



AGENDA

RĀRANGI TAKE

NOTICE OF AN EXTRAORDINARY MEETING OF

COUNCIL

to be held on **Wednesday 11 May 2022** commencing at **2.30pm**
in the Council Chambers, and via zoom.
36 Weld Street, Hokitika and via Zoom

Chairperson: Deputy Mayor Carruthers

Members: His Worship the Mayor
Cr Hart
Cr Keogan
Cr Neale
Kw Tumahai

Cr Davidson
Cr Hartshorne
Cr Martin
Kw Madgwick



In accordance with clause 25B of Schedule 7 of the Local Government Act 2002, members may attend the meeting by audio or audio-visual link

Council Vision:

We work with the people of Westland to grow and protect our communities, our economy and our unique natural environment.

Purpose:

The Council is required to give effect to the purpose of local government as prescribed by section 10 of the Local Government Act 2002. That purpose is:

- (a) To enable democratic local decision-making and action by, and on behalf of, communities; and
- (b) To promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

1. NGĀ WHAKAPAAHA APOLOGIES

2. WHAKAPUAKITANGA WHAIPĀNGA DECLARATIONS OF INTEREST

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a member thinks they may have a conflict of interest, they can seek advice from the Chief Executive or the Group Manager: Corporate Services (preferably before the meeting). It is noted that while members can seek advice the final decision as to whether a conflict exists rests with the member.

3. PŪRONGO KAIMAHI STAFF REPORTS

(Pages 3-6)

- **WESTLAND DISTRICT COUNCIL POSITION – SIGNIFICANT NATURAL AREA IDENTIFICATION**

Chief Executive Simon Bastion

(Appendix 1: Pages 7-13)

(Appendix 2: Pages 14-33)

**DATE OF ORDINARY COUNCIL MEETING – 26 MAY 2022, 1PM
COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA AND VIA ZOOM**

Report to Council



DATE: 9 May 2022
TO: Mayor and Councillors
FROM: Chief Executive

WESTLAND DISTRICT COUNCIL POSITION – SIGNIFICANT NATURAL AREA IDENTIFICATION

1. Summary

- 1.1. The purpose of this report is to seek a Westland District Council position on the issue of identification of significant natural areas (SNAs) within Te Tai o Poutini Combined District Plan (TTPP).
- 1.2. This issue arises from the TTPP Committee meeting on 29th April 2022 where the Westland District Council representatives sought that the matter of SNA identification be deferred so that they could consult with the wider Westland District Council on it's position.
- 1.3. Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in June 2021, which are set out in the Long Term Plan 2021 - 31. Refer page 2 of the agenda.
- 1.4. This report concludes by recommending that Council support the future identification of SNAs in the Westland District, with these being included within Te Tai o Poutini Plan (TTPP) within 5 years of public notification of the Proposed Plan.

2. Background

- 1.5. As part of its implementation of section 6 of the Resource Management Act (RMA), TTPP is required to:

“recognise and provide for the following matters of national importance:...

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:...”

And:

“have particular regard to—

(a) kaitiakitanga:

(aa) the ethic of stewardship:..

(d) intrinsic values of ecosystems:..”.

- 1.6. Policy 7(1)(a) of the West Coast Regional Policy Statement (RPS), which TTPP is required to implement, specifically identifies that SNAs will be identified and mapped in the district plans on the West Coast. It states:

“Areas of significant indigenous vegetation and significant habitats of indigenous fauna will be identified using the criteria in Appendix 1; they will be known as Significant Natural Areas (SNAs) and will be mapped in the relevant regional plan and district plans.”

1.7. The June 2021 report to the TTPP Committee, attached to this report as Appendix 1, provides background to this issue and the decisions that led to the proposed approach in the exposure draft of the TTPP.

1.8. Of particular relevance in the exposure draft is Ecosystems and Indigenous Biodiversity Policy 1 which states,

“To identify areas of significant indigenous vegetation and fauna habitat:

1. In the Grey District these areas are identified in Schedule Four;

2. In the Buller and Westland Districts:

i. Areas of significant indigenous vegetation and fauna habitat will be identified through the resource consent process; and

ii. Identified areas of significant indigenous vegetation and fauna habitat will be added to Schedule Four through Plan Changes as they are identified progressively through resource consents.”

1.9. Policy 1(2)(i) above is consistent with the approach currently taken in Westland under the Westland District Plan. Policy 1(2)(ii) is an additional step from the status quo, aimed at meeting the requirement set out in the RPS which came into effect after the Westland District Plan became operative. The different approach proposed for Grey is due to the fact that the Grey District has already identified SNAs.

3. Current Situation

3.1 The April 2022 report to the TTPP Committee, attached to this report as Appendix 2, includes feedback received on this issue through the exposure draft engagement process and the amendments technical staff now recommend to the TTPP, including to Ecosystems and Indigenous Biodiversity Policy 1.

3.2 As per Appendix B, it has been recommended that Ecosystems and Indigenous Biodiversity Policy 1 be amended to say that SNA identification will be undertaken in Buller and Westland within five years of TTPP notification (i.e. within five years of July 2022).

3.3 As this is a significant change from the existing situation in Westland and the approach put forward in the exposure draft, Council’s representatives on the TTPP Committee requested the opportunity to seek direction from Council before voting on this issue at the TTPP Committee.

3.4 Key reasons noted for the recommended change in approach to SNAs in Westland (and Buller) are the high risk of legal challenge to the originally proposed approach, and the inability to complete identification of SNAs before the Proposed TTPP is notified.

3.5 In response to a question at the TTPP Committee meeting, staff advised that the responsibility to identify SNAs in Buller and Westland and amend the TTPP would sit with the West Coast Regional Council and the TTPP Committee, as the entities with the statutory responsibility for the TTPP.

3.6 A further consideration is the proposed National Policy Statement on Indigenous Biodiversity (NPSIB). The NPSIB included assessment criteria for SNAs and a requirement that SNAs be included in district plans within five years from the date of the NPSIB’s enactment.

3.7 Public consultation on the NPSIB took place between November 2019 and January 2020. The Ministry for the Environment are continuing work on addressing the issues raised in submissions and hui during consultation on the NPSIB, to ensure that it promotes the maintenance and protection of indigenous biodiversity while also providing for the social, cultural and economic wellbeing of communities.

3.8 Decisions on the release of an exposure draft of the NPSIB are expected by July 2022, after the draft TTPP is notified. Once in place, district plans are required to give effect to national policy statements.

4. Options

4.1 Option 1: Modified exposure draft approach – maintain the policy wording in the exposure draft, include the existing high-level mapping of potential SNAs (as per Appendix 1) in the TTPP and use this to identify when resource consent would be required for vegetation clearance. This is a form of identification of SNAs in the TTPP and arguably goes some way to meeting the RPS requirement.

A risk here is that the mapping is still high-level and identifies a considerable area of Westland as potentially SNAs, however there would be potential benefit for landowners outside of those areas if it removed resource consent requirements for vegetation clearance on their land. This approach has previously been discussed by the TTPP Committee prior to engagement on the exposure draft, but was not the final direction given to staff at the time.

4.2 Option 2: Amend the TTPP to state that SNAs will be identified in Westland within five years of TTPP notification – TTPP staff recommend this option for the reasons outlined above and in the report at Appendix B. While there is still a risk of legal challenge with this approach it is arguably a more defensible position than Options 1 and 2 above. This approach is generally consistent with the NPSIB approach and timeframe, noting that this document is still in draft stage and subject to change, and that it is currently unknown when its five year timeframe would start from. If this option is chosen it is recommended that the policy wording used specifies that identification of SNAs will commence within five years of TTPP notification, to avoid confusion as to whether the intention is to have started or completed the process within five years.

4.3 Option 3: Maintain the approach included in the exposure draft – this approach is not recommended by TTPP staff for the reasons outlined above and in the report at Appendix B.

5. Risk Analysis

5.1. The risks of each option are outlined above, and the risks generally are discussed in the appendices.

6. Health and Safety

6.1. Health and Safety has been considered and no items have been identified.

7. Significance and Engagement

7.1. The level of significance has been assessed as being below the threshold for Council's significance and engagement policy.

7.2. Public consultation was undertaken as part of the Exposure Draft Feedback process. Further consultation and submissions will be able to be made when the proposed TTPP is publicly notified in July.

8. Assessment of Options (including Financial Considerations)

8.1. There are no financial implications to Westland District Council of this option.

9. Preferred Option(s) and Reasons

9.1. The preferred option is Option 2

9.2. The reason that Option 2 has been identified as the preferred option is that it has the lowest legal risk and best complies with the West Coast Regional Policy Statement. It is also likely to become a requirement under the NPSIB.

10. Recommendation(s)

10.1. That the report be received.

10.2. That the Westland District Council direct its representatives on the TTPP Committee that the preferred approach to SNAs in TTPP is Option 2 Amend the TTPP to state that SNAs will be identified in Westland within five years of TTPP notification.

