, subdivision and development.</u></p> <p><u>3. Avoiding indigenous vegetation clearance in locations that are of significance to mana whenua; and</u></p> <p><u>4. Protecting the health and functioning of significant natural areas that are wetland or include part of a wetland, by avoiding inappropriate land use practices, subdivision and development.</u></p> <p><u>5. Protect and enhance connectivity along and between significant natural areas and other areas of indigenous vegetation and habitat of indigenous fauna.</u></p>

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
	<p>The D-G considers a new policy is required to highlight the provisions in the plan that maintain and enhance areas of indigenous vegetation and habitat of indigenous fauna that do not meet the significance criteria in WRPS APP5.</p> <p>The preferred matters to be addressed in such a policy is provided in this example from the Proposed Waimakariri District Plan. Maintain and enhance indigenous vegetation and habitats of indigenous fauna that do not meet the significance criteria in ..(i.e WRPS APP5) by:</p> <ol style="list-style-type: none"> 1. continuing to assess the current state of indigenous biodiversity across the District; 2. limiting the clearance of indigenous vegetation within sensitive areas including riparian areas, wetlands and springs, coastal areas, areas at higher altitudes and areas on steep slopes 3. restricting indigenous vegetation clearance or modification of habitat of indigenous fauna, by recognising that indigenous vegetation within the District contains species that are threatened, at risk, or reach their national or regional distribution limits in the District, and naturally uncommon ecosystems, 4. providing information, advice and advocacy to the landowner and occupier; 5. supporting and promoting the use of covenants, reserves, management plans and community initiatives; and 6. working with and supporting landowners the Regional Council, the Crown, the QEII National Trust, NZ Landcare Trust and advocacy groups 	<p><i>Insert new Policy which addresses the maintenance and enhancement of indigenous vegetation and habitats of indigenous fauna that do not meet the significance criteria.</i></p> <p><i>Matters that should be set out in the policy are:</i></p> <ul style="list-style-type: none"> -the ongoing assessment of the current state of indigenous biodiversity within the District; - not only limiting vegetation clearance within sensitive areas but also within areas of indigenous vegetation that contain threatened, at risk species, or species at the reach of their national or regional distribution limits in the District or are naturally uncommon ecosystems; and - providing support and enabling the use of non-regulatory mechanisms to maintain and enhance indigenous biodiversity.
<p>New Policy ECO-Px Protection for bats</p>	<p>At present there is a gap in the Waikato planning framework as common areas dedicated to the protection of long-tailed bats and other threatened or at-risk mobile fauna have not been identified and set aside for protection.</p> <p>Long-tailed bats (<i>Chalinolobus tuberculatus</i>) have the highest threat ranking of Nationally Critical (the same ranking, for instance as Kākāpō or Takahē).</p>	<p>Insert a new policy with the following or words to like effect:</p> <p><u><i>ECO- Px Protection for bats</i></u> <u><i>Protect native bats by:</i></u></p> <ol style="list-style-type: none"> <u><i>1. Identifying important habitat for native bats as a Bat Protection Area overlay on the Planning Maps; and</i></u> <u><i>2. Protecting, the bats and their habitat within this overlay.</i></u>

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
	<p>The Waitomo district supports a population of long-tailed bats. The causes for their decline include a combination of cutting old-age trees that they use to roost in, clearance of lowland forests, clearance of trees for urban expansion and agricultural intensification as well as predation by introduced animals.</p> <p>The D-G requests Waitomo District Council work with the Department of Conservation and other submitters to identify appropriate sites as Bat Protection Areas. These areas should receive a Bat Protection Area overlay on the Planning Maps. Activities in the BPA will be subject to provisions that avoid and minimise adverse effects on the bats and their habitat.</p> <p>The D-G retains 'scope' to request the identification of similar areas for the protection of other mobile fauna such as seabirds and migratory birds should evidence indicate that is necessary.</p> <p>Any other similar, alternative, additional, or consequential relief which will address the matters outlined above.</p>	
ECO-P3	<p>Support in part</p> <p>The D-G considers there is a need to provide for permitted activities in specified circumstances where the effects management hierarchy is followed, and the impact of the activity will not degrade the significance of the indigenous vegetation.</p> <p>Sub clauses (i) – (iii) are considered sufficient to convey the intent of the policy. Sub clause (iv) inappropriately creates a weighting exercise by which the effects management hierarchy may be disregarded.</p>	<p>Amend with the following or with wording to like effect:</p> <p>ECO-P3. Provide for permitted activities and for the continued operation of lawfully established activities in and adjacent to significant natural areas by enabling the removal of indigenous vegetation for:</p> <ol style="list-style-type: none"> 1. The relocation, maintenance or construction of fence lines for stock exclusion; and 2. Conservation activities; and 3. Construction of permitted building platforms including services and access; and 4. Maintenance of existing roads, driveways, tracks and water intake/discharge structures; and 5. Sustainable harvesting of indigenous vegetation and/or removal of manuka or kanuka where the indigenous biodiversity values; and ecological characteristics of the significant natural area are maintained or enhanced; and 6. Limited indigenous vegetation removal to manage fire risk; and

