

# **Planning Evidence and Recommendations Report**

***Horizons Regional Council's Planners Report on  
Submissions to the Proposed One Plan –  
Biodiversity***



**June 2008**

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**June 2008  
ISBN: 978-1-877468-55-1  
Report No: 2008/EXT/901**

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# INTRODUCTION

## CHAPTER 7: LIVING HERITAGE – BIODIVERSITY

*This report contains the recommendations from Horizons Regional Council's Planners on submissions to the Proposed One Plan. These recommendations are **NOT** Council recommendations or final decisions.*

Horizon Regional Council's Proposed One Plan was notified on Thursday 31 May 2007. The closing date to lodge submissions on the document with Horizons Regional Council was Friday 31 August 2007; late submissions were accepted through to Sunday 30 September 2007. Further submissions were accepted from 17 November 2007 through to Wednesday 19 December 2007.

During the submission period 467 submissions and 62 further submissions were received from Individuals (314), Organisations/Companies (149), Iwi (18), Territorial Authorities (15), Interest Groups (10), Central Government organisations (19), District Health Boards (2) and Regional Councils (2). The submissions addressed a large number of matters in the Proposed One Plan and associated Section 32 Report. This document is the Planning Evidence and Recommendations Report; it contains the recommendations made by Horizons Regional Council's Planners to the Hearings Panel, having considered the submissions received to the Proposed One Plan.

The submissions and further submissions to the Proposed One Plan have been assessed by Horizons Regional Council's Planners having regard to:

- The One Plan Philosophy and intent
- Section 32 Report
- Technical evidence
- Resource Management Act responsibilities
- Case Law

Horizons Regional Council staff met with some submitters to clarify points raised or negotiate potential outcomes, and sought advice from technical advisors as appropriate. As noted in the reader's guide, the recommendations on submissions do not have any statutory weight. Instead, they are intended to assist the Hearing Panel to (a) consider the merits of the Proposed One Plan in light of submissions received and to (b) assist submitters by setting out responses to the points raised.

In reading the recommendations, please note that the Recommendation [#] is a unique number for the recommendation related to a particular part of the Proposed One Plan. The recommendation indicates whether the Hearing Evidence Report recommends that the Hearing Panel either "accepts", "rejects" or "accepts in part" the submissions made. Accept in part means the recommendation is to accept only part of the decision requested in that submission. Unless detailed otherwise where the primary submission has been accepted, it follows that the further submissions supporting the primary submission have been accepted, and that the further submissions opposing the primary submitter have been rejected.



# PART ONE: READER'S GUIDE

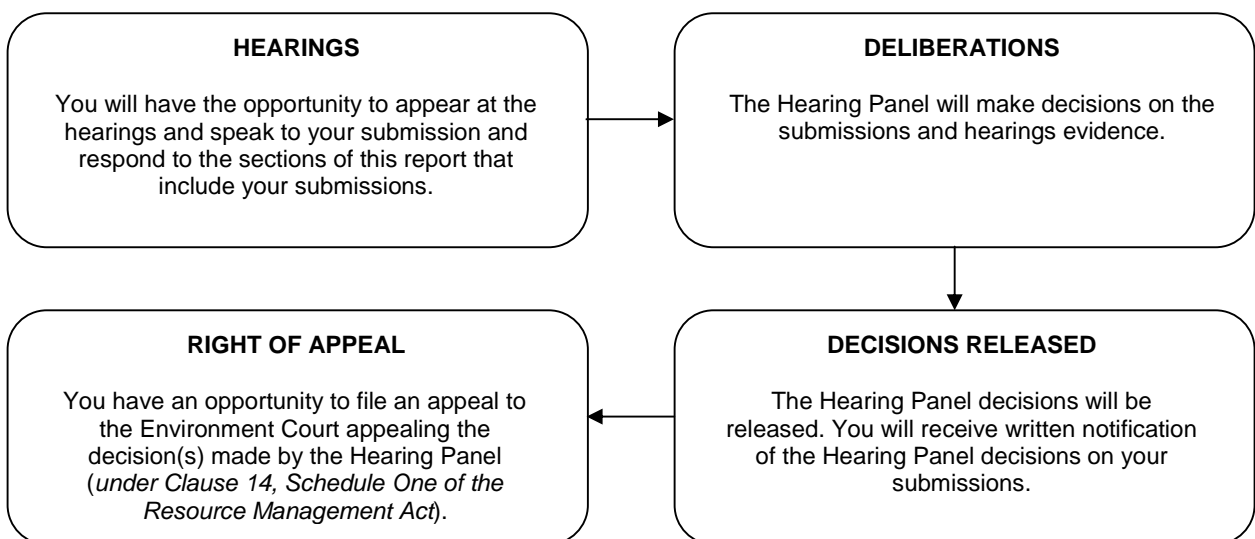
## 1. Structure of Report

The Planning Evidence and Recommendations Report on submissions relating to Chapter 7: Living Heritage – Landscapes and Natural Character includes:

- Part 1 Reader's guide
- Part 2 List of Submitters and Recommendation Numbers
  - A table that identifies all submitters to Chapter 7: Living Heritage – Landscapes and Natural Character, and lists the recommendation number(s) in which the submitter's submission is addressed.
- Part 3 Statement of Qualifications and Experience
- Part 4 Summary of key themes
  - Provides a summary of the key submission themes and recommendations relating to Chapter 7: Living Heritage - Landscapes and Natural Character.
- Part 5 Recommendations on submissions on Chapter 7: Living Heritage - Landscapes and Natural Character of the Proposed One Plan; includes tables of submitters, submission points and recommendations (accept / accept in part / reject), technical and planning assessments and wording changes to implement recommendations:

### 1.1 Process from Here

This Hearing Evidence Report has been written to assist the Hearing Panel in the decision-making process. The process for the decision-making is set out below for your information:







## **PART TWO: STATEMENT OF QUALIFICATIONS AND EXPERIENCE**

My full name is Helen Marie Marr. I have a Bachelor of Resource and Environmental Planning (specialisation in Environmental Science) degree with Honours from Massey University. I am also a qualified RMA decision-maker under the 'Making Good Decisions' programme.

I have worked as a planner for the last nine years. I have worked for Greater Wellington Regional Council as the Policy Section Leader for the Wairarapa Division. There I led the consultation on and development of a cross council and iwi coastal development strategy. I have also worked for the Ministry for the Environment in the RMA Policy team. There I worked on preparing recommendations to select committee on the 2005 RMA Amendment. I also worked on the early stages of development of a number of National Policy Statements and National Environmental Standards. I have also worked as a planner in the United Kingdom.

I began working at Horizons on the One Plan in August 2006, first as Senior Policy Analyst and Project Manager, and now as One Plan Manager. I have led and been personally involved in the final stages of the consultative process prior to notifying the plan. I have also led the final stages of the development of the policy and rules of the plan in response to submissions on the Draft One Plan and guiding the work of other planners and consultants. I have managed the One Plan through the formal first schedule process.

I have read the Environment Court's practice note Expert Witnesses – Code of Conduct and I agree to comply with it.



## **PART THREE: SUMMARY OF KEY THEMES AND RECOMMENDATIONS**

*The following is a brief summary of some of the key themes that have arisen from submissions to the biodiversity provisions of the Proposed One Plan (POP) and that are dealt with in this report. It is not an exhaustive list of all the issues raised, and more detail can be found within the body of the report, and the technical reports that accompany it.*

### **Horizons' role in biodiversity**

Horizons Regional Council (HRC), in consultation with district councils, made the decision early in the development of the POP that HRC should be the lead council agency for maintaining and improving biodiversity in the Horizons Region. Biodiversity was identified as one of the 'Big Four' environmental issues by the regional community when HRC began its consultation on the LTCCP and One Plan.

Biodiversity management is a 'good fit' with HRC's other functions, including plant and animal pest management and its provision of advice and grants for improving the state of significant habitat areas. District Councils do not have the in-house expertise to implement biodiversity rules in the same way that HRC can. Adding a suite of rules to protect significant habitats complements the other work of HRC. I recommend HRC continue to take the lead role for biodiversity, including through the use of rules.

### **Rare and threatened and at risk habitats**

The POP identifies what is significant vegetation or habitat under section 6(c) of the RMA by classifying remaining habitat into categories. Rare, threatened and at risk categories are protected by rules in the plan. No threat categories are not protected by rules in the plan. This habitat classification is how HRC intend to give effect to their responsibility to maintain biodiversity in the Region, and I recommend it be retained.

### **Schedule E**

Schedule identifies the types of habitat which are rare, threatened or at risk, and the sizes of those habitats that are considered significant and therefore are protected by rules in the plan. Because of this important role Schedule E plays I recommend it be retained. It does not use mapping and I do not recommend it be changed to do so. However there are some changes that need to be made to Schedule E to improve its clarity and to narrow its scope. For example, the list of species in Table E.3 should be reduced to only include species which have no other protection, and to exclude species which may inhabit production forest or pasture.

### **Protection of habitats**

It is appropriate for the POP to afford a high level of protection for the habitats identified as being significant. However, absolute protection in all circumstances may not be appropriate. I recommend some changes to Policy 7-2 in particular to provide for some adverse effects to be tolerated in limited circumstances where the activity will contribute to the wellbeing of the community.