Simon Bastion
Chief Executive

Appendix 1: TTPP Ecosystems and Indigenous Biodiversity and SNAs

Appendix 2: TTPP Ecosystems and Biodiversity



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee
Prepared by: Lois Easton, Principal Planner
Date: June 2021
Subject: **Technical Update – Ecosystems and Indigenous Biodiversity**

SUMMARY

This report gives an update on the technical work being undertaken on ecosystems and indigenous biodiversity and discusses how these could be managed through Te Tai o Poutini Plan.

The report updates on the work done to date identifying potential Significant Natural Areas and also outlines a range of options forward for this topic.

RECOMMENDATIONS

1. That the Committee receive the report.
2. That the Committee provide direction around Rule options in relation to ecosystems and indigenous biodiversity in Te Tai o Poutini Plan.

Lois Easton
Principal Planner

INTRODUCTION

1. The management of natural heritage matters (ecosystems, landscape, natural features, natural character and the coastal environment) are mandatory matters that need to be addressed in Te Tai o Poutini Plan (TTPP).
2. The Committee has previously provided feedback on an overall approach to this through draft Strategic Objectives for Natural Heritage.
3. The draft Strategic Objectives are attached at Appendix One.
4. These draft Objectives recognise that protection of values does not automatically mean that no activities can occur in the areas where these values are found and provide the overarching framework to guide the development of the detailed provisions for natural heritage matters.
5. This report looks specifically at the matters around ecosystems and biodiversity natural heritage "matters of national importance" under the RMA and the overall approach to how they are managed in TTPP.

NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY (NPSIB)

6. The NPSIB was due for release in August – however recent announcements from the relevant Ministers appear to see this being delayed with it now due to be finalised by the end of the year.
7. The draft NPSIB included assessment criteria for SNAs and a requirement that Significant Natural Areas (SNAs) be included within District Plans within 5 years from the date of enactment.
8. There has been considerable discussion around SNAs over the last month in the media, initially focussed on Northland, but more recently the West Coast. Minister Shaw (Associate Minister for the Environment – Biodiversity) made comments in response to the Northland issues in the media, which initially were being more widely interpreted than he intended.
9. To clarify the Government position, a letter has been sent by the Ministers Shaw and Mahuta (Minister of Local Government), who are jointly responsible for the NPSIB, to all Councils and this is attached at Appendix Two. This letter confirms that SNAs will be required to be identified, with the key matter to be resolved being around the process for SNAs on Māori Land.
10. Through the work undertaken on the West Coast, Poutini Ngāi Tahu Land has specifically been excluded from SNA evaluation – and separate provisions which better recognise tino rangatiratanga on this land are proposed to address management of important natural heritage in these areas.
11. However, if the NPSIB has a significantly different approach to the draft (e.g., by setting substantially less restrictive criteria for SNA identification) then this may provide some grounds to consider the consistency of the RPS direction with the national direction and which takes precedence.
12. Staff suggest a legal opinion on this once the NPSIB is released may provide useful information for the Committee in decision making.

BACKGROUND

13. As part of its implementation of Section 6 (Matters of National Importance) of the Resource Management Act (RMA), Te Tai o Poutini Plan is required to:

*"recognise and provide for the following matters of national importance:
...(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:..."*

And

*"have particular regard to—
...(a) kaitiakitanga:
...(aa) the ethic of stewardship:..."*

... (d) intrinsic values of ecosystems:..”

14. Policy 7 (1) (a) of the West Coast Regional Policy Statement (RPS), which TTPP is required to implement, specifically identifies that Significant Natural Areas (SNAs) will be identified and mapped in the district plans on the West Coast. It states:

*Policy 1. a) Areas of significant indigenous vegetation and significant habitats of indigenous fauna will be identified using the criteria in Appendix 1; they will be known as Significant Natural Areas (SNAs) and **will be mapped in the relevant regional plan and district plans***

15. In accordance with that approach, a preliminary desk top assessment of “potential” SNAs has been undertaken by Wildlands Consultants.

IDENTIFICATION OF POTENTIAL SIGNIFICANT NATURAL AREAS

16. The brief for the work undertaken by Wildlands was in two stages. In the first stage, an assessment of private land, Land Information New Zealand (LINZ) land and a limited area of Department of Conservation (DOC) administered land was assessed. Some DOC land was included at this stage, where staff considered it would provide a better context for the assessment of private land within the same ecological district.
17. The second stage of the work involved the assessment of the remaining DOC land on the West Coast, funded largely by DOC as a Variation to the original contract.
18. This work has now been completed in draft, with the draft Maps attached at Appendix Three. Key matters to note from the methodology as follows:
 - a. The sites were assessed against the criteria in the West Coast Regional Policy Statement;
 - b. Assessment for a range of the criteria is at an ecological district level – there are 44 ecological districts in the West Coast region;
 - c. Wetlands were generally not assessed as this work is primarily a function of the West Coast Regional Council under the National Policy Statement and National Environmental Standard for Freshwater Management;
 - d. Poutini Ngāi Tahu Land has been excluded from the assessment;
 - e. Stand-alone trees in pasture have not been assessed;
 - f. Mapping was done at a 1:5000 scale based on the available aerial photography;
 - g. Potential SNA site mapping has not considered property ownership boundaries, but has rather followed the extent of indigenous habitat on the ground. This may result in numerous properties throughout the District with narrow “slivers” of SNA on them. The consultants suggest that these slivers are removed through GIS processing before landowner consultation is undertaken.
 - h. There were a large number of sites where there was insufficient desktop information available to assess the significance of the sites against the RPS criteria – all of these sites are recommended for field assessment to check significance and they represent 23% of the area identified as “potential” SNA. A further 52% of the area is recommended for checking for correct boundaries.

IMPLICATIONS OF ASSESSMENT AND RPS REQUIREMENTS

19. The Wildlands desktop assessment has identified the majority of the native vegetation on the West Coast as a “potential” SNA – with the rider that field checking of nearly all sites is needed.
20. A total of 92 DOC administered sites and 171 non DOC/private land sites have been identified by the consultants as needing assessment to confirm significance and/or to confirm the boundaries
21. There are no plans for the field assessment of DOC Administered land with the TTPP focus being on the land outside the DOC estate.

22. Prior to any detailed field assessment TTPP staff believe a "drive by" field assessment and correction of site boundaries should be undertaken, as this would be expected to eliminate some areas as not meeting the criteria.
23. The extent of potential SNAs does however raise the more substantive question about what is the best policy approach for managing significant indigenous vegetation and habitats of indigenous fauna on the West Coast.
24. To date policy development was based on the assumption that there would be a large area of "not significant" vegetation – so that that SNAs and other indigenous vegetation would be managed differently in TTPP.
25. If in fact the vast majority of vegetation could be considered "significant" – then this policy approach may not be appropriate.
26. However the RPS requirements are very clear. Staff consider that it would be difficult to defend not mapping and identifying SNAs in TTPP.
27. Section 21 of the RMA places a requirement on all bodies working under the RMA to avoid unreasonable delay and to put in place matters under the RMA for which time limits are not prescribed to do so as promptly as is reasonable in the circumstances.
28. Staff are concerned that if SNAs are not included in TTPP, then there is a high risk of a parallel situation occurring for SNAs, as the West Coast Regional Council faced with Regionally Significant Wetlands, where an appeal by the Department of Conservation and Forest and Bird resulted in the Environment Court requiring a list of wetlands, which had not been field assessed – or discussed with affected landowners, to be placed in the Regional Plan without any further consultation or notification back to landowners.

APPROACH FORWARD FOR INDIGENOUS BIODIVERSITY IN TTPP

29. While the high-level policy direction of the RMA, RPS and draft NPSIB is clear that Significant Natural Areas must be identified and their values protected, there are options for how this is achieved through Te Tai o Poutini Plan.
30. As a Matter of National Importance, and one which has been well traversed through the Environment Court, it is clear that Rules will be required, however as discussed in previous papers, Rules alone will not protect these values. Ideally a package of measures – regulatory and non-regulatory would be developed, to support significant indigenous biodiversity values.
31. Many Councils have a comprehensive package of non-regulatory measures (e.g., rates relief, advice and education programmes, assistance with pest control, fencing and covenanting, fee waivers for resource consents etc) to support Rules within their Plans.
32. However, decisions on these matters are up to the individual West Coast Councils, and these methods cannot be directed by TTPP.
33. The main incentive which is available for TTPP is the inclusion of subdivision incentive provisions – whereby additional lots are allowed to be subdivided off where areas are legally protected through a covenant. This kind of incentive is included in a number of plans nationally and provides at least a potential financial benefit to landowners who have an SNA on their property. In developing Options for management of significant indigenous biodiversity staff recommend that these subdivision incentives be included.