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		<p>7. Limited indigenous vegetation removal for small scale renewable energy generation.</p> <p>For all of these activities, the removal of indigenous vegetation is only enabled where:</p> <p>(i) The adverse effects on indigenous biodiversity values and connectivity are appropriately avoided, remedied or mitigated; and</p> <p>(ii) Any existing cleared areas on a site that are suitable to accommodate subdivision or new development are used in the first instance; and</p> <p>(iii) Any practicable alternative locations that would reduce the need for indigenous vegetation removal are used in the first instance; and</p> <p>(iv) Consideration is given to the positive benefits of the activity in respect of people's health and wellbeing</p>
ECO-P4	<p>Oppose in part</p> <p>The policy assumes unavoidable vegetation removal without requiring sequential application of the effects management hierarchy.</p>	<p>Amend with the following or words to like effect:</p> <p>In limited circumstances, provide for the unavoidable removal of indigenous vegetation for larger scale Activities <u>sequentially exhaust each step of the effects management hierarchy, any residual adverse effects on the indigenous biodiversity values and ecological characteristics of the significant natural area are offset in accordance with the framework in Appendix 4 Biodiversity Offsetting.</u> only where the ensuing operations remedy or mitigate adverse effects in the first instance or if this is not practicable, offset residual adverse effects on the indigenous biodiversity values and ecological characteristics of the significant natural area by:</p> <p>1. Providing a biodiversity offset that is consistent with the framework detailed in Appendix 4 Biodiversity Offsetting Framework; and</p> <p>2. Ensuring the biodiversity offset is as close as practicable to the affected significant natural area and achieves no net loss of indigenous biodiversity at a regional scale.</p>
ECO-P5	<p>Support in part</p> <p>Clause 1 addresses indigenous biodiversity in the coastal environment. It should therefore explicitly give effect to NZCPS Policy 11(a).</p>	<p>Amend with the following or words to like effect:</p> <p>Where the limited circumstances of unavoidable removal of indigenous vegetation, or habitats of indigenous fauna, or</p>

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	<p>Alternatively, the D-G seeks deletion of ECO-P5 clause 1 as it duplicates proposed ECO-P11(1).</p>	<p>disturbance of wetland areas are being considered (including situations provided for in ECO-P4), regard must be given to the following matters:</p> <ol style="list-style-type: none"> 1. <i>Whether the area contains activity avoids adverse effects on 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;</i> 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 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.

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
<p>ECO-P6</p>	<p>The D-G supports a policy in the nature of ECO-P6 whereby WRPS ECO-P1 is implemented through promotion of positive indigenous biodiversity outcomes. However, the proposed policy is not a protective one.</p> <p>Where an activity is occurring within an SNA or it will adversely affect significant vegetation or habitat, a more directive approach is required to recognise and provide for the matters in s6 of the Act and give effect to WRPS ECO-P2. This is provided for in in the D-G's relief for the suggested new policy above and repeated below. Provided this relief is accepted the D-G supports the intent of ECO-P6 with minor amendments.</p> <p><u>Protect and restore SNAs and those other areas that meet the criteria set out in WRPS APP5 by:</u></p> <p>5. <u>avoiding adverse effects on SNAs including:</u> <u>a. loss of ecosystem representation and extent;</u> <u>b. disruption to sequences, mosaics, or ecosystems within an SNA;</u> <u>c. fragmentation of SNAs or the loss of buffers or connection to other important habitats or ecosystems;</u> <u>d. a reduction in the function of the SNA as a buffer or connection to other important habitats or ecosystems;</u> <u>e. a reduction in the population size or occupancy of Threatened, At Risk (Declining) species that use an SNA for any part of their life cycle</u></p> <p>6. <u>avoiding the clearance of indigenous vegetation and earthworks within SNAs unless these activities:</u> <u>c. can be undertaken in a way that protects identified ecological values; and</u> <u>d. are for regionally significant infrastructure and it can be demonstrated that adverse effects are managed in accordance with the effects management hierarchy</u></p> <p>7. <u>promoting the restoration and enhancement of significant indigenous vegetation and habitats; and</u></p> <p>8. <u>supporting and promoting the use of covenants, reserves, management plans and community initiatives.</u></p>	<p>Where considering any application for activities-in a significant natural area, <u>or any activity that will adversely affect indigenous biodiversity generally, protect promote</u> the long-term ecological functioning and indigenous biodiversity value of significant natural areas by encouraging:</p> <ol style="list-style-type: none"> 1. Landowners to manage the adverse effects of stock grazing or plant and animal pests through fencing and/or voluntary covenants; and 2. The establishment of both mountain to sea corridors and north-south corridors of terrestrial and aquatic ecosystems; and 3. The reconnection of fragmented ecosystems on land and via waterways; and 4. The establishment of buffers around underrepresented and/or threatened indigenous ecosystems; and 5. The creation of ecological stepping stones or corridors to link indigenous vegetation; and 6. The enhancement of habitat of nationally threatened or at risk indigenous species; and 7. The enhancement or restoration of indigenous habitats adjoining wetlands, rivers, springs, karst ecosystems, coastal cliffs, dunes, estuaries and fragmented forests; and 8. The establishment and on-going management of pest free areas; and 9. The enhancement or restoration of rare ecosystems; and 10. The retention and enhancement of indigenous vegetation cover; and 11. The restoration, maintenance and enhancement of natural wetland and karst hydrology; and