## PART FOUR: RECOMMENDATIONS ON SUBMISSIONS

### 4.1 Biodiversity General – BIO 1

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
GENESIS POWER LTD	268	51	Amend all references in the proposed plan from "rare and threatened habitats" to naturally occurring rare and threatened habitats.	Reject
	X 492	23	MINISTER OF CONSERVATION - Oppose	Accept
	X 511	1	TRUST POWER LIMITED - Support	Reject
	X 519	14	MIGHTY RIVER POWER - Support	Reject
P F OLSEN LIMITED	305	1	In general terms Olsens supports much of the thrust and structure of the One Plan, note however that there are issues in relation to the how the concepts of biodiversity are to be managed; represent a fatal flaw that unless changed will undo and probably regress all the encouragement of forestry that Council has stated it is seeking to achieve to help address the big 4 issues.	Accept in part
	X 501	81	ERNSLAW ONE LTD - Support	Accept in part
	X 520	15	N Z FOREST MANAGERS LTD - Support	Accept in part
LAURA M SIVYER	388	4	No specific decision requested, however submitter notes: Give the rivers back their wetlands for a start. Nature supplied the flax swamps for the excess waters. Man in his greed has drained them. Why penalize high country landowners for the actions of the landowners along the river banks?	Reject
LAURA M SIVYER	388	5	No specific decision requested, however submitter notes: Native Flora and Fauna - Why penalize Ruapehu?	Reject

Submitter	Number	Point	Decision sought	Recommendation
LAURA M SIVYER	388	6	No specific decision requested, however submitter notes: the shortage of bird life is evident. Horizons with the AHB and DoC are the people responsible for the demise of a lot of our native fauna. The 1080 wanton poisoning of land.	Reject
HOANE TITARI JOHN WI	2	18	That education programmes become available for delivery for hapu, marae, kurakaupapa and iwi organisations.	Accept
JOHN GRAHAM DOBSON	34	1a	Submitter does not request a decision, however they do note:  - There must be more tighter control on animal birds and fish that have no real place coming into this country if its not to late  -Some of the laws you intend pursuing in some cases may be necessary but as in most cases would be a waste of time and cost an other cost that is driving farming into the ground.  -An over all law that governs all farmers that don't have a farm plan sounds ridicules.  - Farmers just want to get on with farming they don't want all this pleas sir stuff. Individual or grouped farm management plans is a must.	Reject
MICHAEL STANWICK	44	5	In the context of the Native Biodiversity issues recognized by Horizons, I also propose a controlled curtailment of sustainable forest harvesting from native forest stands. Although classed as sustainable, I would argue that the presence of the harvesting process increases the pressure on and undermines the sustainability, of native forest stands as autonomous ecosystems and this further adds to the decrease in native fauna biodiversity that Horizons has recognised in its State of the Environment Report.	Accept in part
ALEXANDER BRYAN WILFRIED JAMES	45	17	Horizons should investigate the feasibility of restoring some low lying, flood prone tracts of farmland that were created by swamp drainage back into wetlands. Such a project should involve numerous other organisations (e.g. NIWA, Fish and Game, universities, Forest and Bird) and would show the long-term vision I hope Horizons has.	Reject

Submitter	Number	Point	Decision sought	Recommendation
RUAPEHU DISTRICT COUNCIL	151	106	(b) Regional Council could provide guidance and maps to develop geographical areas and corridors of habitats across the country.	Reject
	X 481	171	PALMERSTON NORTH CITY COUNCIL - Support	Reject
RUAPEHU DISTRICT COUNCIL	151	107	(c) Not limit the planning to species and prominently to water.	Reject
	X 481	172	PALMERSTON NORTH CITY COUNCIL - Support	Reject
TOM & LINDA SHANNON	163	1	<p>Relief sought:</p> <p>i) Amend objectives, policies and methods to explicitly provide for a more cooperative strategies approach to the protection of the Region's Indigenous Biological Diversity, based on a region-wide assessment of indigenous biological diversity;</p> <p>ii) Any similar amendments to like effect;</p> <p>iii) Any consequential amendments.</p>	Accept in part
SUSTAINABLE WHANGANUI	176	19	We seek the addition of the term "indigenous dominance" in any reafforestation programmes.	Reject
JOHANNES ALTENBURG	222	3	<p>No specific decision requested but submits the following:</p> <p>Control/Destroy Domestic and Feral cats as they are a threat to native birds, Lizards/skinks.</p>	Reject
JOHN BATLEY	355	8	Inequalities in funding are a concern. Those properties involved in the SLUI Project are funded by taxpayer and ratepayer assistance whereas those who apply for consents directly pay all the costs. This will mean another increase in rates already running at extremely high levels. Parallel circumstances occur at present where many properties not receiving pest control by Horizons, fund properties that are.	Reject

Submitter	Number	Point	Decision sought	Recommendation
<b>HORTICULTURE NEW ZEALAND</b>	<b>357</b>	<b>87</b>	<b>Decision Sought: Amend Chapter 7 to identify and clearly map specific areas of indigenous vegetation and significant habitats of indigenous fauna that require protection and include objectives policies and methods for these specific areas.</b>	<b>Reject</b>
<b>MIGHTY RIVER POWER</b>	<b>359</b>	<b>73</b>	<p>- Delete the plan provisions relating to biodiversity and consider a variation to the Plan which bases the identification and management of biodiversity values on an ecological district or LENZ approach; or</p> <p>- Exclude infrastructure and energy activities from this chapter and add a cross reference to Chapter 3 and Policy 3-3 on page 3-4 in particular subject to the Mighty River Power submissions on Chapter 3 being accepted; or</p> <p>- Amend the objectives and policies as detailed below. Refer also to Mighty River Power submission on the relevant rules</p>	<b>Accept in part</b>
	X 511	311	TRUST POWER LIMITED - Support	Accept in part
	X 521	58	Allco Wind Energy N Z Ltd - Support	Accept in part
	X 522	178	MERIDIAN ENERGY LIMITED - Oppose	Accept in part
<b>MERIDIAN ENERGY LIMITED</b>	<b>363</b>	<b>100</b>	<p><b>Meridian opposes Chapter 7 and requests the following amendments or similar:</b></p> <p><b>Amend the objectives and policies as set out in Meridian's submission points below;</b></p> <p><b>Any consequential amendments necessary to give effect to this submission</b></p>	<b>Accept in part</b>
	X 527	72	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Oppose	Accept in part



Submitter	Number	Point	Decision sought	Recommendation
<b>MERIDIAN ENERGY LIMITED</b>	<b>363</b>	<b>101</b>	<b>Meridian opposes Chapter 7 and requests the following amendments or similar:</b>  <b>Adopt Meridian’s submission requests with respect to Schedule E and F.</b>  <b>Any consequential amendments necessary to give effect to this submission</b>	<b>Accept in part</b>
	X 492	130	MINISTER OF CONSERVATION - Oppose	Accept in part
	X 511	312	TRUST POWER LIMITED - Support	Accept in part
	X 527	73	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Oppose	Accept in part
<b>QUEEN ELIZABETH II NATIONAL TRUST</b>	<b>365</b>	<b>3</b>	<b>QE II National Trust supports the remainder of Chapter 7 Living Heritage.</b>	<b>Accept</b>
<b>JILL STRUGNELL</b>	<b>366</b>	<b>7</b>	<b>The remedy is that the plan recognise the TAs established role and there is an agreement to consult on perceived omissions in any District Plan. Also that it becomes policy to not require property owners to observe rules and conditions from both their TA and the Regional council on matters of heritage or native flora and fauna.</b>	<b>Reject</b>
<b>J M &amp; L C WHITELOCK &amp; B J &amp; C J WHITELOCK</b>	<b>371</b>	<b>8</b>	<b>Request - Expect Council to confirm that Reserves will remain as Reserves with no industrial development.</b>	<b>Reject</b>
	X 527	160	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	Reject
<b>MINISTER OF CONSERVATION</b>	<b>372</b>	<b>116</b>	<b>Add new method:</b>  <b>Dune field management and restoration project as suggested in this submission.</b>	<b>Reject</b>
<b>ENVIRONMENTAL WORKING PARTY</b>	<b>386</b>	<b>71</b>	<b>We ask that Council collaborate with us to maintain and enhance taonga species in our rohe (e.g. tuna [freshwater eel], harakeke [flax], kowhai).</b>	<b>Accept in part</b>
	X 527	185	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	Accept in part
<b>ENVIRONMENTAL WORKING PARTY</b>	<b>386</b>	<b>72</b>	<b>We also ask that Council work with us and other stakeholders to maintain and enhance significant ecosystems within our rohe.</b>	<b>Accept in part</b>

Submitter	Number	Point	Decision sought	Recommendation
	X 527	186	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	Accept in part
<b>ENVIRONMENTAL WORKING PARTY</b>	<b>386</b>	<b>74</b>	<b>We will seek to enter and/or support arrangements with Council that maintain and enhance taonga within our rohe.</b>	<b>Accept in part</b>
	X 527	188	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	Accept in part
<b>TARANAKI FISH &amp; GAME COUNCIL</b>	<b>406</b>	<b>68</b>	<b>Retain this section.</b>	<b>Accept</b>
<b>FEDERATED FARMERS OF NEW ZEALAND INC</b>	<b>426</b>	<b>81</b>	<b>The regional community must have the opportunity to accept or reject this ranking of significance through a consultation process.</b>	<b>Accept in part</b>
<b>NGA PAE O RANGITIKEI</b>	<b>427</b>	<b>71</b>	<b>We ask that Council collaborate with us to maintain and enhance taonga species in our rohe (e.g. tuna [freshwater eel], harakeke [flax], kowhai).</b>	<b>Accept in part</b>
<b>NGA PAE O RANGITIKEI</b>	<b>427</b>	<b>72</b>	<b>We also ask that Council work with us and other stakeholders to maintain and enhance significant ecosystems within our rohe.</b>	<b>Accept in part</b>
<b>NGA PAE O RANGITIKEI</b>	<b>427</b>	<b>74</b>	<b>We will seek to enter and/or support arrangements with Council that maintain and enhance taonga within our rohe.</b>	<b>Accept in part</b>
<b>NGA PAE O RANGITIKEI</b>	<b>427</b>	<b>79</b>	<b>We ask that Council insert a new policy and/or objective within Chapter 7 to provide a cross reference to Chapter 4 (Te Ao Maori). The policies and objectives of Chapter 4 are important to, and interlinked with, policies and objectives throughout the rest of the Plan. We encourage this approach so that Maori issues and perspectives on environmental management are not isolated to Chapter 4, but made relevant and meaningful through all aspects of the One Plan.</b>	<b>Reject</b>
	X 518	11	NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION - Support	Reject
	X 527	412	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	Reject

#### 4.1.1 Submission summary

A wide range of submissions was received on biodiversity in the POP in general. They range from statements of support for the overall approach (see for example submission points 365/3 and 406/68), also general statements of concern which are elaborated

on further in the submitters' more specific submissions on provisions (see for example submission points 305/1 and 363/100 and 363/101). Some submitters would like to see the approach to biodiversity changed to focus only on naturally occurring habitats (268/51), to be based on LENZ or ecological districts (359/73) or to include specific maps of protected habitats (151/106, 357/87). Federated Farmers (426/81) would like consultation on the habitat types that have been identified as significant in the plan.