POTENTIAL OPTIONS FOR SIGNIFICANT INDIGENOUS BIODIVERSITY

34. Staff have reviewed the range of approaches currently taken in the West Coast District Plans, and how other Councils nationally have managed this issue.
35. When looking across the range of approaches, and considering the RMA, RPS and likely NPSIB requirements, staff suggest that there are four main options for vegetation clearance which could be taken in relation to the Rules.
36. These options have been developed reflecting the fact that essentially most of the native vegetation on the West Coast has been identified as a "potential" SNA. While it is expected that this area would reduce somewhat with field checks, the widespread extent means that in practice a similar number of landowners will be affected regardless of the Option chosen.

Option 1: Rules focus on Significant Natural Areas with limited Permitted Activities in these areas and resource consents required for most activities undertaken within the Significant Natural Area. This approach is most similar to that which currently operates in Grey District, although the Significant Natural Areas, which are mapped and have rules applying, are not shown in the District Plan.

Option 2: General Restricted Discretionary vegetation clearance rules across all native vegetation with varying resource consent requirements for SNAs – with the most restrictive rules applying only to SNAs where these meet the highest value criteria in the RPS (a Threatened Environment Classification of category two or below or has species in Threat Categories 1-3a present). This approach is most similar to the tiered approach for vegetation clearance that currently operates in Buller District.

Option 3: General vegetation clearance rules across all native vegetation with limited Permitted Activities and resource consents required for most activities. This approach is most similar to that which currently operates in Westland District.

Option 4 “the Hurunui Approach”. General vegetation clearance rules across all native vegetation with limited Permitted Activities resource consents required for most activities. Provision for a Biodiversity Management Plan to be developed for any site – vegetation clearance undertaken in accordance with this Plan to be a Permitted Activity. This approach is also in place in Opotiki District Council, in their Plan made operative in 2020.

Subdivision Incentives to Support Significant Natural Areas

37. Under all these options staff propose that incentives within the subdivision rules be included to support the legal and physical protection of Significant Natural Areas. At this stage staff suggest a similar approach to that being used by New Plymouth District Council where additional “bonus lots” are provided for subdivision where this results in legal (covenant) and physical (fencing) protection of an SNA.
38. In the New Plymouth situation, an additional 4000m² lot is provided for as a Controlled Activity (i.e., consent must be granted); a Restricted Discretionary Activity where two - three 4000m² lots are created; and a Discretionary Activity where four 4000m² lots are created.

Field Assessment of Significant Natural Areas – Implications of Options

39. Options 1 and 2 have specific rules protecting SNAs and as a consequence staff consider that in implementing these options the opportunity should be provided for landowners to have a field assessment of their property in relation to the SNA criteria.
40. Options 3 and 4 have general native vegetation clearance rules – with SNA rules only in relation to providing incentives for protection through the subdivision rules. For these options while it would be good practice to undertake a detailed field assessment, a simple “drive by” to eliminate non-significant areas could be sufficient. Any need for detailed ecological assessment would be undertaken as part of resource consents.

A summary of some pros and cons of each option are outlined in the table below:

Option 1	Option 2	Option 3	Option 4
Pros: <ul style="list-style-type: none"> • Those landowners without identified SNAs are less restricted in their land use. 	Pros: <ul style="list-style-type: none"> • Makes it clear which are the highest value SNAs. 	Pros: <ul style="list-style-type: none"> • SNAs are only associated with positive measures in the Plan – subdivision incentives for their protection. 	Pros: <ul style="list-style-type: none"> • Provides a path for landowners to have greater certainty about land use options for their property and

			<p>a less onerous consent process</p> <ul style="list-style-type: none"> • SNAs are only associated with positive measures in the Plan – subdivision incentives for their protection • Biodiversity Management Plans fit with wider Farm Environment Plan approach being developed nationally
<p>Cons:</p> <ul style="list-style-type: none"> • SNAs associated with “punitive” measures in the Plan – landowner goodwill degraded because SNAs are seen as a negative • There may be very few landowners who have native vegetation on their property that is not an SNA. 	<p>Cons:</p> <ul style="list-style-type: none"> • Highest value SNAs associated with “punitive” measures in the Plan – landowner goodwill degraded because SNAs are seen as a negative • Those landowners without identified SNAs still require resource consent to undertake vegetation clearance – although this may only be a small number of landowners 	<p>Cons:</p> <p>Those landowners without identified SNAs still require resource consent to undertake vegetation clearance – although this may only be a small number of landowners</p>	<p>Cons:</p> <ul style="list-style-type: none"> • Those landowners without identified SNAs still require resource consent to undertake vegetation clearance – although this may only be a small number of landowners • Resourcing required to develop property scale Biodiversity Management Plans

NEXT STEPS FOR SNAS

41. Feedback from the Committee on the options for approach is sought. Option 1 and 2 would require progression of detailed field assessment of SNAs however for Options 3 and 4 a simple “drive by” assessment may be sufficient.

Appendix One: Draft Natural Heritage Strategic Objectives

Natural Heritage Strategic Objectives	
NH - 01	To ensure that the rights interests and values of Poutini Ngai Tahu to natural heritage areas and features are protected and provided for and that the ability to exercise kaitiakitanga and tino rangatiratanga is maintained and enhanced.
NH - 02	To protect areas of significant natural heritage on the West Coast while recognising: <ul style="list-style-type: none">• the substantial contribution that is made by the existence of conservation land in protecting significant areas, habitats and features• the need to support the ethic of stewardship and enable positive effects of the conservation estate on achieving the requirements of the RMA
NH - 03	To clearly identify: <ul style="list-style-type: none">• unique and important natural heritage areas and features on the West Coast; and• areas where subdivision, use and development to enable community economic, cultural and social wellbeing can be sustainably managed.

For the purposes of preparing, changing, interpreting and implementing Te Tai o Poutini Plan all other objectives and policies in all other chapters of Te Tai o Poutini Plan are to be read and achieved in a manner consistent with these strategic objectives.

APPENDIX TWO: LETTER FROM MINISTERS SHAW AND MAHUTA

Hon James Shaw

Minister of Climate Change
Associate Minister for the Environment (Biodiversity)



11 June 2021

Local authorities
Local Government New Zealand

Dear local authorities,

Progress on the National Policy Statement for Indigenous Biodiversity

Thank you for your continued work to protect indigenous biodiversity in your regions and districts. We recognise this work can be challenging and we have heard your calls for improved clarity on the progress of the National Policy Statement for Indigenous Biodiversity (NPSIB).

Almost 4,000 of our native plants and wildlife are currently threatened or at risk of extinction. The NPSIB will be crucial part of our Government's plan to halt the loss of indigenous biodiversity and protect what is unique about Aotearoa New Zealand.

The requirement to protect areas with significant habitats of indigenous biodiversity has existed under the Resource Management Act (RMA) for several decades. However, we acknowledge that local councils are at different stages in the process of meeting this requirement. Part of the reason for this is that no previous Government has provided guidance to councils on how they should identify those areas of significant indigenous biodiversity.

In most cases, the NPSIB requirement to identify Significant Natural Areas (SNAs) is not new. A large number of councils have already identified the equivalent areas. Many others are legally required to do so because the regional policy statement applying in their region requires it.

The NPSIB will provide standardised ecological criteria and process that would apply across the country on how SNAs should be identified. The criteria can be used to ensure consistency between local plans, and effective implementation of the RMA and the Aotearoa New Zealand Biodiversity Strategy.

The NPSIB will also enable councils and tangata whenua to work together to identify and protect biodiversity on Māori land. It will also ensure that the processes councils will need to follow to identify and manage an SNA is transparent and inclusive. Put simply, the NPSIB will provide councils with the regulatory tools to identify and protect SNAs.

Since public consultation concluded in March 2020, officials have been working through the 7000+ submissions and further developing the policy to ensure the NPSIB hits the right

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balance of protecting biodiversity while providing for the social, economic, environmental and cultural wellbeing of people and communities.

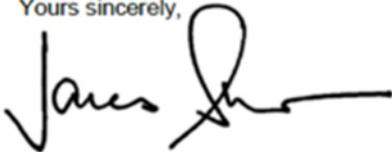
The next phase of development is to test this thinking through an exposure draft process in the coming months. We will be looking for feedback on the workability and practicality of implementation of the proposal. This will be an opportunity to work together to get this important work right. Our intention is to finalise the NPSIB by the end of this year.

Following gazettal, the implementation of the NPSIB will focus on supporting councils, iwi/Māori and other landowners to work together to identify, protect and restore the ngahere and the precious native plants and animals that live there. An implementation plan will also be developed to support local communities. The government's intention is to release this alongside the final NPSIB.

As New Zealanders, we all love getting out in nature. We also need development to occur in a way that meets the needs of current and future generations. One should not come at the expense of the other. That's what the NPSIB will help to ensure.

Once finalised, the NPSIB will be crucial to our efforts to reverse the decline of Aotearoa New Zealand's unique biodiversity and protect our natural taonga for generations to come. The NPSIB has been decades in the making and we look forward to working with you as it is finalised and we turn our attention to its implementation.