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
		<p>12. The avoidance of physical and legal fragmentation; and</p> <p>13. The role of mana whenua as kaitiaki and for the practical exercise of kaitiakitanga in restoring, protecting and enhancing significant natural areas.</p>
<p>ECO-P3 ECO-R13</p>	<p>Oppose in part</p> <p>With the advent of myrtle rust, all <i>Kunzea</i> and <i>Leptospermum</i> taxa are currently considered threatened³. The taxonomy and current threatened status of manuka and kanuka should be reflected and managed in the PDP. The Director-General acknowledges that this is a complex issue. The relief sought is to be confirmed during the subsequent District Plan review stages once the 2022 version of the “Conservation status of New Zealand indigenous vascular plants” is available.</p>	<p>Amend objectives, policies and rules as appropriate to recognise and implement measures to address and manage the increased threat status of myrtle rust for manuka and kanuka.</p> <p>Any other similar, alternative, additional, or consequential relief which will address the matters outlined above.</p> <p>In regard ECO-R13 I seek the following or similar relief to like effect:</p> <p>ECO-R13 Removal of Manuka or Kanuka on a sustainable basis</p> <p>Activity Status: <i>PER</i></p> <p>Where:</p> <ol style="list-style-type: none"> 1. The removal of manuka or kanuka is no more than <u>250</u> m², or 1% of the SNA whichever is the lesser, per holding per calendar year, <u>or 250 m² over any 5-year period</u>; and 2. The area from which manuka or kanuka is removed shall be replanted within 6 months or allowed to regenerate; and 3. No removal of manuka or kanuka occurs within <u>5 10 m</u> of a water body. 4. No removal of manuka or kanuka occurs within a bat protection area 5. The removal of manuka or kanuka will not adversely affect any at-risk or threatened indigenous fauna. <p>Note: For setbacks from natural wetlands see the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.</p>

³ Refer to Conservation status of New Zealand indigenous vascular plants, 2017 (<https://www.doc.govt.nz/Documents/science-and-technical/nztcs22entire.pdf>)

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
ECO-P8	Support	Retain as notified
ECO-P9	Support	Retain as notified.
Indigenous Biodiversity in the coastal environment ECO-P11	Oppose in part. The D-G considers ECO-P11 should be amended to better give effect to NZCPS Policy 11(a).	ECO-P11. Protect indigenous biodiversity, including significant natural areas, located in the coastal environment overlay by: 1. Avoiding adverse effects on: avoid adverse effects of activities on: (i) <u>indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;</u> (ii) <u>taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;</u> (iii) <u>indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;</u> (iv) <u>habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;</u> (v) <u>areas containing nationally significant examples of indigenous community types; and</u> (vi) <u>areas set aside for full or partial protection of indigenous biological diversity under other legislation;</u> 2. Avoiding significant adverse effects and avoiding, remedying or mitigating the other adverse effects of activities on: (i) Areas of predominately indigenous vegetation in the coastal environment; and (ii) Habitats in the coastal environment that are important during the vulnerable life stages of indigenous species; and (iii) Indigenous habitats and ecosystems that are unique to the coastal environment and vulnerable to modification and the impacts of climate change, including estuaries, lagoons, coastal wetlands, dune lands and dune lakes, intertidal zones, rocky reef systems, seagrass and saltmarsh; and (iv) Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes; and (v) Ecological corridors, areas and routes important to indigenous and migratory species;

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		<p>3. Maintaining or enhancing:</p> <p>(i) The habitats of wading/coastal birds including breeding, feeding, roosting sites; and</p> <p>(ii) Whitebait spawning areas;</p> <p>4. Recognising that adverse effects on indigenous biodiversity within the coastal environment are cumulative and controlling these adverse effects to protect and enhance indigenous biodiversity; and</p> <p>5. Recognising the potential effects of sea level rise in the consideration of any resource consent application by ensuring sufficient coastal habitat inland migration opportunities are retained.</p>
ECO-P13	<p>Oppose in part</p> <p>The D-G considers it necessary to expand on ECO-P13 to highlight the provisions in the plan that maintain and enhance areas of indigenous vegetation and habitats of indigenous fauna that do not meet the significance criteria in WRPS APP5.</p> <p>The preferred matters to be addressed in such a policy are provided in this example from the Proposed Waimakariri District Plan:</p> <p><i>Maintain and enhance indigenous vegetation and habitats of indigenous fauna that do not meet the significance criteria in ..(i.e WRPS APP5) by:</i></p> <ol style="list-style-type: none"> 1. <i>continuing to assess the current state of indigenous biodiversity across the District;</i> 2. <i>limiting the clearance of indigenous vegetation within sensitive areas including riparian areas, wetlands and springs, coastal areas, areas at higher altitudes and areas on steep slopes</i> 3. <i>restricting indigenous vegetation clearance or modification of habitat of indigenous fauna, by recognising that indigenous vegetation within the District contains species that are threatened, at risk, or reach their national or regional</i> 	<p><i>Amend ECO-P13 with wording that fully addresses the maintenance and enhancement of indigenous vegetation and habitats of indigenous fauna that do not meet the significance criteria.</i></p> <p><i>Matters that should be set out in the policy are:</i></p> <ul style="list-style-type: none"> <i>-the ongoing assessment of the current state of indigenous biodiversity within the District;</i> <i>- not only limiting vegetation clearance within sensitive areas but also within areas of indigenous vegetation that contain threatened, at risk species, or species at the reach of their national or regional distribution limits in the District or are naturally uncommon ecosystems; and</i> <i>- providing support and enabling the use of non-regulatory mechanisms to maintain and enhance indigenous biodiversity.</i>