A number of submitters identified a number of biodiversity-related projects they would like HRC involved in or the POP to identify. These include stopping logging of native forests (44/5), controlling new animals getting into New Zealand (34/1a), controlling cats (922/3), creating new wetlands from areas previously drained (45/17, 388/4) and providing more education programmes for marae and iwi organisations (2/18). One submitter also raised the issue of rates and funding of pest control (355/8).

Several submitters representing iwi or other Maori interests made submissions encouraging HRC to work more closely with iwi to manage biodiversity (see for example submission points 386/71, 386/72, 386/74, 427/71 and 427/72) and to improve links with Chapter 4 Te Ao Maori (427/79).

#### 4.1.2 Evaluation

Many of the submissions identified above raise general issues relating to biodiversity in the POP, which are dealt with in more detail in following sections of the report. For example, concerns raised regarding forestry interests are dealt with in more detail in Schedule E, and submissions relating to renewable energy developments are dealt with in the discussion on the relevant policy.

There is a submission that there should be improved cross references between Chapter 4 (which deals with resource management issues of concern to Maori) and Chapter 7. Similar submissions have been made relating to other chapters of the POP. All chapters of the POP sit alongside each other, of equal weight and value. They must all be considered by decision makers when using the plan to make decisions on resource consents, or to develop district plans. Cross-references between chapters are appropriate for specific policies if there is something noted in another chapter which it is easier to cross reference than to repeat. However, cross-references to simply refer to another chapter are unnecessary; the provisions of that other chapter stand regardless of a cross-reference or not. If submitters identify a specific policy where cross-references may be helpful, then that can be considered at the hearing.

The POP is not able to deal with some issues raised by submitters, for example introduction of pest species, activities of the Animal Health Board, their use of 1080, and the status of reserves. HRC has not current programme to recreate wetland out of farmland or to restore duneland, so it is not appropriate to identify these things in the POP.

### 4.1.3 Recommendation BIO 1

- (a) Accept or reject submissions as outlined above and in the more specific recommendations in following sections of this report.
- (b) Reject submissions seeking generic cross references to Chapter 4.

#### 4.1.3.1 Recommended changes to provisions

No changes are recommended as a result of these submissions, except as outlined in more detail in following sections of this report.

## 4.2 Chapter 7 Paragraph 7.1.1 Scope BIO 2

**Table of Submitters, Submission Points and Recommendations**

Submitter	Number	Point	Decision sought	Recommendation
ENVIRONMENTAL WORKING PARTY	386	70	We are committed to ensuring the protection and replenishment of native flora and fauna within our rohe and we endorse Councils focus [shown in paragraph 7.1.1]	Accept
	X 527	184	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	Accept
FEDERATED FARMERS OF NEW ZEALAND INC	426	80	Amend 7.1.1 Scope to include commentary on rare or threatened species in the context of significant indigenous vegetation and significant habitats of indigenous fauna.	Reject
NGA PAE O RANGITIKEI	427	70	We are committed to ensuring the protection and replenishment of native flora and fauna within our rohe and we endorse Council's focus [shown in paragraph 7.1.1]	Accept
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	60	It should be explicitly stated that areas of significance or outstanding value do not exist in isolation, but within a wider ecological context. The scope of the chapter needs to encompass landscape scale ecological values eg small or degraded bush fragments may not be significant in isolation, but collectively they play a significant ecological role.	Reject

Submitter	Number	Point	Decision sought	Recommendation
	X 527	544	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	Reject

#### 4.2.1 Submission summary

Two submitters support the scope of chapter 7 with regards to biodiversity as stated in paragraph 7.1.1 of the POP (386/70 and 427/70). Forest and Bird would like the scope expanded to include a statement about the wider ecological context (460/60), and Federated Farmers would like the scope to be clear as to how rare, threatened and at-risk habitats fit in with 'significant' habitats as stated in the RMA (426/80).

#### 4.2.2 Evaluation

Fleur Maseyk has provided evidence that the habitat classification used in the POP are consistent with the meaning of 'significant' as used in section 6(c) of the RMA (see section 9 of Fleur's evidence). Fleur's evidence also shows that the ecological context is taken into account in the definitions of the habitat types used in the POP, and in the rules which protect them (see section 8 of Fleur's evidence). I am satisfied that these matters are dealt with in the detail of the POP, the question then becomes – is it necessary to refer to these matters in the scope of the chapter? The scope of this chapter is a brief paragraph which explains the matters the chapter will deal with. I do not believe it is necessary to elaborate further, as the content of the rest of the scope and background and the specific provisions within the chapter clarify this further.

#### 4.2.3 Recommendation BIO 2

- (a) Reject submissions seeking to expand upon paragraph 7.1.1
- (b) Accept submissions seeking to retain paragraph 7.1.1 as written.

##### 4.2.3.1 Recommended changes to provisions

- (a) Do not change paragraph 7.1.1 in response to these submissions.

### 4.3 Chapter 7 Paragraph 7.1.2 Indigenous Biological Diversity BIO 3

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
ALEXANDER BRYAN WILFRIED JAMES	45	12	Future Approach  I think this is the correct approach, however this statement is contradictory to the Sites of Significance Aquatic and Sites of Significance Riparian of section 6 which are apparently based on the presence of one or a few species.	Accept in part
HANCOCK FOREST MANAGEMENT (NZ) LTD	331	12	Retain section 7.1.2 (b).	Accept
	X 501	152	ERNSLAW ONE LTD - Support	Accept
	X 520	66	N Z FOREST MANAGERS LTD - Support	Accept
MINISTER OF CONSERVATION	372	91	Amend to read ' A much higher proportion of original forest types remain in the hill country and ranges than in lower lying and coastal areas, where typically less than 10% remains. Remaining natural habitat is under pressure from pests and disturbance and much of what remains in lower lying areas is small and fragmented.'	Accept in part
	X 527	162	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	Accept in part
MINISTER OF CONSERVATION	372	92	Amend second sentence to read 'The Regional Council believes that by managing habitats the maintenance of biodiversity at all levels or scales (including genetic, species and ecosystem) will benefit.'	Reject
	X 527	163	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	Reject
ENVIRONMENTAL WORKING PARTY	386	73	We also endorse Council's realisation that "the public good arising from maintaining indigenous biological diversity should not be solely at the expense of landowners.[paragraph 7.1.2]"	Accept
	X 527	187	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	Accept

Submitter	Number	Point	Decision sought	Recommendation
<b>NEW ZEALAND INSTITUTE OF FORESTRY</b>	<b>419</b>	<b>6</b>	<b>Retain section 7.1.2(b).</b>	<b>Accept</b>
	X 501	247	ERNSLAW ONE LTD - Support	Accept
	X 520	119	N Z FOREST MANAGERS LTD - Support	Accept
<b>FEDERATED FARMERS OF NEW ZEALAND INC</b>	<b>426</b>	<b>84</b>	<b>Amend 7.1.2 to read</b>  "Aquatic biodiversity is in a similar state of degradation with indigenous fish populations greatly reduced, poor habitat (lack of riparian management in some cases including pest plants and animals and introduction of exotic) and many barriers between coastal wetlands, streams and headwaters." Or words to that effect.	<b>Accept in part</b>
<b>FEDERATED FARMERS OF NEW ZEALAND INC</b>	<b>426</b>	<b>86</b>	<b>Delete 7.1 (a) [Future approach; Halting the decline]</b>	<b>Reject</b>
<b>FEDERATED FARMERS OF NEW ZEALAND INC</b>	<b>426</b>	<b>87</b>	<b>Reword in refer to indigenous biodiversity as opposed to rare or threatened and at-risk" habitat.</b>	<b>Reject</b>
<b>FEDERATED FARMERS OF NEW ZEALAND INC</b>	<b>426</b>	<b>88</b>	<b>Retain 7.1.2 last paragraph as read</b>	<b>Accept</b>
<b>NGA PAE O RANGITIKEI</b>	<b>427</b>	<b>73</b>	<b>We also endorse Councils realisation that "the public good arising from maintaining indigenous biological diversity should not be solely at the expense of landowners [paragraph 7.1.2]"</b>	<b>Accept</b>

#### 4.3.1 Submission summary

A number of submissions support the explanation of current state and the proposed future approach outlined in paragraph 7.1.2 (see for example 45/12, 331/12 and 419/6) and two submitters support the statement that the public good resulting from maintaining

biodiversity should not be the sole expense of landowners (386/73 and 427/73). Both Federated Farmers and Minister of Conservation seek specific changes to the wording within paragraph 7.1.2, or deletion of some sub paragraphs.

#### 4.3.2 Evaluation

Minister of Conservation makes some useful suggestions to more clearly express the intent and direction of this chapter, and they should be accepted with minor amendments. I do not think it is appropriate to remove references to rare, threatened and at-risk habitats. These are referred to in the future approach section, and this accurately describes what HRC intends to do; removing these references would make the paragraph less clear. Federated Farmers would also like the statement about riparian margins altered to reflect the changing attitudes to riparian management, and efforts by HRC and landowners to improve riparian margins. HRC acknowledges the effort put in by some landowners to improve riparian vegetation, and have been supporting this through a number of programmes for many years. However the fact remains that most of the length of rivers in the Horizons Region do not have riparian vegetation or good riparian management. As this statement is one of the current state, it should reflect both of these factors.