Yours sincerely,

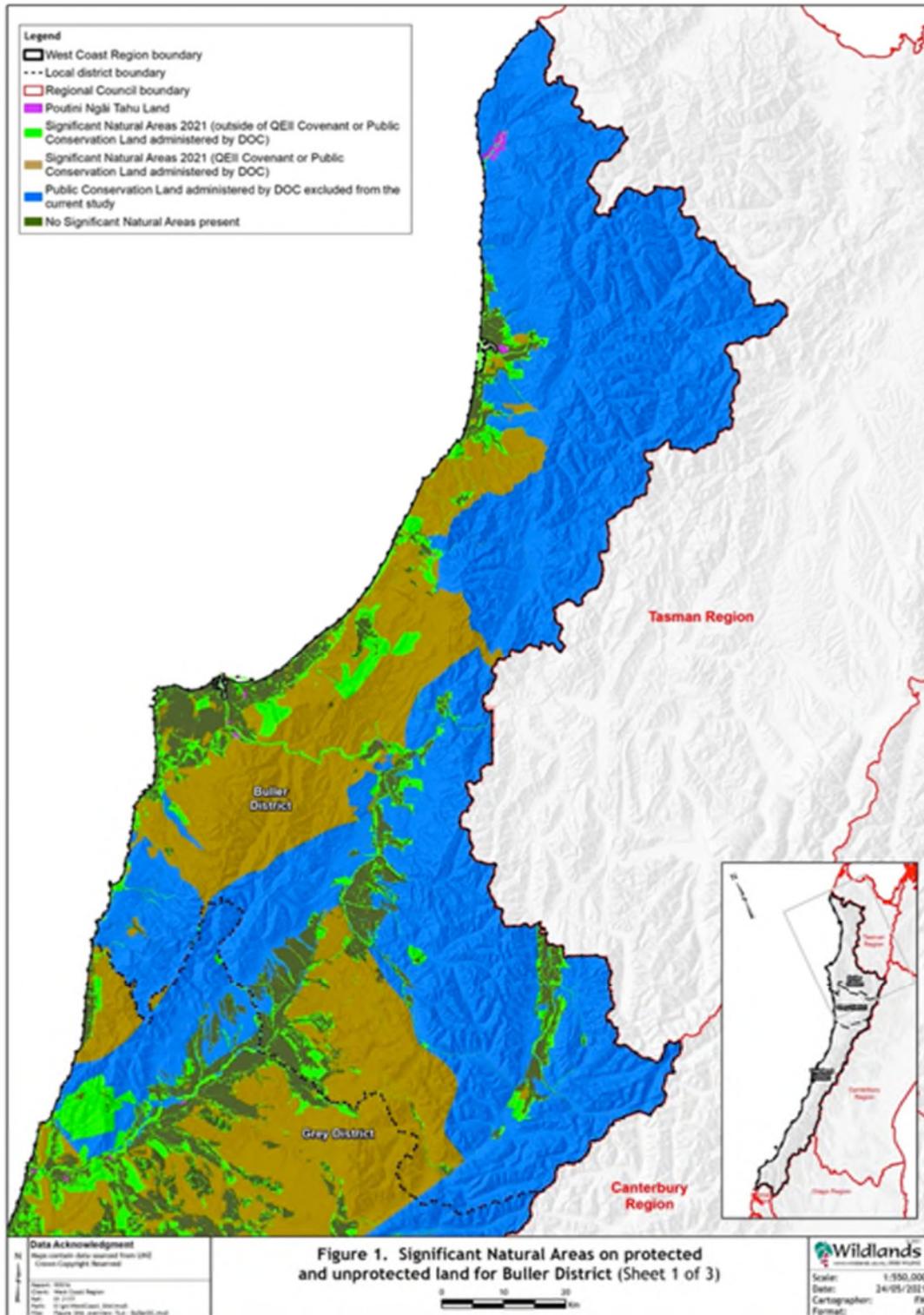


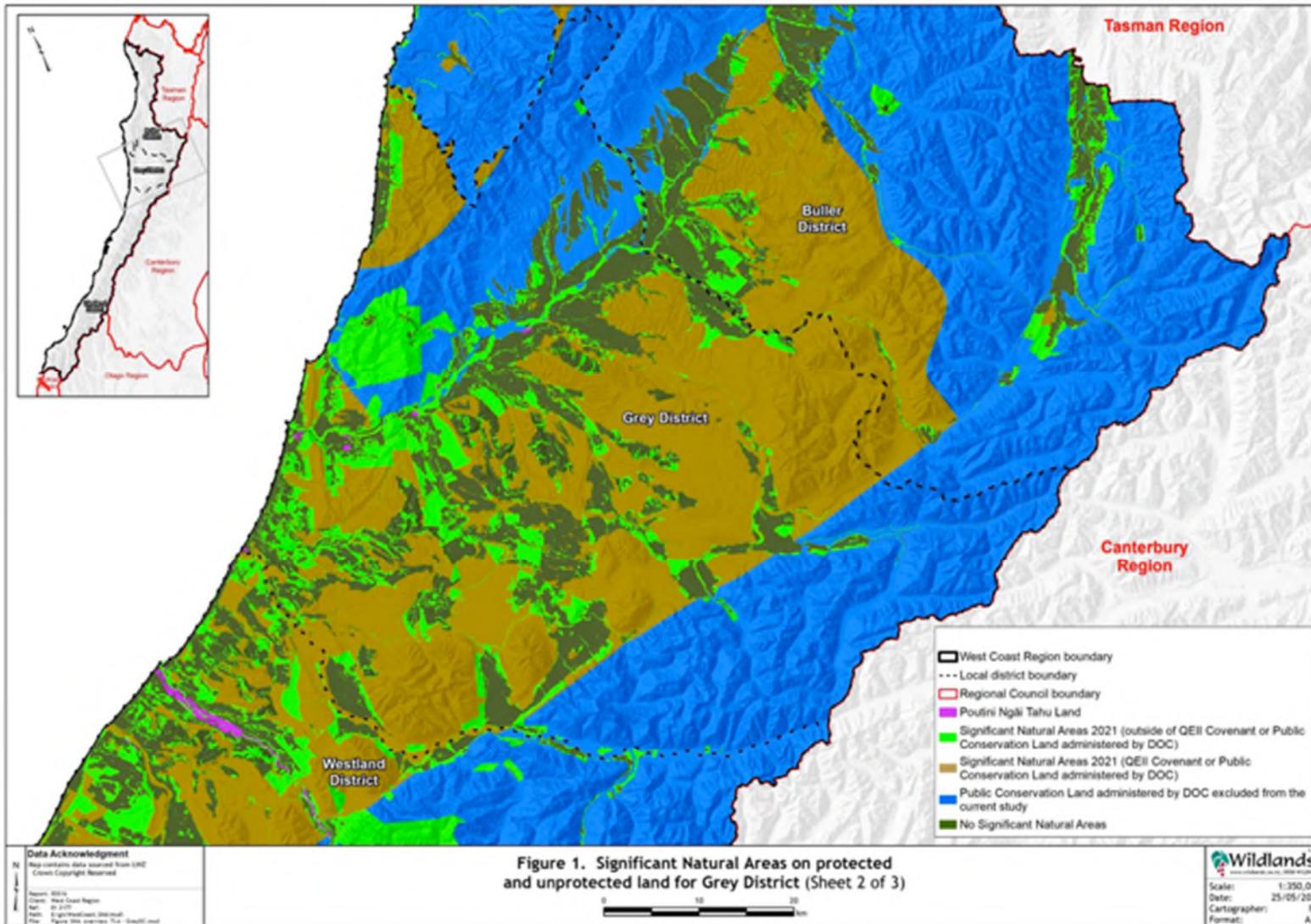
Hon James Shaw
**Associate Minister for the Environment
(Biodiversity)**