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
	<p><i>distribution limits in the District, and naturally uncommon ecosystems,</i></p> <ol style="list-style-type: none"> 4. <i>providing information, advice and advocacy to the landowner and occupier;</i> 5. <i>supporting and promoting the use of covenants, reserves, management plans and community initiatives; and</i> 6. <i>working with and supporting landowners the Regional Council, the Crown, the QEII National Trust, NZ Landcare Trust and advocacy groups.</i> 	
<p>New</p>	<p>The D-G seeks a permitted activity rule as a regulatory mechanism for assessment of vegetation within the recommended BPA overlay.</p> <p>The rule provides a vegetation size and height threshold, consistent with expert ecology advice, that bats generally will not roost in vegetation that is shorter than 1.4m from ground height and has a diameter of less than 150mm.</p> <p>The D-G retains 'scope' to address any reasonable exemptions to the proposed rule such as removal of vegetation from domestic gardens.</p> <p>Non-compliance results in a restricted-discretionary activity where matters of discretion will require:</p> <ol style="list-style-type: none"> 1. a specialist ecology report, determining whether the vegetation is used as bat habitat, whether removal of the tree would adversely impact the wider habitat area and the bats themselves 2. demonstration of an operational need for removal of the tree, including an alternatives assessment. 3. A Bat Management Plan in accordance with xxx. The BMP will include measures remedy and mitigate adverse effects. If offsetting or biodiversity is required, it must be detailed in the BMP and be in accordance with APP5 Biodiversity offsetting. 	<p><u>ECO-Rx Clearance of trees in the Bat Protection Area</u> <u>Activity Status: PER</u></p> <p><u>Where:</u></p> <p><u>It does not exceed:</u></p> <ol style="list-style-type: none"> 1. <u>a diameter of 150mm when measured at 1.4m in height above ground level.</u> <p><u>Activity Status where compliance not achieved: Restricted discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>whether, upon specialist assessment by a suitably qualified ecologist (class x), tree/s proposed to be removed is habitat for long-tailed bats; and</u> 2. <u>the extent to which the removal of tree/s would impact on the ability of the long-tailed bat protection area to provide for the habitat needs of the bats</u> 3. <u>the reasons for removal of the tree and any alternatives considered; and</u> 4. <u>If the ecologist report determines the vegetation is being used as bat habitat, submission of a Bat Management Plan which will assess any measures to avoid, remedy or mitigate the adverse effects.</u>

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
ECO-R1 -R10	<p>Support in part</p> <p>The D-G request amendments to Table 1 and the vegetation clearance threshold.</p> <p>ECO-R4 and ECO-R6 are considered to be provided for as conservation activities.</p> <p>The proposed vegetation clearance threshold is considered to be permissive and does not manage cumulative effects over longer period than 1 year. Vegetation clearance should be setback from water bodies.</p>	<p>Amend ECO – Table 1 – Activities rules as follows or with words to like effect:</p> <p>ECO-R3 - To remove, dead or damaged indigenous vegetation or indigenous vegetation presenting an imminent danger to human life</p> <p>ECO R4 – ECO R4. In the general rural, natural open space, open space and rural lifestyle zones to maintain, relocate or construct perimeter fences for stock exclusion.</p> <p>ECO R6 – In the event of a track being destroyed by flooding or landslip or other natural hazard and there are no alternative options to obtain access to undertake existing farming activities, plantation forestry activities or to access an existing residential unit</p> <p>ECO-R7 - -In all zones to manage fire risk</p> <p>ECO R9 – For pest management activities as identified in the Waikato Regional Pest Management Plan.</p> <p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. From 20 October 2022 any clearance must be no more than 2100 <u>500</u> m², or 1% of the SNA, whichever is the lesser, per holding per calendar year, <u>or 500 m² over any 5 year period;</u> 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. 2. <u>Any clearance must be more than 10m from a waterbody</u>
ECO-R14		<p>Amend ECO-R14 with the following or words to like effect:</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The clearance is 500 m² or less of indigenous vegetation per holding and not more than <u>250 m² cumulatively over any five year period</u> OR less than 1% of the SNA size – whichever is the

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
		<p><i>lesser</i>, to provide for outdoor education activities or adventure tourism activities comprising ziplining, canyon swinging, high ropes, rock climbing, abseiling or caving activities only; and</p> <p>2. In the <i>a Significant Natural Area</i>, coastal environment overlay or karst overlay, a report from an experienced ecologist is submitted at the time of application which demonstrates that the site is not vegetation or habitat that is currently a naturally uncommon or significantly underrepresented ecosystem or habitat for indigenous species or 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.</p> <p>Matters over which discretion is restricted:</p> <p>(a) The location, extent and area of indigenous vegetation proposed to be removed; and</p> <p>(b) Effects on indigenous biodiversity, connectivity, values and characteristics of the significant natural area; and</p> <p>(c) Outcomes of the ecological assessment report; and</p> <p>(d) Outcomes of consultation with mana whenua where the site has identified cultural or archaeological values; and</p> <p>(e) Positive effects on the ecological values of the site; and</p> <p>(f) The extent to which existing vegetation is retained in order to mitigate the effects of streambank, coastal and slope erosion, sedimentation, water quality degradation and loss of indigenous species habitat; and</p> <p>(g) Methods proposed to avoid or minimise potential adverse effects on indigenous biodiversity including consideration of the no net loss principle and rehabilitation measures; and</p> <p>(h) Alternatives to removing indigenous vegetation from a significant natural area.</p> <p>Activity status where compliance is not achieved: DIS</p>

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
ECO-R15, ECO-R16,	Support	Retain as notified
ECO-R17	Support	Retain as notified
Natural Character		
Natural Character Provisions	For the avoidance of doubt, provisions which are not specifically addressed below are supported for the reasons given in the s32 report.	Retain as notified, except where specific changes are requested below.
NATC-O1	Support The D-G supports the proposed objective as it is consistent with the RMA, Part 2, Section 6	Retain as notified.
NATC-P2	Support in part Clause 1 should use the defined term 'functional need' rather than the undefined 'functional necessity'.	Amend NATC-P2 as follows or with wording to like effect: When considering the appropriateness of subdivision, land use or development activities, ensure the values of wetlands, and lakes and rivers and their margins are preserved, <i>restored and enhanced</i> by: <i>1. Assessing the functional necessity need of the activity being located in or near wetlands, and lakes and rivers and their margins;...</i>
ASW-P2	Oppose in part	Amend AWS-P2 as follows or words to like effect: Ensure any activities (including temporary activities) proposing to locate on the surface of the water, including structures and tourism activities, are appropriate having regard to the: 1. Particular natural character, ecological, cultural, historical, amenity and/or recreational values of the water body and the impact of the activity on these values; and 2. Purpose of the activity and whether it has a functional need to locate on the surface of the water; and 3. Ability to provide, maintain, or enhance public access to the water body; and 4. Ability to restore and rehabilitate the water body and/or off-set any adverse <i>residual</i> effects <i>to a net gain outcome</i> ; and 5. Ability to maintain or enhance the natural character and natural functions of the water body and its margins; and 6. Potential to create new or exacerbate existing natural hazards, including flooding or streambank erosion.
Coastal Environment		