I recommend a minor change to the wording to refer to the fact that Horizons region has 3% of remaining wetland habitat, not 2% as currently stated in the POP. This reflects recent modelling with new information the HRC have done.

#### 4.3.3 Recommendation BIO 3

- (a) Accept in part submissions seeking to retain paragraph 7.1.2 to the extent that the paragraph will remain with changes as accepted from other submitters.
- (b) Accept in part submissions seeking to make changes to paragraph 7.1.2 to the extent that the changes are consistent with the current state and approach taken to biodiversity in the POP.
- (c) Reject submissions seeking changes to paragraph 7.1.2 that are inconsistent with the current state or approach taken to biodiversity in the POP.
- (d) Make a minor change to the percentage of wetland habitat remaining, to reflect most current information.

##### 4.3.3.1 Recommended changes to provisions

Words to add are shown in underline, words to delete are shown in ~~strike through~~.

Change paragraph 7.1.2 to read (in part):

#### **Biodiversity in the Manawatu-Wanganui Region**



The Manawatu-Wanganui Region now has only 23% of its original forest cover and 23% of its wetland habitat. The majority of the forest is found in the hillcountry and the ranges, with fragments scattered throughout the Region lower lying and coastal areas of the Region, where typically less than 10% of original habitat remains. Remaining natural habitat is small, fragmented and under pressure from pests and disturbance. Aquatic biodiversity is in a similar state of degradation with indigenous fish populations greatly reduced, poor habitat (loss of riparian margins in most areas and introduction of exotic fish and pest plants) and many barriers between coastal wetlands, streams and headwaters.

#### 4.4 Chapter 7 Issue 7-1 Indigenous Biological Diversity BIO 4

**Table of Submitters, Submission Points and Recommendations**

Submitter	Number	Point	Decision sought	Recommendation
<b>PALMERSTON NORTH CITY COUNCIL</b>	<b>241</b>	<b>66</b>	<b>That Horizons adopt Issue 7-1</b>	<b>Accept</b>
	X 500	121	TARARUA DISTRICT COUNCIL - Support	Accept
	X 507	121	MANAWATU DISTRICT COUNCIL - Support	Accept
	X 515	121	HOROWHENUA DISTRICT COUNCIL - Support	Accept
	X 517	251	RANGITIKEI DISTRICT COUNCIL - Support	Accept
	X 532	121	WANGANUI DISTRICT COUNCIL - Support	Accept
<b>WATER AND ENVIRONMENTAL CARE ASSN INC</b>	<b>311</b>	<b>48</b>	<b>7-1 INSERT (g) off-road vehicle activities in the coastal foredunes</b>	<b>Reject</b>
	X 492	132	MINISTER OF CONSERVATION - Support	Reject
<b>MANAWATU ESTUARY TRUST</b>	<b>312</b>	<b>43</b>	<b>7-1 INSERT (g) off-road vehicle activities in the coastal foredunes</b>	<b>Reject</b>
<b>GEORGE &amp; CHRISTINA PATON</b>	<b>313</b>	<b>43</b>	<b>7-1 INSERT (g) off-road vehicle activities in the coastal foredunes</b>	<b>Reject</b>
<b>HORTICULTURE NEW ZEALAND</b>	<b>357</b>	<b>88</b>	<b>Decision Sought: Amend issue 7-1 to better reflect how isolation may be addressed.</b>	<b>Reject</b>

Submitter	Number	Point	Decision sought	Recommendation
TARANAKI / WHANGANUI CONSERVATION BOARD	374	16	This list should be expanded to include sand mining, gravel and or other forms of soil extraction.	Reject
WELLINGTON CONSERVATION BOARD	375	1	Change the first sentence to read: "The Plan's approach to biodiversity management encompasses indigenous ecosystems, habitats, species, populations and genetic diversity".	Reject
WELLINGTON CONSERVATION BOARD	375	2	Insert the words "Many indigenous species in the region are endangered, vulnerable or in serious decline regionally, and in some cases nationally. See Schedule E, Table E3."	Reject
FEDERATED FARMERS OF NEW ZEALAND INC	426	92	Amend issue 7-1 to include recognition of stewardship of current and previous landowners.	Reject
FEDERATED FARMERS OF NEW ZEALAND INC	426	93	Reword first paragraph of Issue Statement to read:  "In some areas, the biological diversity is not being maintained..."	Reject
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	62	Submitter supports Issue 7-1: Indigenous biological diversity	Accept

#### 4.4.1 Submission summary

Two submitters express support for issue 7-1 (460/62 and 241/66) and others ask for some changes to be made. Requested changes include; adding off road vehicle access (311/48, 312/43 and 313/43) and quarrying and soil extraction (374/16) to the list of activities which lead to decline in biodiversity, and recognition that biodiversity is not in decline everywhere and that it is maintained by landowner stewardship (426/92, 426/93). One submission would like the issue to identify how isolation of habitats might be addressed (357/88). No submitters ask for the issue to be withdrawn.

## 4.4.2 Evaluation

Issue 7-1 aims to identify biodiversity trends at the Regional scale, and to identify the major causes of that decline. It need not, and should not, be an exhaustive list or identify trends or causes down to a local scale. The trends and causes identified within Issue 7-1 are consistent with those identified in Fleur Maseyk's evidence and in her earlier technical report<sup>1</sup> and so I believe they are an accurate reflection of the issue at the regional scale. In particular, the decline in biodiversity that is being seen at a Regional scale, and the major causes of the continuing decline. Other causes of decline in habitat quality or biodiversity are evident, but I have not seen evidence to show that these are significant at the Regional level. More evidence on this may be presented by the submitters at the hearing.

The efforts of landowners to protect pockets of habitat are acknowledged and supported by HRC, unfortunately they have not been enough to reverse the Regional scale trend.

I do not believe it is appropriate to identify the remedy to the issue within the issue itself as requested by Horticulture New Zealand – this is better done in a policy or a method.

## 4.4.3 Recommendation BIO 4

- (a) Accept submissions asking for Issue 7-1 to be retained.
- (b) Reject submissions seeking to alter Issue 7-1.

### 4.4.3.1 Recommended changes to provisions

Do not make any changes to Issue 7-1 as a result of these submissions.

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<sup>1</sup> Maseyk F.J.F 2007 "Identifying the need for the protection of terrestrial biodiversity within the Manawatu-Wanganui Region. Technical Report to support policy development". Horizons Regional Council 2007/EXT/790 1-877413-78-X.

## 4.5 Chapter 7 Objective 7-1 Indigenous biological diversity BIO 5

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
NGATI KAHUNGUNU IWI INCORPORATED	180	46	Delete the word "significant" so clause (b) reads:  “(b) at-risk habitats*, as defined in Schedule E, are maintained [or enhanced] by ensuring that activities do not cause any adverse effects on their representativeness, distinctiveness or ecological context.  (c) representative examples of rare and threatened habitats* and at-risk habitats* are proactively managed in order to improve their function.”	Reject
	X 522	214	MERIDIAN ENERGY LIMITED - Oppose	Accept
PALMERSTON NORTH CITY COUNCIL	241	67	That Horizons adopt Objective 7-1	Accept
	X 500	122	TARARUA DISTRICT COUNCIL - Support	Accept
	X 502	102	NEW ZEALAND DEFENCE FORCE - Oppose	Accept
	X 507	122	MANAWATU DISTRICT COUNCIL - Support	Accept
	X 515	122	HOROWHENUA DISTRICT COUNCIL - Support	Accept
	X 517	252	RANGITIKEI DISTRICT COUNCIL - Support	Accept
	X 532	122	WANGANUI DISTRICT COUNCIL - Support	Accept
GENESIS POWER LTD	268	18	Genesis Energy submits that Lakes Otamangakau, Te Whaiiau and Moawhango are excluded from Objective 7-1 as they are man-made and are therefore not naturally-occurring habitats.	Accept
	X 511	318	TRUST POWER LIMITED - Support	Accept
	X 519	4	MIGHTY RIVER POWER - Support	Accept

Submitter	Number	Point	Decision sought	Recommendation
NEW ZEALAND DEFENCE FORCE	330	35	Amend as follows:  (a) rare and threatened habitats*, as defined in Schedule E, are protected from activities that cause more than minor loss or modification to the representativeness, distinctiveness or ecological context of these areas.	Accept
HORTICULTURE NEW ZEALAND	357	89	Decision Sought: Delete Objective 7-1 b).	Reject
TRUST POWER LIMITED	358	51	Delete clauses (a) and (b) of Objective 7-1 from the Proposed Plan.  Any similar amendments to like effect.  Any consequential amendments that stem from the amendment of Section 7.1.2 and Objective 7.1 as proposed in this submission.	
	X 506	25	MANAWATU BRANCH OF N Z GREEN PARTY - Oppose	
TRUST POWER LIMITED	358	53	Retain Objective 7-1(c) as read.  Any similar amendments to like effect.  Any consequential amendments that stem from the amendment of Section 7.1.2 and Objective 7.1 as proposed in this submission.	
	X 522	209	MERIDIAN ENERGY LIMITED - Oppose	
MIGHTY RIVER POWER	359	74	The amendment of Objective 7-1 (a) so that it reads as follows:  Rare and threatened habitats, as defined in Schedule E, are protected from activities that may cause loss or modification to the features that make the habitat significant [as defined using criteria such as representativeness, distinctiveness, and ecological context] to these areas. Where activities identified as essential infrastructure in Chapter 3 are proposed, provision is made for remedying or mitigating adverse effects on the environment including where appropriate the ability to offset any residual adverse effect by way of a financial contribution.	