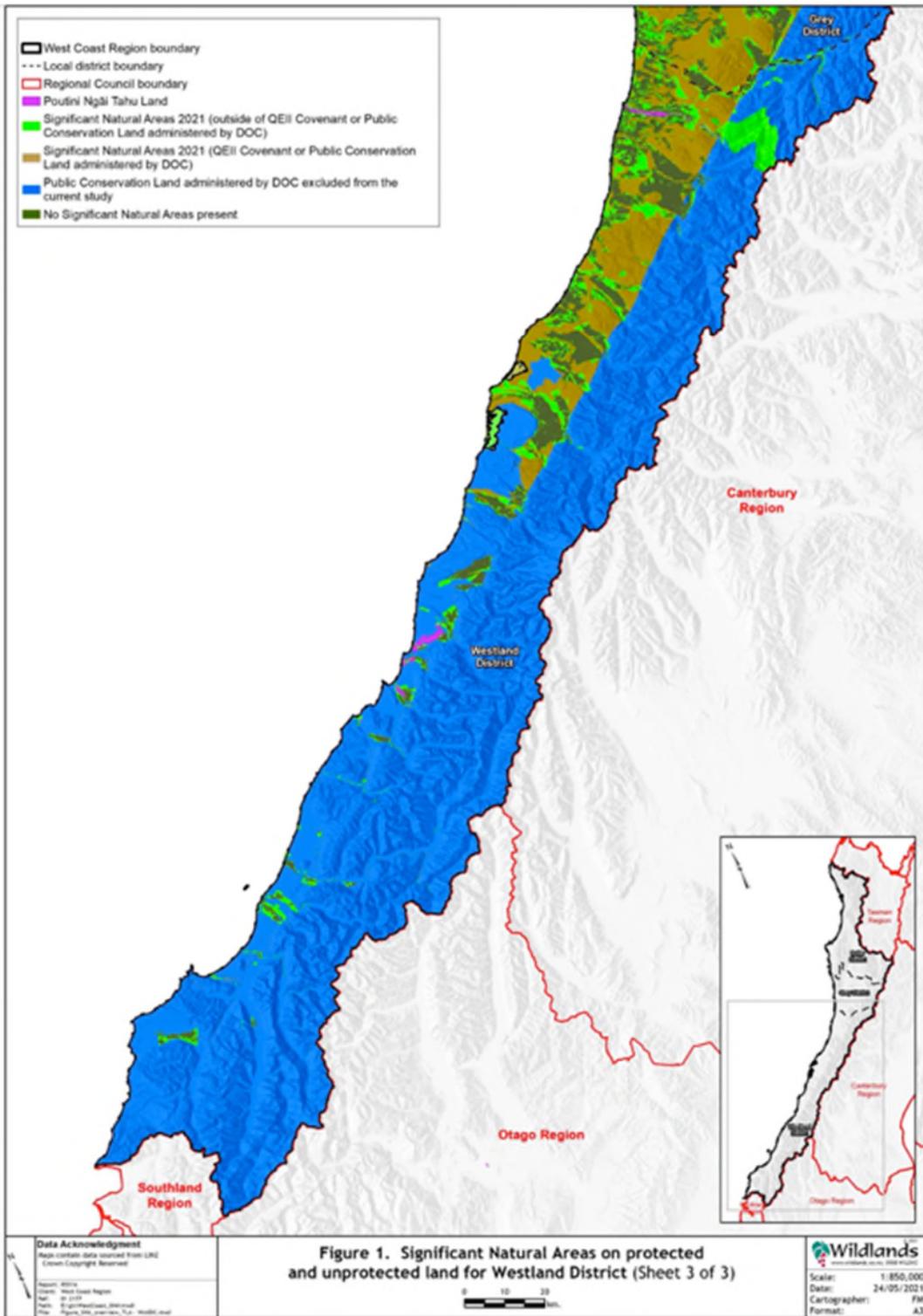


Hon Nanaia Mahuta
Minister of Local Government

APPENDIX THREE: DRAFT MAPS SHOWING "POTENTIAL" SNAS ON THE WEST COAST









Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee
Prepared by: Lois Easton, Principal Planner
Date: 29 April 2022
Subject: **Te Tai o Poutini Plan – Ecosystems and Biodiversity**

SUMMARY

This report brings back the draft Plan feedback on the issue of Ecosystems and Biodiversity.

The report considers the range of feedback on the objectives, policies, rules and definitions, alignment with the West Coast Regional Policy Statement (RPS) as well as the overall approach to significant natural area (SNA) identification within the Plan.

RECOMMENDATIONS

1. That the Committee receive the report.
2. That the Ecosystems and Biodiversity Chapter be amended in accordance with the approach outlined in the report.

Lois Easton

Principal Planner

INTRODUCTION

1. The exposure draft Te Tai o Poutini Plan was made available to the public on 26 January 2022. A series of consultation meetings and drop in sessions were undertaken over late February. Feedback on the draft was able to be provided until 11 March and an overview of this and proposed responses was considered at the 29 March meeting of the Committee for discussion and decision around amendments to the draft Plan.
2. 25 people and organisations provided feedback on the Ecosystems and Biodiversity provisions. Because this is a such a significant matter, with such a wide ranges of feedback, this report brings the feedback back and seeks direction from the Committee on these matters.

DRAFT TTPP APPROACH

3. As required by the National Planning Standards, the draft TTPP considers matters of indigenous vegetation and fauna management within the Ecosystems and Biodiversity Chapter. Alongside two objectives and 9 policies, there are a cascade of rules across the Permitted – Controlled- Restricted Discretionary and Discretionary Activities. In the Grey District a core component of the rule framework is the identification of SNAs. Within Westland and Buller a “general” vegetation clearance approach is taken, as SNAs have not been identified.

CONSULTATION

4. Because of the significance of the topic, specific consultation Zooms with key stakeholders were held so that they could ask questions in relation to plan provisions. In relation to the Grey SNA identification, a letter was sent to every affected landowner advising them of the draft Plan provisions and the feedback process. Several landowners attended the drop in session at the Grey District Council.

FEEDBACK ON THE DRAFT TTPP

5. 27 individuals and stakeholder organisations provided feedback on the Ecosystems and Biodiversity provisions. Alongside this there was feedback provided at the drop in sessions and also through the Zoom stakeholder meetings.
6. This feedback is outlined in Appendix One. There are a number of key themes to the feedback and this is summarised in the table below.

Theme	Feedback
Grey SNAs	<p>There was feedback from five people specifically in relation to the Grey SNAs.</p> <ul style="list-style-type: none"> • Four of these were landowners with SNAs with three of the landowners supporting the identification of the SNA on their property and one seeking a copy of the s32 analysis. • The other feedback received also supported the Grey SNAs being included in the Plan.
SNA identification in Buller and Westland	<p>One organisation expressed support for the draft plan approach but 16 people and organisations sought that SNAs be identified within Buller and Westland as part of the Plan process and not be left to the resource consent stage.</p> <p>There were several key points to the feedback seeking SNAs to be identified in Buller and Westland.</p> <ul style="list-style-type: none"> • That the Permitted Activity rules could enable significant areas to be cleared – and that SNAs need to be identified so they are excluded from Permitted Rules • That not identifying SNAs in Buller and Westland places an onerous requirement over landowners to undertake the assessment at the time of any resource consent. • That the lack of certainty about the location of SNAs makes it difficult for infrastructure providers and landowners to manage the effects of their activities.

	<ul style="list-style-type: none"> • Identification and mapping of SNAs is a requirement of the West Coast Regional Policy Statement that TTPP is required to give effect to.
Policy Changes	<p>A range of amendments to the policies were sought. The key points from the feedback are:</p> <ul style="list-style-type: none"> • Add "protection" into Objective 1 • Clearer protection of species that are totally protected under the Wildlife Act in policy • Policies need to address Maintenance of indigenous biodiversity (s31) • Policies need amendment to give effect to the RPS including by identifying that SNAs should meet the criteria in the RPS • Policies should recognise the value of lowland forest ecosystems • Mixed views on biodiversity offsetting (from total opposition to support) – also feedback seeking greater consistency with the RPS
Rule Changes	<p>A range of amendments to the rules were sought. The key points from the feedback are:</p> <ul style="list-style-type: none"> • Amendments seeking that activities should not put protected wildlife or indigenous threatened species at risk • ECO-R1 and R2 are considered by several submitters to be too permissive for Buller and Westland, or too permissive coast-wide and that effects will be more than minor – particularly in relation to lowland forest remnants, however these rules are also supported by other submitters • Need for some standards to go alongside removal of windthrown timber – as some removal methods can have significant adverse effects • Need for permitted activities to have a maximum cleared area – not be additive • Identification that a standard "per site" clearance approach may not be appropriate where there are small sites (e.g. in Settlement or Residential areas) • Minerals sector submitters seek a lower level of restriction within the the Mineral Extraction Zone, than applies for other activities and a clear consenting pathway where minerals activities occur within SNAs and ONLs
Definition Changes	<p>Key amendments sought</p> <ul style="list-style-type: none"> • Altering the definition of SNA to align with the WCRPS and to include reference to Schedule 4

DISCUSSION

General Policy Approach – SNAs in Grey/General Vegetation Clearance in Buller and Westland

7. The Ecosystems and Biodiversity topic is acknowledged to be one of the most contentious in the draft TTPP. Generally the feedback on the policy provisions are largely supportive, subject to a range of relatively minor amendments.
8. However the lack of identification of SNAs in Buller and Westland is exceedingly problematic. As has been previously discussed at the Committee this is ultra vires (not in accordance with the law) – specifically in that the West Coast RPS requires SNA identification. This will make defending these draft provisions difficult, and there is a high likelihood that their identification will eventually be forced onto the WCRC and TTPP Committee by the Court.
9. However the identification of SNAs in Buller and Westland is now not possible to be undertaken prior to notification of the proposed TTPP.
10. In order to address the feedback, and to take some steps towards meeting the West Coast RPS requirements it is recommended that a Policy 1 (how SNAs will be identified) be amended to

specifically state that a district wide process for SNA identification will be undertaken in Buller and Westland with a clear timeframe under which such identification will be undertaken. A timeframe of 5 years from Plan Notification to undertake this work is suggested to be included in the policy.