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
Coastal Environment Provisions	<p>Support</p> <p>For the avoidance of doubt, provisions which are not specifically addressed below are supported as they align with, and give effect to, the higher order documents.</p>	<p>Retain as notified, except where specific changes are requested below</p>
CE-O1	<p>Oppose</p> <p>The D-G considers the Coastal Environment has natural character in of itself, warranting protection from inappropriate subdivision, use and development.</p>	<p>Replace the proposed CE-O1 with the following or with words to like effect:</p> <p><u><i>The natural character of the coastal environment is protected from inappropriate subdivision, use and development</i></u></p>
	<p>Support in part</p> <p>The D-G seeks amendments to proposed CE-P1 to give effect to NZCPS Policy 13.</p>	<p>Amend CE-P1 with following or with words to like effect:</p> <p>When considering the appropriateness of subdivision, land use or development activities, ensure the natural character qualities of the coastal environment are preserved by:</p> <ol style="list-style-type: none"> 1. Encouraging any new activities to consolidate within and around existing developments or in locations where the natural character values have already been compromised; and 2. Avoiding the sprawl of development along the coastline; and 3. Assessing the functional and operational need of the activity being located in the coastal environment; and 4. Recognising the potential for restoration, rehabilitation or enhancement of natural character to mitigate the adverse effects of an activity; and 5. Ensuring sufficient development setbacks are in place; and 6. Ensuring any earthworks in close proximity to the coastline are restricted to <u><i>activities that have a functional or operational need to locate in the coastal environment</i></u> limited activities and where other earthworks are proposed, ensure they are small scale and are designed and located to minimise effects on the coastal environment; and 7. Avoiding significant adverse effects of subdivision, use and development where it would damage, diminish or compromise natural character or public access to the coastline <u><i>and avoid remedy or mitigate other adverse effects;</i></u> and 8. Allowing for seawall maintenance and repair and enabling seawalls where they protect public infrastructure; and

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
		9. Encouraging alternatives to hard protection structures; and 10. Avoiding activities that damage the stability of coastal dune systems; and 11. Avoiding developments in locations that are of significance to mana whenua; and 12. Ensuring that activities are carried out in a way that maintains or enhances water quality in the coastal environment; and 13. Providing for the continued operation of lawfully established farming activities; and 14. Recognising and protecting the following natural elements, patterns, processes and experiential qualities which contribute to natural character of the coastal environment: (i) Areas in their natural states or close to their natural state; and (ii) Coastal landforms and landscapes; and (iii) Coastal physical processes, including the movement of water and sediment; and (iv) Biodiversity; and (v) Biological processes and patterns; and (vi) Water flows and levels, and water quality; and (vii) The experience of the above elements, patterns and processes.
CE-P2	Support	Retain as notified
CE-P3	Support in part The D-G seeks amendments to Policy CE-P3 to give full effect to NZCPS Policy 11a and 11b.	Amend CE-P3 as follows or with words to like effect: Protect indigenous biodiversity, including <u>but not limited to</u> significant natural areas, located in the coastal environment overlay by: 1. Avoiding adverse effects on: (i) <u>indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;</u> (ii) <u>taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;</u> (iii) <u>indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;</u> (iv) <u>habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;</u> (v) <u>areas containing nationally significant examples of indigenous community types; and</u>

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
		<p>(vi) <u>areas set aside for full or partial protection of indigenous biological diversity under other legislation;</u></p> <p>2. Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:</p> <p>(i) Areas of predominately indigenous vegetation in the coastal environment; and</p> <p>(ii) Habitats in the coastal environment that are important during the vulnerable life stages of indigenous species; and</p> <p>(iii) Indigenous habitats and ecosystems that are unique to the coastal environment and vulnerable to modification and the impacts of climate change, including estuaries, lagoons, coastal wetlands, dunelands and dune lakes, intertidal zones, rocky reef systems, seagrass and saltmarsh; and</p> <p>(iv) Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes; and</p> <p>(v) <u>Habitat, including areas and routes, important to migratory species; and</u></p> <p>(vi) Ecological corridors, areas and routes important to indigenous and migratory species.</p> <p>3. Maintaining <u>Protecting</u> or enhancing:</p> <p>(i) The habitats of wading/coastal birds including breeding, feeding, roosting sites; and</p> <p>(ii) Whitebait spawning areas;</p> <p>4. Recognising that adverse effects on indigenous biodiversity within the coastal environment are cumulative and controlling <u>minimising</u> these adverse effects to protect and enhance indigenous biodiversity.</p>
CE-P5	<p>Support in part</p> <p>The D-G recommends a wording change to discourage these outcomes.</p>	<p>Amend CE-P5 as follows or with words to like effect:</p> <p>Controlling <u>Minimising</u> activities in the coastal environment which would result in outcomes such as:</p> <p>1. An increased threat from animal and plant pests; and/or</p>