Submitter	Number	Point	Decision sought	Recommendation
	X 506	24	MANAWATU BRANCH OF N Z GREEN PARTY - Oppose	
	X 511	319	TRUST POWER LIMITED - Support	
	X 527	53	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Oppose	
<b>MERIDIAN ENERGY LIMITED</b>	<b>363</b>	<b>110</b>	<b>Meridian opposes Objective 7-1 and requests the following or similar:</b>  <b>(a) Remove reference to Schedule E;</b>  <b>Any consequential amendments necessary to give effect to this submission</b>	
	X 506	26	MANAWATU BRANCH OF N Z GREEN PARTY - Oppose	
	X 511	320	TRUST POWER LIMITED - Support	
<b>MERIDIAN ENERGY LIMITED</b>	<b>363</b>	<b>111</b>	<b>Meridian opposes Objective 7-1 and requests the following or similar:</b>  <b>Amend objective to refer to significant indigenous vegetation or significant habitats of indigenous fauna as opposed to rare and threatened habitats".</b>  <b>Any consequential amendments necessary to give effect to this submission</b>	
	X 511	321	TRUST POWER LIMITED - Support	
<b>MERIDIAN ENERGY LIMITED</b>	<b>363</b>	<b>112</b>	<b>Meridian opposes Objective 7-1 and requests the following or similar:</b>  <b>Amend objective to ensure that these values are only protected to the extent appropriate;</b>  <b>Any consequential amendments necessary to give effect to this submission</b>	
	X 506	28	MANAWATU BRANCH OF N Z GREEN PARTY - Oppose	
	X 511	322	TRUST POWER LIMITED - Support	

Submitter	Number	Point	Decision sought	Recommendation
<b>MERIDIAN ENERGY LIMITED</b>	<b>363</b>	<b>113</b>	<b>Meridian opposes Objective 7-1 and requests the following or similar:</b>  <b>(a) Adopt Meridian’s submission with regard to Schedule E; or</b>  <b>(b) Delete Objective 7.1</b>  <b>Any consequential amendments necessary to give effect to this submission</b>	
	X 511	323	TRUST POWER LIMITED - Support	
<b>GRANT JOHN STEPHENS</b>	<b>369</b>	<b>27</b>	<b>No change required as submitter agrees</b>	
	X 502	92	NEW ZEALAND DEFENCE FORCE - Oppose	
	X 522	200	MERIDIAN ENERGY LIMITED - Oppose	
	X 527	148	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	
<b>MINISTER OF CONSERVATION</b>	<b>372</b>	<b>100</b>	<b>Retain existing wording.</b>	
	X 502	103	NEW ZEALAND DEFENCE FORCE - Oppose	
	X 522	211	MERIDIAN ENERGY LIMITED - Oppose	
<b>TARANAKI / WHANGANUI CONSERVATION BOARD</b>	<b>374</b>	<b>17</b>	<b>7.3 7-1 Objectives</b>  <b>add or insert to actively promote the retention of threatened habitat, the following</b>  <b>(c) The region’s best representative examples of rare, threatened and at-risk habitats shall be prioritised based on their values and threats. Management of these areas will be proactively managed in order to improve their function</b>	
<b>WELLINGTON CONSERVATION BOARD</b>	<b>375</b>	<b>3</b>	<b>Add part (d): the conservation status of species listed in Schedule E is improved.</b>	
<b>MASON STEWART</b>	<b>394</b>	<b>27</b>	<b>No change required as submitter agrees</b>	

Submitter	Number	Point	Decision sought	Recommendation
	X 502	93	NEW ZEALAND DEFENCE FORCE - Oppose	
	X 522	201	MERIDIAN ENERGY LIMITED - Oppose	
	X 527	219	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	
<b>TARARUA - AOKAUTERE GUARDIANS INC ( T A G )</b>	<b>395</b>	<b>27</b>	<b>No change required as submitter agrees</b>	
	X 502	94	NEW ZEALAND DEFENCE FORCE - Oppose	
	X 522	202	MERIDIAN ENERGY LIMITED - Oppose	
<b>SUE STEWART</b>	<b>396</b>	<b>27</b>	<b>No change required as submitter agrees</b>	
	X 502	95	NEW ZEALAND DEFENCE FORCE - Oppose	
	X 522	203	MERIDIAN ENERGY LIMITED - Oppose	
	X 527	278	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	
<b>ALISON MARGARET MILDON</b>	<b>401</b>	<b>27</b>	<b>No change required as submitter agrees</b>	
	X 502	96	NEW ZEALAND DEFENCE FORCE - Oppose	
	X 522	204	MERIDIAN ENERGY LIMITED - Oppose	
	X 527	344	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	
<b>FISH &amp; GAME NEW ZEALAND - WELLINGTON REGION</b>	<b>417</b>	<b>54</b>	<b>Objective 7-1 is supported and we wish it be retained.</b>	
	X 502	101	NEW ZEALAND DEFENCE FORCE - Oppose	
	X 522	210	MERIDIAN ENERGY LIMITED - Oppose	
<b>FEDERATED FARMERS OF NEW ZEALAND INC</b>	<b>426</b>	<b>95</b>	<b>Delete Objective 7-1</b>	
	X 522	212	MERIDIAN ENERGY LIMITED - Support	



Submitter	Number	Point	Decision sought	Recommendation
<b>FEDERATED FARMERS OF NEW ZEALAND INC</b>	<b>426</b>	<b>96</b>	<b>Or in the alternative, Amend Objective 7-1 to refer to areas of significant indigenous vegetation and significant habitats of indigenous fauna</b>	
	X 522	213	MERIDIAN ENERGY LIMITED - Support	
<b>MANAWATU BRANCH OF N Z GREEN PARTY</b>	<b>433</b>	<b>45</b>	<b>List in Schedule E the specific locations of rare and threatened habitats, or refer to where the information is held.</b>	
<b>LANDLINK LTD</b>	<b>440</b>	<b>44</b>	<b>The submitter did not specifically request a decision; however they did note: they commend the thorough approach taken but are concerned that "the level of detail is such that it will be extremely difficult to implement".</b>	
<b>ROBERT LEENDERT SCHRADERS</b>	<b>442</b>	<b>27</b>	<b>No change required as submitter agrees</b>	
	X 502	97	NEW ZEALAND DEFENCE FORCE - Oppose	
	X 522	205	MERIDIAN ENERGY LIMITED - Oppose	
	X 527	451	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	
<b>PAUL &amp; MONICA STICHBURY</b>	<b>452</b>	<b>27</b>	<b>No change required as submitter agrees</b>	
	X 502	98	NEW ZEALAND DEFENCE FORCE - Oppose	
	X 522	206	MERIDIAN ENERGY LIMITED - Oppose	
	X 527	511	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	
<b>ROYAL FOREST &amp; BIRD PROTECTION SOCIETY OF NEW ZEALAND</b>	<b>460</b>	<b>64</b>	<b>Amend (c) to read "the best representative examples of rare and threatened habitats* and at-risk habitats* are proactively managed to enhance their conservation status.</b>	
	X 506	13	MANAWATU BRANCH OF N Z GREEN PARTY - Support	
<b>SHONA PAEWAI</b>	<b>467</b>	<b>27</b>	<b>No change required as submitter agrees</b>	
	X 502	99	NEW ZEALAND DEFENCE FORCE - Oppose	
	X 527	574	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	

Submitter	Number	Point	Decision sought	Recommendation
<b>TONY PAEWAI</b>	<b>468</b>	<b>33</b>	<b>No change required as submitter agrees</b>	
	X 502	100	NEW ZEALAND DEFENCE FORCE - Oppose	
	X 522	208	MERIDIAN ENERGY LIMITED - Oppose	
	X 527	638	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	

#### 4.5.1 Submission summary

Objective 7-1 is supported in its current form by a number of submitters (see for example submission points 241/67, 369/27, 372/100, 394/27, 396/27 and 417/54). Other submitters support the objective but request amendments so that it adds reference to protecting threatened species (375/3), prioritising sites for active management (374/17) or enhancing conservation values (460/64). Some submitters would like to have all or part of the objective deleted (357/89, 358/51, 426/95). More specific submissions, opposing the objective in its current form, seek to have reference to rare, threatened or at-risk habitats or reference to Schedule E removed and for the objective simply to refer to significant habitat (426/96) or for changes to wording so that protection is replaced with more than minor adverse effect or similar (180/46 and 330/35).

#### 4.5.2 Evaluation

Currently, Objective 7-1 (a) refers to protection of rare and threatened habitats from any activity that may cause any loss or modification to their special features. Protection is a very high level threshold, particularly protection from *any loss* of values. Fleur Maseyk's evidence shows that rare and threatened habitats meet the threshold to be considered 'significant' under s6(c) of the RMA, and this section does require *protection* of the significant vegetation and habitats. So use of the word protection is appropriate in this context. Protection from *any loss or modification* would probably not allow for any activities to be carried on in rare and threatened habitats. Some activities, which may result in minor effects on the habitats are likely to be appropriate, for example if the activity is to provide for important community infrastructure, or health and safety. I agree with the submission of the New Zealand Defence Force, who suggest that the wording be changed to protect rare and threatened habitats from 'more than minor loss of modification'. This is still a very high level of protection, but still provides for minor changes which can be balanced against other community wellbeing issues.

Many submitters seek changes to the wording of the objective, particularly to remove references to rare, threatened, and at-risk habitats, and reference to Schedule E. I believe it is important to say what we mean in objectives in the POP. HRC mean to protect

habitats, not species (we do not have the mandate to do so under the RMA), and we have defined what we consider to be significant habitats at a Regional level in Schedule E. To remove Schedule E would mean referring simply to ‘significant habitats’ (as suggested by some submitters); we mean that it would be unclear what we considered to be significant habitats, when in fact we have done significant research on the issue. The objective would be broader and less clear, potentially taking in a larger, more uncertain number of habitats.

I consider that the objective also needs a minor change to how it refers to ‘representativeness, rarity and distinctiveness and ecological context’ to make this more consistent with the references to the policies that follow to Table 7.1 (which is a consequential change to change recommended to Schedule E).