Grey SNAs

11. All landowners who own land with a Grey SNA on it were sent a letter to advise them that the SNAs were being included in the draft TTPP. While only four landowners have provided written feedback, there was also good attendance by SNA landowners to the drop in session in Greymouth. Generally the combined feedback is that the approach is largely supported by landowners.

Objectives and Policies

12. There are a range of changes sought to policies and objectives, many of which are not substantive in terms of their change in intent and generally it is proposed to accept these where possible.
13. There was a range of feedback seeking that the policies be worded more in alignment with those of the West Coast RPS. In originally drafting the policies the technical team had not wanted to include the complexity of wording found in the RPS – where many ecological terms are used. Given however that the feedback from stakeholders across the spectrum seeks greater alignment in wording it is recommended that this is undertaken.
14. In terms of making the policies more or less “protective” or “enabling” no changes are recommended as it is considered there is fair balance in the current wording.
15. In terms of the matters of protection of threatened species and lowland ecosystems, these are matters that it is recommended are expanded on in the policy. In the case of Grey District, almost all of the identified SNAs are lowland ecosystems and this was a key objective (to protect threatened ecosystem types) in the SNA identification process in that district.

Rules

16. The key focus of feedback is the Permitted Activity rules, with a strong theme that they are too permissive, or insufficiently prescriptive to meet RMA tests. Staff have considered the feedback and arguments carefully and consider that there are some changes that should be made to make the provisions more robust. Specifically:
 - a. Make reference to, and make provisions less permissive where this is clearance of the habitats of threatened species and land environments – and provide for these areas to be identified in an Appendix. While the Councils do not hold the information on locations of key threatened species as this is generally the remit of DOC, DOC has been approached to provide information for the appendix, which could be incorporated through a submission on the proposed Plan. This would better align the Permitted Activity standards with the RPS.
 - b. Include some standards alongside the removal of windthrown timber to mitigate any effects so they are less than minor.
 - c. Review the Permitted Activity “exemptions” from the maximum 5000m²/3 years so that activities that are likely to be confined to a single site (as opposed to activities such as tracks that are undertaken in a corridor) are excluded from the exemption.
17. It is not recommended to provide for exemptions or reductions in stringency of rules specifically for particular activities or zones where these activities are not identified in National Direction such as an NPS or NES. However advice notes are recommended to be used to cross reference specifically to the Mineral Extraction and Connections and Resilience Strategic Objectives.
18. It is recommended to combine Rule 1 and Rule 2 – these were kept separate in the draft mainly to highlight the differing approach in the three districts.

RECOMMENDED CHANGES TO THE DRAFT TTPP

19. Based on the discussion above the following amendments are recommended to the ecosystems and biodiversity provisions in the draft TTPP:
 - a. Amend Policy 1 to state that a district wide process for SNA identification will be undertaken in Buller and Westland within 5 years of Plan Notification.

- b. Minor amendments to objectives and policies where these do not change the substantive direction of the provision
- c. Amend policies to better reflect RPS wording.
- d. Include advice notes that specifically reference the mineral extraction and connections and resilience strategic objectives from Rules.
- e. Make reference to, and make Rules less permissive where this is clearance of the habitats of threatened species and land environments – and provide for these areas to be identified in an Appendix.
- f. Include some standards alongside the removal of windthrown timber to mitigate any effects so they are less than minor.
- g. Review the Permitted Activity “exemptions” from the maximum 5000m²/3 years so that activities that are likely to be confined to a single site (as opposed to activities such as tracks that are undertaken in a corridor) are excluded from the exemption.
- h. Amend the definition of significant natural area to align with that in the RPS.

Appendix One: Summary of Feedback Received on Open Space and Recreation Zones and Zoning of PCL

Name/Organisation	Sub Topic	Feedback
Mark Hurst	Grey SNAs Rules	<ul style="list-style-type: none"> • Support Grey SNAs • Provide more detailed information on the SNAs to help explain their values for landowners. • Provide for walkways and other conservation activities in SNAs • Provide for more information around what is needed for ecological studies to support resource consents. • Clearly identify what is and isn't permitted in an SNA
Don and Dianne Bradley	Grey SNAs	<ul style="list-style-type: none"> • Support the draft Grey SNA approach
John McKinnon	Grey SNAs Rules	<ul style="list-style-type: none"> • Supports SNA on his land • Seeks to be able clear a small area (footprint 120m²) for a bach – recognising there is currently no building on the property.
West Coast Penguin Trust	Policy Rules	<ul style="list-style-type: none"> • Seeks that Objective 1 be amended to include protection of all species absolutely protected under the Wildlife Act 1953. • Seeks policies be amended to take into account s31 of the RMA to “maintain indigenous biodiversity” – with either P3 or P7 being amended, or a new policy which specifically relate to protected wildlife. • Seeks amendment to the Rules to ensure that any activity, Permitted, Controlled, Restricted Discretionary or Discretionary, cannot put protected wildlife at risk, whether or not the vegetation is significant, indigenous or otherwise.
Kathy Gilbert	Policy Rules Buller/ Westland SNAs	<ul style="list-style-type: none"> • Considers the chapter is overly permissive and does not give effect to s6 or s31 of the RMA • Seeks that ECO - P7 be amended to give effect to the RPS • Considers that ECO - R1 is too permissive for Buller and Westland - standards are too ambiguous - particularly clearance for building/access/parking where no dwelling, Removal of windthrow timber needs to define methods and location and 5000m² clearance/3 years is too permissive. • Considers that using the consenting process to establish significant biodiversity is inappropriate - particularly in mineral extraction zones. • SNAs should be identified in Buller and Westland

NZ Coal and Carbon		<ul style="list-style-type: none"> • The Significant Natural Areas (SNA) and Outstanding Natural Landscapes (ONL) provisions will have legal effect upon notification. Many of these provisions and overlays will apply to mineral extraction activities both within and outside of the Mineral Extraction Zone. We seek a consenting pathway and access to the management or mitigation hierarchy for our current and future activities such that they are not unnecessarily restricted. • ECO - O2, ECO-P2 and ECO – P6 should allow for mitigation • ECO – R1 and R2 should specifically provide for lawfully established activities
Inger Perkins	Policy Rules Buller/ Westland SNAs	<ul style="list-style-type: none"> • Considers that the chapter needs to emphasise the value of lowland forest ecosystems, which are underrepresented and easily lost or diminished through permitted clearance rules. • Seeks that ECO-O1 –should be extended to add 'protect', thus: To protect and maintain the range and diversity of ecosystems and indigenous species found on the West Coast/Tai o Poutini. • ECO-P7 and ECO – P4 should also be extended this to protect species, e.g., The impact of the activity on protected wildlife and how any potential impact could be avoided, remedied or mitigated. • ECO P9 – seeks in relation to biodiversity offsets that TTPP needs to be clear on which guidance and that it is sufficiently robust. • ECO – R1 - 5000m²/3 years could mean death by a thousand cuts to lowland forest remnants. Considers that such permitted activity has no justification in the context of protecting indigenous vegetation and habitat as required by section 6 of the RMA - "areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected". Some means to protect more valuable areas needs to be found and implemented. • ECO-R1 as drafted allows for the clearance of indigenous vegetation when it is the removal of windthrow timber. When DOC explored the adverse effects of removing windthrow timber, one of the clear early findings of Manaaki Whenua Landcare Research, acting in a consulting capacity, was that a significant and long lasting potential impact on the forest was the compaction of forest soil by vehicles carrying out the removal. Such removal by vehicle was only allowed when adjacent to existing tracks; removal was otherwise carried out by helicopter. This adverse effect needs to be taken into account in this rule.
Frida Inta	Policy	<ul style="list-style-type: none"> • Seeks two new objectives – one to recognise the benefits of ecosystem services and one that relates to natural character • Opposes Policy 1 as being insufficient for protection of biodiversity • Seeks Policy 2 be amended so that there are no adverse effects on SNAs • Seeks Policy 3 be amended to refer to natural indigenous character and Seeks clarification of wording around additional subdivision rights • Opposes Policy 4 • Opposes Maori considerations in Policy 5 • Policy 6 – seeks reference to the information in Appendices 1 and 2 of the RPS • Policy 7 – seeks reference to the resource consent process rather than subdivision, use and development