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
		2. An increase in noise, visual and physical disturbance adversely affecting indigenous species; and/or 3. Adverse effects on the cultural values and spiritual relationships of mana whenua
CE-P8	Support in part The D-G seeks amendments to direct that removal of indigenous vegetation within areas of ONC is avoided.	Amend CE-P6 as follows or with words to like effect: Ensure the values and character of the areas of outstanding natural character are protected by: 1. Avoiding the establishment of communities or clusters of buildings; and 2. Avoiding the erection of buildings, structures and infrastructure. Where this is not practicable, ensuring the location, materials, colour and grouping of buildings, structures and infrastructure avoids adverse effects on the values and character of areas of outstanding natural character; and 3. Avoiding earthworks. Where this is not practicable, ensuring any earthworks are minimised and integrate with the existing landform to preserve the values and character of areas of outstanding natural character; and 4. Avoiding any activity, particularly structures, where this will adversely affect areas of outstanding natural character; and 5. Avoiding developments in locations that are of significance to mana whenua; and 6. Avoiding or minimising the removal of indigenous vegetation; and 7. Avoiding mineral prospecting and quarrying activities; and 8. Avoiding plantation forestry.
	Support in part The D-G considers the term “scientific purpose” should be defined or otherwise deleted, left undefined it provides insufficient clarity to the plan user. Clause 4 is unnecessary as track maintenance and establishment of fence lines for stock exclusion are conservation activities.	Amend CE-P9 as follows or with relief to like effect: Provide for the appropriate use of natural resources, including land and water, within areas of outstanding, high and very high natural character by: 1. Providing for Māori cultural and customary uses of natural resources; and 2. Allowing for limited vegetation removal for the purposes of conservation activities; and 3. Allowing for limited vegetation removal for scientific purposes; and 4. Allowing for limited earthworks and vegetation removal for the purposes of track maintenance and establishment of fence lines.

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
	<p>Support in part:</p> <p>The D-G supports this objective. However, it needs to take into account the effects of climate change in line with the NZCPS Objective 5 and Policy 24 and the RMA Part 2, Section 7.</p>	<p>Amend CE-O5 as follows or with relief to like effect:</p> <p>Ensure that coastal communities are resilient to the risks that natural hazards <i>and climate change</i> pose on people, property, infrastructure and the environment by providing for subdivision, use and development of land only where these risks are avoided or appropriately mitigated.</p>
CE-P13	Seeks clarification	<p>The term “coastal edge”, used in clause 5 is not defined in the PDP. The D-G seeks clarification as to it’s meaning and requests that It receives a definition, is mapped or otherwise deleted.</p>
CE-R6	<p>The D-G considers CE-R6 too permissive, allowing a tank or silo of up to 3.2m in height or 50,000 litre without assessment.</p>	<p>Amend CE-R6 with the following or with relief to like effect:</p> <p>CE-R6 Areas of high/very high natural character RDIS</p>
<p>CE-R8, CE-R9, CE-R10, CE-R12, CE-R13 Matters of discretion</p>	<p>The D-G considers these activities should demonstrate avoidance of <u>significant</u> adverse effects, consistent NZCPS with Policy 11b, Policy 13, Policy 15 and RMA section 6.</p>	<p>Add a new or amend the relevant matters of discretion with the following or with relief to like effect:</p> <p><i><u>Measures to avoid significant adverse effects and avoid remedy, or mitigate other adverse effects of activities on...</u></i></p> <p>This relief is to be added to any matters of discretion that address effects on indigenous biodiversity, vegetation clearance, high or very high natural character and landscape.</p>
Light		
Introduction	<p>Support with amendments</p> <p>Artificial lighting can adversely affect the behaviour of long tailed bats reducing the area available to bats for foraging and commuting (refer to Appendix 1).</p> <p>As submitted above the D-G requests the identification and mapping of Bat Protection Areas. It is recommended that Bat Protection Areas also be added to a schedule of Light Sensitive Areas, along with other light sensitive wildlife. The D-G recommends working with suitably qualified ecologists and lighting experts to determine the appropriate performance</p>	<p>Amend the LIGHT introduction with the following or relief to like effect:</p> <p>If artificial lighting is not properly located, installed and designed it can have adverse effects on people, particularly if it causes sleep disturbance. Poorly designed artificial lighting can also affect traffic safety and <i>wildlife, such as long tailed bats and seabirds.</i></p>

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
	<p>standards for Light Sensitive Areas such as minimum lux levels, added illuminance and colour temperature.</p> <p>Recent examples of planning approaches to mitigate the adverse effects of lighting on bats include Hamilton City Council’s Plan Change 5 – Peacocke Structure Plan and, as an example of the basic concept being suggested here, the Timaru Proposed District Plan.</p> <p>In respect of the introduction the D-G recommends amendments to address lighting which could adversely affect wildlife.</p>	
Objectives and polices	<p>Oppose in part</p> <p>The D-G considers the proposed objectives and policies need to be revised or supplemented to promote lighting design that protects the identified values and qualities of light sensitive areas, including their indigenous biodiversity (bats and birds). It is requested the Bat Protection Overlay is included in the definition of light sensitive areas so that controls are included for artificial outdoor lighting within areas of bat habitat.</p> <p>The D-G retains ‘scope’ to request that areas of habitat important to other mobile fauna such as seabirds be identified as light sensitive areas, should evidence indicate that is necessary.</p>	<p>I seek the following or relief to like effect:</p> <p>Retain: LIGHT-O1 LIGHT-O2</p> <p>Introduce new objective LIGHT-Ox: <u>Artificial outdoor lighting is designed and located to minimise its adverse effects, is compatible with the character and qualities of the surrounding area and protects the values and characteristics of light sensitive areas.</u></p> <p>Introduce new policy LIGHT-Px: <u>Avoid all artificial outdoor lighting that does not meet the intensity, type, and direction requirements for light sensitive areas unless it is critical for health and safety reasons.</u></p>
Rules Light Table 1 Light Table 2	<p>Oppose in part</p> <p>The D-G requests the LIGHT rules be amended so that activities in the requested Light Sensitive Areas have their own set of performance standards including a lower lux level and warm white colour temperature in accordance with (insert Eurobats footnote).</p> <p>Light Sensitive Area:</p> <p>Includes land in the following areas:</p> <ol style="list-style-type: none"> a. Significant Areas Overlay b. Outstanding Natural Landscapes Overlay 	<p>I seek the following or relief to like effect:</p> <p>Amend: LIGHT-R1</p> <p>Add new Rule: Unless specifically stated otherwise, the rules in this table apply to all zones, precincts, all roads, new roads approved by resource consent and activities on the surface of water.</p> <p>Light Sensitive areas: LIGHT-Rx – Emission of artificial light in Light Sensitive Areas</p>