#### 4.5.3 Recommendation BIO 5

- (a) Accept submission seeking to changes to the wording of the objective to the extent that ‘any’ loss be replaced with ‘more than minor’ loss.
- (b) Reject submissions seeking to change the objective to remove reference to Schedule E or to add or remove any other matters.
- (c) Make a consequential change to refer to Table 7.1 which will be added as a result of changes to Schedule E.

##### 4.5.3.1 Recommended changes to provisions

Words to add are shown in underline, words to delete are shown in ~~strike through~~.

Change Objective 7-1(a) to read (in part) :

- (a) rare and threatened habitats\*, as defined in Schedule E, are protected from activities that may cause ~~any~~ more than minor loss or modification to the representativeness, rarity and distinctiveness or ecological context of the rare and threatened habitat\*, as assessed in accordance with Table 7.1
- (b) at-risk habitats\*, as defined in Schedule E, are maintained by ensuring that activities do not cause any significant adverse effects ~~on their~~ to the representativeness, distinctiveness or ecological context of the at-risk habitat\*, as assessed in accordance with Table 7.1

Retain the rest of the Objective as proposed.

#### 4.6 Chapter 7 Policy 7-1 Responsibilities for maintaining indigenous biological diversity BIO 6

**Table of Submitters, Submission Points and Recommendations**

Submitter	Number	Point	Decision sought	Recommendation
IAN EDWARD ROKE	142	3	I ask that all responsibilities for maintaining indigenous biological diversity be apportioned to District Councils.	Reject
PHILIPA ANN ROKE	143	3	I ask that all responsibilities for maintaining indigenous biological diversity be apportioned to District Councils.	Reject
HEATHER OLIVER	144	8	I ask that all responsibilities for maintaining indigenous biological diversity be apportioned to District Councils	Reject
WINSTON OLIVER	145	9	I ask that all responsibilities for maintaining indigenous biological diversity be apportioned to District Councils	Reject
RUAPEHU DISTRICT COUNCIL	151	105	(a) Amendment of the Policy to properly reflect the division of responsibility between Regional and local government and their respective functions.	Accept in part
	X 481	170	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
TARARUA DISTRICT COUNCIL	172	53	- Withdraw the whole plan; or  - Amend the Policy to properly reflect the division of responsibility between regional and local government and their respective functions.	Accept in part
	X 481	324	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
STUART MC NIE	198	8	I ask that all responsibilities for maintaining indigenous biological diversity be apportioned to District Councils	Reject
LIONEL WEST	221	3	I ask that all responsibilities for maintaining indigenous biological diversity be apportioned to District Councils.	Reject
G M & S M DEADMAN PARTNERSHIP	224	4	That all responsibilities for maintaining indigenous biological diversity be apportioned to District Councils.	Reject
PALMERSTON NORTH CITY COUNCIL	241	68	That Horizons adopt Policy 7-1.	Accept in part

Submitter	Number	Point	Decision sought	Recommendation
	X 500	123	TARARUA DISTRICT COUNCIL - Support	Accept in part
	X 507	123	MANAWATU DISTRICT COUNCIL - Support	Accept in part
	X 515	123	HOROWHENUA DISTRICT COUNCIL - Support	Accept in part
	X 517	253	RANGITIKEI DISTRICT COUNCIL - Support	Accept in part
	X 532	123	WANGANUI DISTRICT COUNCIL - Support	Accept in part
<b>HOROWHENUA DISTRICT COUNCIL</b>	<b>280</b>	<b>57</b>	<b>Amendment of the Policy to properly reflect the division of responsibility between regional and local government and their respective functions.</b>	<b>Accept in part</b>
	X 481	418	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
<b>WANGANUI DISTRICT COUNCIL</b>	<b>291</b>	<b>35</b>	<b>- Withdrawal of the whole plan; or  - Amendment of the Policy to properly reflect the division of responsibility between regional and local government and their respective functions.</b>	<b>Accept in part</b>
	X 481	495	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
<b>WILLIAM PEHI SNR</b>	<b>294</b>	<b>3</b>	<b>I ask that all responsibilities for maintaining indigenous biological diversity be apportioned to District Councils.</b>	<b>Reject</b>
<b>MANAWATU DISTRICT COUNCIL</b>	<b>340</b>	<b>65</b>	<b>Clarification as to whether the Regional Council seeks to have all responsibility for developing and administering rules controlling land use activities for the purpose of maintaining biodiversity, or whether it seeks to have territorial authorities also develop land use activity rules and, if so, what should be the nature and scope of such rules.</b>	<b>Accept in part</b>
	X 481	621	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
<b>RANGITIKEI DISTRICT COUNCIL</b>	<b>346</b>	<b>53</b>	<b>Amendment of the Policy to properly reflect the division of responsibility between regional and local government and their respective functions.</b>	<b>Accept in part</b>
	X 481	758	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
<b>ENVIRONMENT NETWORK MANAWATU</b>	<b>356</b>	<b>34</b>	<b>ENM seek the clarification of what rules TAs should develop under Policy 7-1</b>	<b>Accept in part</b>

Submitter	Number	Point	Decision sought	Recommendation
TRUST POWER LIMITED	358	54	(i) Retain Policy 7-1 as read.  (ii) Any similar amendments with like effect.  (iii) Any consequential amendments that stem from the amendment of Policy 7-1 as proposed in this submission.	Accept in part
MINISTER OF CONSERVATION	372	105	Retain existing wording as written.	Accept in part
WELLINGTON CONSERVATION BOARD	375	4	Insert the word "and restoring" after "maintaining".	Reject
PROPERTY RIGHTS IN NEW ZEALAND INC	393	6	Remove Policy 7.1 and replace it with a correct statement of the legal position.	Reject
PROPERTY RIGHTS IN NEW ZEALAND INC	393	7	Remove all references to biodiversity in the rules.	Reject
PROPERTY RIGHTS IN NEW ZEALAND INC	393	8	Amend Schedule E to recognise the geological component of the threatened habitat and not define it on a species basis.	Reject
FISH & GAME NEW ZEALAND - WELLINGTON REGION	417	56	Policy 7-1 is supported and we wish it be retained.	Accept in part

Submitter	Number	Point	Decision sought	Recommendation
FEDERATED FARMERS OF NEW ZEALAND INC	426	100	Amend Policy 7-1 to read:  (a) (ii) developing methods to control land use activities for the purpose of maintaining biological diversity  (b) (i) implementing the objectives and policies of this chapter when developing methods of implementation and making decision on subdivision and landuse consent applications  (b) (ii) developing and retaining schedules of areas of significant indigenous vegetation and significant habitats of indigenous fauna in their district plans and/or such other measures as they see fit for the purpose of implementing their functions under the RMA	Reject
LANDLINK LTD	440	48	"Policy 7-1 is .. unnecessary."	Reject

#### 4.6.1 Submission summary

Two key submission points have been made on this policy; to remove or to retain the policy. Submitters who wish the policy to be removed or significantly altered include the majority of the district councils (although this is somewhat confused by contradictory further submissions from each of them), and a large number of submitters who have submitted under the Property Rights in New Zealand banner. Submitters who wish to see the policy retained include Minister of Conservation, Fish and Game NZ Wellington Region, and a number of others (see for example 241/68, 358/54, 372/105 and 417/56). Federated Farmers wish the policy to be amended to remove reference to HRC writing rules, and Wellington Conservation Board would like it to refer to restoring as well as maintaining.

#### 4.6.2 Legislative overview

John Maassen, resource management lawyer, has provided evidence on the legislative context for biodiversity and the council functions surrounding it. I will not repeat his evidence here, but provide a brief summary of the relevant provisions of the RMA.

The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna is a matter of national importance which we must recognise and provide for under s6(c) of the RMA. Regional councils have the function of establishing,

implementing and reviewing objectives, policies and methods for maintaining indigenous biological diversity (s30(1)(ga)). District councils have the function of controlling the actual or potential effects of use development or protection of land for the purpose of the maintenance of indigenous biological diversity (s31(b)(iii)). These subtly different functions are overlapping – both regional and district councils have a function for maintaining biodiversity. Section 62(1)(i) identifies the functions that are shared by both regional and district councils (hazard management, hazardous substances and biodiversity) and directs regional councils to identify in their RPS which authority will take responsibility for controlling land use for those functions. This includes stating who will control the use of land to maintain indigenous biological diversity (s62(1)(i)(iii)). Other aspects of biodiversity management will need to be resolved between regional councils and territorial authorities through other informal or formal mechanisms<sup>2</sup>.

### 4.6.3 Evaluation

Policy 7-1 apportions the responsibilities for maintaining indigenous biological diversity between regional and district councils, as required by s62(1)(i)(iii) of the RMA.

HRC, in consultation with district councils, made the decision early in the development of the POP that HRC should be the lead council agency for maintaining and improving biodiversity in the Horizons Region. Biodiversity management is a 'good fit' with HRC's other functions, including plant and animal pest management and its provision of advice and grants for improving the state of significant habitat areas. HRC has inhouse expertise in ecology and biodiversity management, and also has many officers 'on the ground' interacting with landowners and providing advice on land management. More detail on this aspect of HRC's work is outlined in Alistair Beveridge's evidence, attached to this report.

HRC's non-regulatory programme, including working with landowners to provide advice and funding, is the main way in which HRC will give effect to its function to maintain biodiversity. However, non-regulatory approaches on their own will not 'stop the decline' in biodiversity. Vegetation clearance, drainage and other destructive activities must also be controlled to maintain the current state. Because of the level of expertise, involvement and funding HRC has to put into maintaining biodiversity, it is also considered that HRC is the best placed agency to introduce, process, monitor and enforce rules controlling land use to maintain biodiversity. None of the submissions from the TAs appear to disagree with this.