		<ul style="list-style-type: none"> • Rule 1 – seeks that no mature trees be felled as part of permitted walking tracks, Opposes 5ha per site – as some sites are old ¼ acre sections, would like to see 15 years for manuka/kanuka/bracken reduced to 10 or 5 years, permitted maximum clearance needs to be tightened • ECO R-6 – if SNA spans more than 1x 4000m² allotment is too restrictive • Seeks that the chapter recognise Section 31 of the RMA and protects indigenous biodiversity that is not recognised or classified as an SNA • Clearance for utilities needs conditions as such clearance can be destructive • Opposes permitted fencelines within an SNA
Federated Farmers	Buller/ Westland SNAs	<ul style="list-style-type: none"> • FFNZ supports the principle of a planning approach that identifies SNAs using robust methodology and targeted land use controls as being more appropriate than general catch all rules which elevate all indigenous vegetation to a significance status until proven otherwise. • We are concerned for areas in Buller and Westland where the SNA mapping has only occurred at a desktop level, that now the approach is for SNA's to be ground truthed when landowners apply for a resource consent. • From looking at other councils methodology, there are various methodologies for Council to meet their s6 obligations under the RMA. We would request that the Council ensure that the process is not a cost burden on the landowner. • We would also like to see more information made available to landowners as to what criteria their sites meet.
Michael Orchard	Grey SNAs Buller/ Westland SNAs	<ul style="list-style-type: none"> • I fully support the provision and evaluation of Grey District SNA's • Buller and Westport Districts should include identification of SNAs • Identify some specific locations as SNAs • Seeks that DOC biodiversity values be included in the Plan
Greg Maitland	Buller/ Westland SNAs Rules	<ul style="list-style-type: none"> • ECO R1 Indigenous Vegetation Clearance – opposes the rule as the identification of SNAs has not been undertaken in Buller and Westland and the costs of SNA identification will lie with landowners. • In regards to ECO- R1, X.5 Removal of Bracken , Manuka , Kanuka under 15 years old . There should also be provision for the acceptance of a signed affidavit from a seperate witness for verification. As photographic evidence may not be verifiable . Bracken for example can be cleared on year and grow back the next showing no difference. • No 6 I agree with the right to remove wind-throw timber. • No 7 I would like this to be extended to 1 Hectare over 3 years if the natural vegetation has ben cut over or previously logged and is an altered non pristine state . verifiable by witnessed affidavits and recent photographs.
Brian Anderson	Policy	

	Rules Westland/ Buller SNAs	<ul style="list-style-type: none"> • Policy - All mention of biodiversity offsetting should be removed from the plan. • Rules All indigenous vegetation clearance should be a Discretionary Activity Permitted and controlled rules for indigenous vegetation removal should be removed. They are undesirable because of the biodiversity and climate change implications, and untenable without identification of Significant Natural Areas. • The TTPP fails to identify SNAs in Buller and Westland but one of the fundamental requirements under s6 of the RMA. Maps of potential SNAs should be included within the Plan.
DOC	Objectives Rules Definitions	<ul style="list-style-type: none"> • ECO – O4 should include reference to maintaining the extent of indigenous biodiversity. • Amend definition of SNA to align with the WCRPS. • Permitted rules are too permissive • Identify areas of kiwi habitat that may require additional protection from residential development and pests. • Permitted vegetation clearance of up to 5,000m² per site can be undertaken in accordance with rule ECO - R1 and ECO - R2 without verifying what type of vegetation is being removed with the exception of manuka, kanuka and bracken. These rules should exclude clearance of indigenous threatened species to give effect to Policy ECO - P6. • Delete the permitted activity standard that allows clearance for building, access, parking and manoeuvring where no practical alternative development area as is not enforceable. • The way the rules are drafted it is not clear if the 5,000m² limit for permitted clearance applies to this activity or the likes of the construction of up to 2.5m wide cycling tracks and new fences. • All these activities potentially could require large scale vegetation clearance and there needs to be clarity of the limits that apply within the permitted activity rules. • There is a permitted activity to remove windthrown trees but no caveat of the damage which could be inflicted as part of the extraction process. • Manuka/kanuka are now all threatened species because of the risk posed from myrtle rust. The rules specific to removal of manuka/kanuka may therefore be in conflict with the assessment criteria for SNAs. This was addressed in the draft NPS-IB by excluding natural areas of manuka/kanuka where the myrtle rust qualifier was the only trigger for the SNA to be identified. The Department would be comfortable if the same wording in the draft NPS-IB was used. • This vegetation type could also occur in pakihi wetland and it would be important make the point clearly in the Plan that while it may be a permitted activity to clear this vegetation in certain circumstances, the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 contains controls on the clearance of vegetation and earthworks within natural wetlands.
Garry Hill	Buller/ Westland Rules	<ul style="list-style-type: none"> • ECO measures to manage vegetation clearance in Buller and Westland are too vague and permissive.

Linda Grammer and Ian Mulholland	Policy Rules Buller/ Westland SNAs	<ul style="list-style-type: none"> • Insufficient emphasis on Biosecurity in the draft Plan.. • GE/GMOs (Genetically Modified Organisms) Genetically Modified Organisms/ Gene Drive should be addressed in the Plan • The polices with clear direction to protect threatened and at risk species are good ECO - Policy 7 sets some useful and clear considerations, but the provisions don't go far enough to give effect to the West Coast Regional Policy Statement. • The rule framework in the ECO chapter is overly permissive and does not appear to give effect to the RMA s 6 or s 31 • ECO - R1 is concerning, where SNAs have not yet been identified and mapped (in Buller and Westland districts). The permitted activity standards are too permissive and lack clarity, for example : It is clearance for building, access, parking and manoeuvring areas where there is no practical alternative development area on the site – who decides? It is the removal of windthrow timber – does not specify how or where It is a maximum area of 5000m2 per site, in total, over any continuous three year period – seems to apply anywhere, including in a potential SNA • Relying solely on consenting process leaves unidentified significant biodiversity at risk and will result in ad-hoc and in many cases only partial identification of significant areas. • It is not clear how the rules which are intended to restrict activities in such areas can be effectively applied with this approach. .
Beef and Lamb	Buller/ Westland SNAs	<ul style="list-style-type: none"> • Raise concerns about the indigenous vegetation clearance provisions and the perverse outcomes this may result in. Specifically, where landowners will be required to obtain resource consent for vegetation clearance and require an assessment against a regionally consistent significance criteria, the outcome of which will determine whether their land is added to Schedule 4.
Ted Brennan	Westland SNAs	<ul style="list-style-type: none"> • In Central Westland there are only 3 remaining areas of remnant Coastal Kowhai forest. The best remnants includes one area on south side Waitaha River, along both sides of Ounatai Creek as far as Duffers Creek Lagoon. Another site in the Totara Lagoon area, has kowhai forest from Frenchies Island and along both sides of Gow Creek almost a far as the West Coast Wilderness Cycleway (old Ross to Ruatapu railway). The 3rd area is at Donoghues south of Ross and is adjacent to the northern Mikonui Lagoon - a Schedule 2 wetland. This area is at most risk of loss through development/mining/lack of care. • All 3 areas provide and incredible food source for tui, bellbird (korimako) and kereru, as well as an amazing display of flowers and birdsong during the spring for those who know these areas exist and where they are. I feel these remnant areas should noted in the TTP Plan and be given the highest level of protection available."

Keith Morfett	Buller/ Westland SNAs	<ul style="list-style-type: none"> • Ecosystems and Indigenous Biodiversity Policies. The draft proposes that areas of significant vegetation and fauna habitat in Westland and Buller be identified through the resource consent process (ECO-P1). • Concomitant with this clause land owners may clear 0.5 ha of indigenous vegetation every three years as a permitted activity (ECO-R2). • There is therefore a real risk that significant natural areas will be gradually cleared by landowners prior to any resource consent being applied for. • This approach is inconsistent with the RMA and Buller and Westland should formally identify SNAs to prevent the creeping destruction of indigenous biodiversity.
Clare Backes	Buller/ Westland SNAs	<ul style="list-style-type: none"> • There are some good policies that give good direction to protect threatened and at risk species in the ECO chapter, but there are also some glaring omissions. • ECO-P1 states that significant indigenous vegetation and fauna will be identified through the resource consent process. However ECO-R2 states that clearance of 5000m2 over 3 years is a permitted activity, which means that a potential SNA could be gradually cleared over a number of years and never be identified. • Westland and Buller do not have to formally identify SNAs until resource consent is applied for – this is contrary to the RMA. • There are some very vaguely worded policies e.g. ECO-P6 uses the term “reasonable measurable reduction” – this could be interpreted in a number of ways. • Overall there are many permitted activities which could be harmful to the environment – this puts the onus on the general public to monitor these activities, as the Councils are not able to monitor everything. • The lack of the need for a resource consent also excludes the general public and affected neighbours completely from the process.
Hans Wiskerke	Policy Buller / Westland SNAs Rules	<ul style="list-style-type: none"> • While it is correct the West Coast has a large area of indigenous vegetation, it would not be correct to conclude this is ‘intact natural diversity’ as there are many plant and wildlife species under threat, due to introduced predators, weeds including wilding pines, and effects of climate change. • The TTPP should aim to actively improve biodiversity, rather than refer to the high percentage of conservation land on the West Coast as a reason not to take (or slow down) active measures. • The proposed approach for Westland and Buller Districts (where no SNAs have been formally identified) would mean that any area with significant natural areas, where development takes place that does not require a resource consent, is assumed to not have any significant natural areas. This important assumption seems to be taken to avoid the need to formally identify SNAs. • While it is understood the identification of SNAs can have financial effects for the owner/user of the land, it should be remembered that humans are only guardians of the land. The best outcome from an environmental perspective would be if SNAs are formally identified so suitable protection measures can be taken.