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
	<p>c. the Natural Open Space Zone.</p> <p>d. Bat Protection Areas Overlay</p>	<p>Activity Status: PER</p> <p>Where:</p> <p>1. All of the relevant performance standards in LIGHT Table 3 LIGHT – Table 3 – Performance Standards LIGHT -Rx Emission of Artificial Light in Light Sensitive Area</p> <p>The D-G requests that performance standards should include, at minimum, a requirement that light (lux) be as low as possible (0.1 lux) at the boundary or within any area set aside for bat protection, including any such SNAs and/or corridor, lux level should be in line with the Eurobats Guidelines for consideration of bat in lighting projects. Standards should also manage colour temperature, directing that fixed lighting in the Light Sensitive Area will be white and not exceed 2700 kelvins with as little blue light as possible. All lighting should emit zero upward light, be installed with the light emitting surface directly down and be mounted as low as practical.</p> <p>In accordance with the D-G’s recommended definition for ‘light sensitive areas the D-G also requests lighting performance standards appropriate to avoid and mitigate adverse effects on the characteristics and values of SNAs, ONLs, NOSZ. It requested that these standards consider other indigenous biodiversity that are affected by lights such as seabirds.</p> <p>Any other similar, alternative, additional, or consequential relief which will address the matters outlined above.</p>
Noise		
NOISE-R8	<p>Oppose in part</p> <p>The proposed rule does not provide for the use of helicopters by DOC. Helicopter use is frequently required for DOC’s core pest management work and for accessing remote locations to maintain assets. The D-G considers use of aircraft by DOC to be a ‘conservation activity’. Noise emission from a conservation activity should be permitted.</p>	<p>I seek the following or relief to like effect:</p> <p><u>NOISE-R8</u> <u>Emission of noise from helipads, farm helipads and helicopter landing areas</u></p> <p><u>Activity Status: PER</u></p> <p><u>Where:</u></p>

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
		<p>1. <u>The Department of Conservation is undertaking a conservation activity</u></p> <p>Any other similar, alternative, additional, or consequential relief which will address the matters outlined above.</p>
RRPOZ-P2	<p>Oppose</p> <p>Policies are enabling in the Rural Production zone. However, outside of the Natural Open Space zone the Rural Production zone is where most significant indigenous biodiversity is located.</p> <p>The policy unnecessarily conflicts with the policy direction given by the Ecology and Indigenous biodiversity provisions.</p> <p>It is not clear what a “regionally significant site” is, as the term is undefined in the PDP, providing insufficient clarity to the plan user. For these reasons the D-G requests deletion of the RRPOZ-P2.</p>	<p>Delete RPROZ-P2 or relief to like effect:</p> <p>Where the removal of indigenous vegetation in a significant natural area is unavoidable to provide for activities on sites identified as regionally significant, the ensuing operations must remedy or mitigate adverse effects in that order in the first instance, or if this is not possible, offset adverse effects on the indigenous biodiversity values and ecological characteristics of the significant natural area by:</p> <p>1. Providing a biodiversity offset that is consistent with the framework detailed in Appendix 4 Biodiversity Offsetting Framework; and</p> <p>2. Ensuring the biodiversity offset can achieve no net loss of indigenous biodiversity values at a regional scale, preferably in the affected significant natural area, or where that is not practicable, in the ecological district in which the affected significant natural area is located.</p>
Introduction – Natural Open Space Zone NOSZ-O1, NOSZ-O2, NOSZ-P1, NOSZ-P2, NOSZ-P3, NOSZ-P4, NOSZ-P5, NOSZ-P5, NOSZ-P6, NOSZ-P7, NOSZ-R1, NOSZ-R3, NOSZ-R4, NOSZ-R5, NOSZ-R6	<p>Support</p> <p>The D-G supports the inclusion of these objectives, policies and rules.</p> <p>The D-G retains ‘scope’ to seek amendments to the NOSZ provision if additional evidence information or evidence indicates changes are necessary.</p>	<p>Retain as notified.</p>
SCHED 6 Significant Natural Areas, SCHED 7 Outstanding Natural Features,	<p>Support in part</p> <p>The D-G supports the identification of the areas and features in the listed schedules but retains ‘scope’ to request amendments to them, including</p>	<p>Amend as required</p>