However the submissions of the majority of the TAs do claim that "the policy is ultra vires as it does not accord with s.30 (1)(LGA) and s.31(b)(iii) of the RMA. In attempting to paraphrase these statutory provisions and s.62(1)(i)(iii), their true meaning and intent have been lost." I assume the submitters mean s30(1)(ga) not (LGA) as this section of the LGA refers to the local government commission. The submitters do not state in which aspect the proposed policy is ultra vires; they may provide more evidence on this at the hearing. I have reviewed the relevant sections of the RMA and the POP and do not consider this policy to be ultra vires.

<sup>2</sup> <http://www.qualityplanning.org.nz/plan-topics/indigenous-biodiversity.php>. This guidance note was prepared in September 2002 and updated in February 2007.



The submissions of the TAs seek that the policy be clarified to make it clear if TAs would be required to also write rules to control land use to maintain biodiversity. The intention of the POP is to make it clear that HRC is the lead agency with regard to biodiversity, and that HRC would be the only authority with land use rules controlling land for the purpose of maintaining biodiversity. I believe that the role of HRC is clear in part (a) of the policy. However I believe that part (b)(i) could be amended to make the role of TAs more clear. TAs are not expected by this policy to write rules in their plan which control land use for the purpose of maintaining biodiversity. However it is acknowledged that TAs write and implement land use rules for other purposes, and they also control subdivision. I think this is particularly relevant for subdivision, when the ownership of significant habitats could become fragmented and the introduction of animals or plants (through domestic pets and gardens) is a very real threat, both of which can be controlled by conditions of subdivision consent. I believe that Policy 7-1(b)(i) should be altered to make this clearer.

Part (b)(ii) of the policy was added at the request of TAs during the drafting of the POP. The rules in the POP will not protect individual native trees, or small habitats that do not meet the criteria for control. However these areas may be of value for other reasons, for example amenity or historic significance. HRC do not want to prevent TAs protecting these things, and provides for this to happen in this part of the policy.

Wellington Conservation Board would like the policy to refer to ‘restoring’ as well as ‘maintaining’ biodiversity. Proactive management of some habitats is a goal of HRC which is expressed in Objective 7-1 and Policy 7-4 and others. However the purpose of this policy is to apportion responsibilities for ‘maintaining’ biodiversity, as required by the RMA. I think to expand upon it to include restoration would muddle its purpose and make it less clear. I believe that the other objectives and policies of this chapter of the plan encapsulate the restoration goal adequately.

#### 4.6.4 Recommendation BIO 6

- (a) Accept in part submissions which support Policy 7-1, to the extent that the policy is retained but altered to clarify it.
- (b) Accept in part the submissions which seek to clarify the role of district councils in Policy 7-1 to the extent that Policy 7-1(b)(i) can be altered to better reflect the intent of the policy.
- (c) Reject submissions which seek to remove Policy 7-1 or to have all responsibilities for maintaining biodiversity given to district councils.

##### 4.6.4.1 Recommended changes to provisions

Words to add are shown in underline, words to delete are shown in ~~strike through~~.

Change Policy 7-1(b)(i) to read :

(a) **Territorial Authorities shall be responsible for:**

- (i) Ensuring that the ~~implementing~~ objectives and policies of this chapter are taken into account when developing rules and making decisions on subdivision and land use consent applications

Retain the rest of the policy as proposed.

#### 4.7 Chapter 7 Policy 7-2 Activities in Rare and Threatened Habitats BIO 7

**Table of Submitters, Submission Points and Recommendations**

Submitter	Number	Point	Decision sought	Recommendation
IAN EDWARD ROKE	142	4	I ask that all responsibilities for maintaining indigenous biological diversity be apportioned to District Councils.	Reject
PHILIPA ANN ROKE	143	4	I ask that all responsibilities for maintaining indigenous biological diversity be apportioned to District Councils.	Reject
HEATHER OLIVER	144	9	I ask that all responsibilities for maintaining indigenous biological diversity be apportioned to District Councils	Reject
WINSTON OLIVER	145	10	I ask that all responsibilities for maintaining indigenous biological diversity be apportioned to District Councils	Reject
SUSTAINABLE WHANGANUI	176	21	We support the prohibition on vegetation clearance or land disturbance within these areas.	Reject
STUART MC NIE	198	9	I ask that all responsibilities for maintaining indigenous biological diversity be apportioned to District Councils	Reject
LIONEL WEST	221	4	I ask that all responsibilities for maintaining indigenous biological diversity be apportioned to District Councils.	Reject
G M & S M DEADMAN PARTNERSHIP	224	5	That all responsibilities for maintaining indigenous biological diversity be apportioned to District Councils.	Reject

Submitter	Number	Point	Decision sought	Recommendation
<b>PALMERSTON NORTH CITY COUNCIL</b>	<b>241</b>	<b>69</b>	<b>That Horizons either remove or amend Policy 7-2 &amp; 7-3, in particular by amending Schedule E so that landowners are informed directly which parts of their land are subject to regulation.</b>	<b>Reject</b>
	X 500	124	TARARUA DISTRICT COUNCIL - Support	Reject
	X 507	124	MANAWATU DISTRICT COUNCIL - Support	Reject
	X 515	124	HOROWHENUA DISTRICT COUNCIL - Support	Reject
	X 517	254	RANGITIKEI DISTRICT COUNCIL - Support	Reject
	X 532	124	WANGANUI DISTRICT COUNCIL - Support	Reject
<b>TRANSPower NEW ZEALAND LTD</b>	<b>265</b>	<b>23</b>	<b>C. Delete Policy 7-2. If such areas are to be defined then ensure they are mapped and introduced by way of Variation.</b>	<b>Reject</b>
	X 522	235	MERIDIAN ENERGY LIMITED - Support in Part	Reject
	X 527	15	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Oppose	Accept
<b>GENESIS POWER LTD</b>	<b>268</b>	<b>19</b>	<b>Genesis Energy submits that Lakes Otamangakau, Te Whaiiau and Moawhango are excluded from Policy 7-2 as they are man-made and are therefore not naturally occurring habitats.</b>	<b>Accept in part</b>
	X 519	5	MIGHTY RIVER POWER - Support	Accept in part
<b>POWERCO LIMITED</b>	<b>272</b>	<b>21</b>	<b>M2 - Policies 7-2(d) and 7-3(d) are amended to include an additional circumstance where consents will generally be granted to read: "vegetation clearance and other activities necessary to ensure the continued operation of infrastructure". Recognition that there are links to Policies 5-1, 5-2, 5-3, 5-4 and 5-5.</b>	<b>Accept in part</b>
	X 511	328	TRUST POWER LIMITED - Support	Accept in part
<b>WILLIAM PEHI SNR</b>	<b>294</b>	<b>4</b>	<b>I ask that all responsibilities for maintaining indigenous biological diversity be apportioned to District Councils.</b>	<b>Reject</b>

Submitter	Number	Point	Decision sought	Recommendation
NEW ZEALAND DEFENCE FORCE	330	36	1. Amend Policies 7-2 as follows:  (c) The activities described in subsection (b) will be allowed where they are for the purposes of pest control or habitat maintenance or enhancement.	Accept
NEW ZEALAND DEFENCE FORCE	330	40	1. Retain Policy 7.2 (d) as is, and insert a new sub clause into Rules 12-7 and 12-8 as follows: (?) or they are carried out for the purposes of military training using live ammunition under the Defence Act 1990.	Accept in part
TRUST POWER LIMITED	358	55	Either delete Policy 7-2 from the Proposed Plan or amend the provisions to only make provision for appropriately identified species and habitats of ecological significance.  Any similar amendments to like effect.  Any consequential amendments that stem from the amendment of Policies 7-2, 7-3 and Schedule E as proposed in this submission.	Reject
	X 522	236	MERIDIAN ENERGY LIMITED - Support in Part	Reject
	X 525	253	GENESIS POWER LTD - Support	Reject
TRUST POWER LIMITED	358	56	Delete Policy 7-3 from the Proposed Plan or amend the provisions to only make provision for appropriately identified species and habitats of ecological significance.  Any similar amendments to like effect.  Any consequential amendments that stem from the amendment of Policies 7-2, 7-3 and Schedule E as proposed in this submission.	Accept in part
	X 522	237	MERIDIAN ENERGY LIMITED - Support in Part	

Submitter	Number	Point	Decision sought	Recommendation
<b>TRUST POWER LIMITED</b>	<b>358</b>	<b>58</b>	<p>Revise appropriate sections of the Proposed Plan to provide adequate balance for recognising the benefits of infrastructure and energy generation.</p> <p>Any similar amendments to like effect.</p> <p>Any consequential amendments that stem from the amendment of Policies 7-2, 7-3 and Schedule E as proposed in this submission.</p>	<b>Accept in part</b>
	X 522	238	MERIDIAN ENERGY LIMITED - Support in Part	Accept in part
	X 525	255	GENESIS POWER LTD - Support	Accept in part
	X 527	40	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Oppose	Reject
<b>MIGHTY RIVER POWER</b>	<b>359</b>	<b>78</b>	<p>- Delete the policy;</p> <p>- In the alternative, add the following text to (d) as follows:</p> <p>In considering whether an adverse effect is minor or not the following factors will be taken into account:</p> <ul style="list-style-type: none"> <li>- The net effect on the biodiversity of the ecological district or LENZ environment taking into account the mitigation measures proposed</li> <li>- The benefits of the activity at a regional and national level</li> <li>- The provisions of Chapter 18 Financial Contributions where relevant</li> </ul>	<b>Accept in part</b>
	X 511	329	TRUST POWER LIMITED - Support	Accept in part
	X 522	239	MERIDIAN ENERGY LIMITED - Support in Part	Accept in part
	X 527	56	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Oppose	Reject