		<ul style="list-style-type: none"> • In my view TTPP should also include protection for those areas of natural significance where non-resource consented developments are allowed to take place that could diminish or destroy its natural values. • ECO-R1 Windthrow timber should only be removed when essential, if is a risk to people, structures or infrastructure, as per ECO-R1-1. Such windthrow timber is a valuable resource for the ecosystem which it forms part of, and removing it for e.g. economic considerations should not be an allowed activity under the umbrella of Ecosystems and Indigenous Biodiversity.
Forest and Bird	<p>Buller / Westland SNAs</p> <p>Rules</p> <p>Definitions</p>	<ul style="list-style-type: none"> • Relying on consent processes to identify SNAs before they can be included in the plan means that this plan will not provide for the protection of SNAs. While the plan provisions suggest that areas identified through consenting will be added to the plan by way of plan change, this method is not adequate on its own • The limitation of matters of control or restriction makes it unclear whether an assessment under the RPS significance will or can be undertaken • The plan should provide for future and ongoing surveys to identify SNAs. • The RPS provides a framework under which permitted activities may be appropriate where adverse effects are no more than minor. However, the draft ECO rules would not ensure this • While some of the bottom lines, limits and other requirements of the RPS Chapter 7 policies are captured in the draft ECO policies, not all are. • For example, the hierarchy of measures before offsetting and then before compensation can be considered, the limits and requirements for offsetting and compensation are not captured • This is particularly concerning for areas that meet the significance criteria of the RPS but are not identified in the plan. • Even beyond those areas that may be significant, the limit of 5000m² appear high given the extent of loss that has occurred under the current district plans. • We are particularly concerned that this could result in clearance of remaining vegetation on a site including significant biodiversity within residential zones where property sizes are smaller and SNAs could extend over more than one property. • Definitions - AREA OF SIGNIFICANT INDIGENOUS BIODIVERSITY which capture both identified SNAs and areas meeting the Significance criteria of the RPS. We consider this term would be useful in other chapters. However, we note that the RPS policy requires areas identified using the significance criteria are known as SNAs • The definition of SIGNIFICANT INDIGENOUS BIODIVERSITY should be worded so that it captures areas that meet the significant criteria of the RPS. • The requirement for assessment should be set out in provisions. If the area has already been assessed, it should be mapped for inclusion in the plan schedules and maps

West Coast Conservation Board	Policy Rules Buller/ Westland SNAs	<ul style="list-style-type: none"> • Opportunities for the provision of guidance to landowners regarding recognising pakihī wetland so this can be appropriately managed under the NESF (as opposed to cleared under native vegetation clearance permitted activity rules), • Native vegetation clearance rules 0.5ha / 3 years in Buller and Grey Districts, and how this approach can allow the clearance of vegetation within SNAs under permitted rules. Understand this is an intermediary approach as the NPSIB is in train. However, SNAs (which may contain considerable ecological values e.g., GSK or other threatened wildlife) remain vulnerable to clearance activity. Consideration towards mechanisms that can be incorporated to protect our F/F values in our SNAs before they are recognised as such,
Aggregate and Quarry Association	Rules	<ul style="list-style-type: none"> • A major concern with the plan relates to the impact of SNAs and ONLs in the transition period between the plan being notified and when it becomes fully operative. • Specifically, the SNA, ONL and other overlay provisions will take effect when the plan is notified but the enabling provisions, both in the extractive zones and outside, will not become operative until decisions are made much later. This clearly causes problems for consent applications in that interim period. The rules need to be operational at the outset to prevent the SNAs from being legally effective without the intended enabling rules.
Gordon Graham	Grey SNAs	seeks a copy of the s32 around SNAs
Community and Public Health	Policy	Re Eco-P9 recommend offsets are as close as possible to the development site
Trustpower	Buller/ Westland SNAs Definitions Policies	<ul style="list-style-type: none"> • Opposes the approach for identifying significant natural areas in Buller and Westland and approach in ECO – P1 • Seeks ECO –O2 should reference effects on values being remedied, mitigated, offset or compensated • Support ECO – P2 • Seeks consistency across P6, P7 and P9 in relation to the Regional Policy Statement should be given further consideration. • Policy 7 be amended as follows: When assessing resource consents in areas of significant indigenous vegetation and significant habitats of indigenous fauna, consider the following matters: - ... - <u>The necessity for the activity to provide for critical infrastructure or renewable electricity generation;</u> • ECO – R1 and ECO – R2 seeks amendment as follows:

		<p>it is necessary for one of the following purposes:</p> <p>i. The maintenance, operation and repair of lawfully established tracks, fences, structures, buildings, critical infrastructure, energy activities, network utilities or natural hazard mitigation activities;</p> <p>For the installation of temporary network activities or temporary energy activities in ENG-R5, following a regional or local state of emergency declaration;</p>
NZTA	<p>Policies</p> <p>Rules</p>	<p>Support the following Objectives and Policies:</p> <ul style="list-style-type: none"> ECO – O1, ECO – O2, ECO – O4, ECO-P7 and ECO – P9 <p>Support the following Rules</p> <ul style="list-style-type: none"> ECO – R1, ECO – R2 but reword for clarity, ECO – R4/SUB R7
Chorus, Spark and Vodafone	Policies	<ul style="list-style-type: none"> The objectives and policies in this section appear to provide a workable approach for infrastructure. However, for consistency with other natural environmental overlays, a linkage to the new policy provisions being sought in the Infrastructure section for activities in sensitive overlays should be provided.
Birchfield Coal	<p>Policies</p> <p>Buller/ westland SNAs</p> <p>Rules</p>	<ul style="list-style-type: none"> support the need to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna (collectively SNA). seek the exclusion of mineral extraction activities in the MEZ from this framework. BCML agrees with the proposal that SNA in Buller and Westland can be identified through the resource consenting process. BCML considers that site-specific (and where possible on the ground) assessment through resource consenting will be more robust than a broad desktop analysis for the purposes of the TTPP. BCML is unclear of the basis of some of the SNA (and ONL) identification and does not support these overlays applying to its operations without justification. BCML considers that identification should be on the basis of the criteria attached as Appendix 1 to the WCRPS. BCML considers that reference to specific criteria will provide consistency to the identification of SNA. There needs to be express acknowledgment in the provisions that functional activities like mining can often not avoid these areas. BCML considers that the management hierarchy adopted by the WCRPS should be used for management of SNA across the Districts. A similar hierarchy should be applied for Natural Feature Landscapes (ONL/ONFs). The consideration of biodiversity offsetting and environmental compensation at ECO P9 is vague and BCML considers that the policies in the WCRPS should be used. Combine R1 and R2 BCML considers that in relation to mineral extraction activities indigenous vegetation clearance can be effectively managed through controlled (outside ONL/SNA) and restricted discretionary rules (inside ONL/SNA) rules.

		<ul style="list-style-type: none"> Although Grey District has mapped SNAs and Buller and Westland have not, we do not consider that different permitted activity rules are required. Buller and Westland will have SNA added to Schedule 4 either because they are regionally identified as SNA (i.e. wetlands) or through the resource consenting process.
Straterra	Policies Rules	<ul style="list-style-type: none"> Find the chapter complicated – seek more consistency with the WCRPS Support the provisions in ECO - P7 and ECO - P9 that allow for compensation The Significant Natural Areas (SNA) and Outstanding Natural Landscapes (ONL) provisions will have legal effect upon notification. Many of these provisions and overlays will apply to mineral extraction activities both within and outside of the Mineral Extraction Zone. Seek a consenting pathway and access to the management or mitigation hierarchy for current and future mineral extraction activities. ECO - O2, ECO-P2 and ECO – P6 should allow for mitigation ECO – R1 and R2 should specifically provide for lawfully established activities Identify some drafting errors in rules
Minerals West Coast		<ul style="list-style-type: none"> Where mineral values and biodiversity or landscape values intersect, mining can still be carried out responsibly in keeping with the objectives of the Resource Management Act. In these instances, Minerals West Coast supports a consenting pathway that provides access to the effects management hierarchy. This allows use or development to in the first instance: <ul style="list-style-type: none"> - Avoid, and where not possible: - Mitigate, and where not possible: - Remedy, and where not possible: - Offset, and where not possible: - Compensate. Where restrictions do apply as a result of overlays or other provisions, this consenting pathway needs to be clearly available. Where mineral extraction is not a permitted activity there must be a clear and defined consenting pathway that is able to allow for mineral extraction to occur in a way that causes no net loss (and preferably a net gain) to other values, e.g. indigenous biodiversity.