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
<p>SCHED 8 Outstanding Natural Landscapes, SCHED 9 Landscapes of high amenity value SCHED 10 Areas of outstanding natural character SCHED 11 Areas of high/very high natural character, SCHED12 Karst overlay, SCHED13 Coastal environment overlay</p>	<p>the mapping of new areas and features should evidence indicate changes are necessary.</p>	
<p>APP 1.x Information requirements for all applications undertaken within or partially within a Bat Protection Area, where removal of bat roosting habitat is proposed</p>	<p>The Director-General recommends requiring a Bat Management Plan for activities in the bat protection area overlay breaching the bat protection vegetation clearance rule or any activity that will have more than minor effects on bats. The BMP should:</p> <ul style="list-style-type: none"> • Have an objective specified in the PDP information requirements against which its effectiveness can be measured. • Extend beyond roosting sites and manage effects on foraging and commuting sites to protect the functionality of core habitat. • The Bat management plan should be prepared by the same suitably qualified ecologist/s to ensure they integrate and achieve the desired outcome. The management plans should also be peer reviewed by DOC and WRC ecologists. <p>Consider roosting tree removal as a last resort but include best practice tree removal protocols and mitigation for any potential trees that have been identified for removal.</p> <ul style="list-style-type: none"> • Set out how protected, restored or enhanced habitat will link to other areas immediately outside of The application site It is important that connectivity to the wider landscape is accounted for. • Set on-going monitoring obligations and triggers for a halt to development if it is determined non-trivial effects on threatened species are occurring. 	<p>The D-G seeks the following or relief to like effect:</p> <p>The BMP will :</p> <ul style="list-style-type: none"> • Have an objective specified in the PDP ‘information requirements’ provisions against which its effectiveness can be measured. • Extend beyond roosting sites and manage effects on foraging and commuting sites to protect the functionality of core bat habitat. • Be prepared by the same suitably qualified ecologist/s to ensure they integrate to achieve the specified objective. • Be peer reviewed by a suitably qualified ecologist. • Consider roosting tree removal as a last resort but include best practice tree removal protocols⁴, and mitigation for any potential trees that have been identified for removal. • Set out how protected, restored or enhanced habitat will link to other areas immediately outside of the application site. It is important that connectivity to the wider landscape is accounted for. <p>Any other similar, alternative, additional, or consequential relief which will address the matters outlined above.</p>

⁴ Protocol for minimising the risk of felling bat roosts Version 2: October 2021 approved by the New Zealand Department of Conservation’s Bat Recovery Group

PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
	<ul style="list-style-type: none"> • Include pest control measures • Address the management of residual adverse effects through biodiversity offsetting or compensation proposals. <p>The management of residual adverse effects must only occur after sequential exhaustion of all levels of the effects management hierarchy. Furthermore, biodiversity offsetting and compensation must be in accordance with sound principles that will need to be set out in the PC20 provisions.</p>	
APP 4 – Biodiversity Offsetting Framework	<p>Support in part</p> <p>The principles for biodiversity offsetting and biodiversity compensation in Appendices 3 and 4 of the NPSIB exposure draft are reflective of the Business and Biodiversity Offsets Programme (BBOP)⁵, similar guidance for aquatic ecosystems in the NPS-FM 2020 and the Local Government Biodiversity Offsetting Guidance document⁸ .</p> <p>The D-G considers the NPSIB provides guidance on current best practice for the management of residual effects.</p> <p>The D-G recommends APP – 4 be revised to include Appendices 3 and 4 from the NPSIB exposure draft to assist the interpretation and implementation of the effects management hierarchy and biodiversity offsetting and biodiversity compensation principles</p>	<p>The D-G seeks the following or relief to like effect:</p> <p>Revise APP 4 to APP4a – Biodiversity offsetting and APP4b Biodiversity Compensation to be in line with the good practice principles as set out in appendices 3 and 4 of the NPS-IB exposure draft.</p> <p>Any other similar, alternative, additional, or consequential relief which will address the matters outlined above.</p>

⁵ Business and Biodiversity Offsets Programme (BBOP). 2012. Standard on Biodiversity Offsets. BBOP, Washington, D.C..

⁶ <https://www.lgnz.co.nz/assets/Uploads/7215efb76d/Biodiversity-offsetting-under-the-resource-management-act-full-document-....pdf>

Appendix 1



My name is Titia Schamhart, I have a background in endangered species conservation and welfare in the Netherlands and Spain. I'm currently completing a PhD in Biological Sciences at the University of Waikato. My research topic is "The effect of artificial light at night on New Zealand long-tailed bats". I have undertaken several lighting impact studies on long-tailed bats in the central North Island of New Zealand, including a peri-urban population in Hamilton City and rural populations in Waitomo district and Pureora Forest. I am currently analysing these data with the intention of publishing the result in the coming months.

Artificial light at night: does it affect long-tailed bat activity?

📅 Wednesday, November 30, 2022

🕒 11:00 AM- 12:30 PM

📍 Burns 1

📣 Symposium: Aotearoa in the dark- effects and mitigation of artificial light at night

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Abstract

Increasing urban expansion and habitat loss are recognised as key threats to many bat species, including the New Zealand long-tailed bat, pekapeka-tou-roa (*Chalinolobus tuberculatus*). Small, remnant populations of long-tailed bats are present in the Waikato region of New Zealand, including Hamilton City. However, there are concerns that increasing urbanisation and associated increases in artificial light at night (ALAN) may negatively impact long-tailed bat behaviour with effects on habitat suitability and connectivity. To determine whether long-tailed bat activity was influenced by ALAN in a peri-urban environment, a small-scale impact study utilising commercially available LED (floodlights) was conducted near Tamahere, south of Hamilton City. Changes in mean bat activity in response to periodic illumination were determined using automated bat monitoring units (ABMs; detectors) and compared to activity rates at a nearby control site over ten weeks. There was 32% less activity on lit nights when compared to the unlit nights at the test site (MLR: $p < 0.05$). Bat passes per night were significantly lower (MLR: $p < 0.05$) in the presence of light (mean 45.3 pass/night) compared to the unlit nights (mean 66.7 pass/night). There was no significant difference at the control site between the two light treatments. The time of the first recorded bat call was also delayed by 1:45h during the lit nights compared to the lit nights at the test site, where it only was 0:10h at the control site. These results indicate that ALAN has a negative effect on long-tailed bat activity and behaviour.