Submitter	Number	Point	Decision sought	Recommendation
<b>MERIDIAN ENERGY LIMITED</b>	<b>363</b>	<b>116</b>	<p>Meridian opposes Policy 7-2 and requests it is amended as follows:</p> <p>Rename Policy 7-2 to: "Activities in significant habitats of indigenous fauna"</p> <p>Delete clause (a); and</p> <p>Amend clause (b) as follows:</p> <p>(b)Significant habitats of indigenous fauna shall be protected from inappropriate subdivision use and development;</p> <p>Delete clause (c); and</p> <p>Amend clause (d) to remove reference to rare and threatened habitat and Schedule E;</p> <p>Or;</p> <p>Delete Policy 7-2 in its entirety.</p> <p>Any consequential amendments necessary to give effect to this submission</p>	<b>Reject</b>
	X 511	330	TRUST POWER LIMITED - Support	Reject
<b>MINISTER OF CONSERVATION</b>	<b>372</b>	<b>106</b>	Retain existing wording as written except as suggested elsewhere in this submission.	<b>Accept in part</b>
	X 511	333	TRUST POWER LIMITED - Oppose	Reject
<b>MINISTER OF CONSERVATION</b>	<b>372</b>	<b>107</b>	Add (b) (iii) "surface water takes or groundwater takes that will impact on the surface water levels of any water body identified as a rare or threatened habitat".	<b>Accept in part</b>
	X 511	334	TRUST POWER LIMITED - Oppose	Reject

Submitter	Number	Point	Decision sought	Recommendation
<b>MINISTER OF CONSERVATION</b>	<b>372</b>	<b>108</b>	<b>Policy 7-2 (c) Add the following after 'enhancement':  "and are compatible with maintaining or enhancing the values for which the area has been identified"</b>	<b>Reject</b>
	X 502	104	NEW ZEALAND DEFENCE FORCE - Oppose	Accept
<b>TARANAKI / WHANGANUI CONSERVATION BOARD</b>	<b>374</b>	<b>18</b>	<b>No decision requested, however submitter notes: Despite the Councils concerns and even with the known serious decline there appears to be little or no concern with habitats with no existing threat level, but, nevertheless areas and or habitats having significant importance due to the proximity or their buffering effect for a rare or threatened habitat.</b>	<b>Reject</b>
	X 506	15	MANAWATU BRANCH OF N Z GREEN PARTY - Support	Reject
<b>FISH &amp; GAME NEW ZEALAND - WELLINGTON REGION</b>	<b>417</b>	<b>57</b>	<b>Policy 7-2 is supported and we wish it to be retained.</b>	<b>Accept</b>
	X 511	335	TRUST POWER LIMITED - Oppose	Reject
<b>FEDERATED FARMERS OF NEW ZEALAND INC</b>	<b>426</b>	<b>101</b>	<b>Delete Policy 7-2</b>	<b>Reject</b>
	X 511	332	TRUST POWER LIMITED - Support	Reject
	X 522	241	MERIDIAN ENERGY LIMITED - Support in Part	Reject
<b>LANDLINK LTD</b>	<b>440</b>	<b>49</b>	<b>Submitter generally supports Policy 7-2 but note they have some concerns with how Schedule E is written as outlined in 45/440</b>	<b>Accept</b>
<b>LANDLINK LTD</b>	<b>440</b>	<b>54</b>	<b>Replace references to "near" and "nearby" with "adjacent interconnected systems" or similar to provide more clarity about the adverse effects that are being managed.</b>	<b>Reject</b>

Submitter	Number	Point	Decision sought	Recommendation
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	66	<p>(a) Would like to see selection criteria provided for Schedule E. This will increase transparency of the identification process and will help landowners understand why a particular habitat is classified as important.</p> <p>(b) Support in part - amend to read - "Rare and threatened habitats shall be protected by generally not allowing" (generally adds nothing to the policy)</p>	Reject
	X 506	16	MANAWATU BRANCH OF N Z GREEN PARTY - Support	Reject
	X 511	331	TRUST POWER LIMITED - Support	Reject
	X 527	546	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	Reject

#### 4.7.1 Submission summary

Policy 7-2 is supported (in whole or with amendments) by Department of Conservation, Forest & Bird, and Fish & Game. A group of submitters oppose it as they would like all biodiversity responsibilities to be undertaken by district councils, as they did with Policy 7-1 (see for example 294/4 and 124/4 and like submissions). Some submitters oppose the policy because they would like to see Schedule E removed and replaced with maps (see for example PNCC 241/69, Federated Farmers 426/101 and Transpower 265/23). Other submitters oppose its reference to Schedule E as they would like that replaced with a different list of species and habitats (see for example Trustpower 358/55 and Meridian 363/116). Some energy companies and others would like the policy altered to provide for more consideration of the benefits of infrastructure and energy and to allow minor effects and the possibility of offsetting minor effects (see for example 272/21, 358/58 and 359/78). Genesis would like hydro lakes excluded from the policy (268/19).

#### 4.7.2 Evaluation

Policy 7-2 is the policy relating to the identification and management of rare and threatened habitats. This policy also provides the decision-making criteria for consents on rare and threatened habitats. It is particularly important because as the POP is currently drafted, activities which affect rare and threatened habitats are non-complying activities. Consents for non-complying activities can only be granted if either the adverse effects of the activity will be minor or the activity is not contrary to the objectives and policies of the plan (s104D RMA). Therefore this policy should clearly identify what effects are acceptable or not and ensure that activities



which are acceptable or beneficial can be passed through the second of the two gateway tests for non-complying activities identified in the RMA.

Schedule E is the way in which HRC is defining what is significant vegetation or habitat under section 6(c) of the RMA and how HRC is giving effect to its responsibility to maintain biodiversity. I recommend that Schedule E be retained (with amendments as outlined in recommendation BIO 34) and therefore it is appropriate to continue to refer to Schedule E in this and other policies.

The main issue raised by submissions on this policy then becomes: is avoidance of all adverse effects that are more than minor appropriate in rare and threatened habitats? I have discussed the appropriateness of a high level of protection when dealing with rare and threatened habitats in section 4.5.2 of this report. In that section I also discussed the appropriateness of providing for some change within the habitats. This is particularly so if the activity is for something which will contribute to the communities' wellbeing, or if it can be adequately mitigated. I believe it is appropriate to provide for mitigation, or offset by financial contributions in a limited number of circumstances, similar to, but more restricted than, that provided in Policy 7-3(d) for at-risk habitats. The circumstances in which this mitigation may be appropriate should be limited to situations where the activity is necessary to provide for infrastructure of regional or national importance, the effect on the habitat is not significant and cannot reasonably be avoided, and where the mitigation ensures there is a net conservation gain as a result of the activity and mitigation.

A situation where this might be relevant would be where a development of a new renewable energy generation scheme (windfarm or hydro generation for example) required a new access road. The only road that could reasonably be built would require the removal of some trees from the edge of a bush remnant of threatened habitat that was otherwise unprotected (no fencing or legal protection). Appropriate mitigation for the loss of the trees could be considered to be provided by the physical and legal protection of the remnant and an adjoining one. This would provide a net conservation benefit to offset the adverse effect of the loss of the trees.

Additions will need to be made to Policy 7-2 to provide for this, and to provide appropriate links to policies in chapter 3.

Man-made hydro lakes are already excluded from Schedule E under the classification in Table E.2 of lake and wetland habitat in (b)(vii).

DoC would like takes of water to be identified in the policy; this would be a good addition, as drainage and diversion are already identified, and the effects of takes on lakes and wetlands are controlled in the rules in Chapter 15. Identifying that the maintenance of habitat as well as the enhancement will be provided for is a good addition to the policy and should also be made.

#### 4.7.3 Recommendation BIO 7

(a) Accept submissions which seek to have option of mitigating less than significant adverse effects on rare and threatened habitats.

- (b) Accept in part submissions supporting Policy 7-2 to the extent that it will be retained with amendments.
- (c) Reject submissions seeking to remove reference to Schedule E.
- (d) Make a consequential change to Policy 7-2 to refer to a new table for assessment criteria rather than Schedule E (see recommendation BIO 34).

#### 4.7.3.1 Recommended changes to provisions

Words to add are shown in underline, words to delete are shown in ~~strike through~~.

Change Policy 7-2 to read :

#### Policy 7-2: Activities in Rare and Threatened Habitats

- (a) Rare and threatened habitats\* are identified in accordance with Schedule E.
- (b) Rare and threatened habitats\* shall be protected by generally not allowing any of the following activities unless the provisions of subsection (c) or (d) or (e) apply:
  - (i) vegetation clearance\* or land disturbance\* within these areas
  - (ii) discharges of contaminants to land or water, or drainage or diversion or takes of water, within or near these areas.
- (c) The activities described in subsection (b) will be allowed where they are for the purpose of pest control or habitat maintenance or enhancement.
- (d) The activities described in subsection (b) may be allowed where the activity is for the purpose of providing or maintaining infrastructure of regional or national importance as identified in Policy 3-1 and
  - (i) There will be no significant adverse effect on the factors which contribute to the significance of the area as assessed in accordance with table 7.1, and
  - (ii) Any more than minor adverse effects are avoided as far as practicable, and
  - (iii) Any more than minor (but less than significant) adverse effects are adequately remedied or mitigated, including through the use of financial contributions to adequately compensate or offset the adverse effects, and
  - (iv) The remedy, mitigation or financial contribution identified in (ii) above results in a net conservation gain to the habitat type in the Region
- (e) The activities described in subsection (b) may be allowed for other purposes where there are no more than minor adverse effects on the representativeness, rarity and distinctiveness or ecological context of the rare and threatened habitat\*, as assessed in accordance with Table 7.1 ~~Schedule E~~.

## 4.8 Chapter 7 Policy 7-3 Activities in At-Risk Habitats BIO 8

**Table of Submitters, Submission Points and Recommendations**

Submitter	Number	Point	Decision sought	Recommendation
<b>PALMERSTON NORTH CITY COUNCIL</b>	<b>241</b>	<b>70</b>	<b>That Horizons either remove or amend Policies 7-2 &amp; 7-3, in particular by amending Schedule E so that landowners are informed directly which parts of their land are subject to regulation.</b>	<b>Reject</b>
	X 500	125	TARARUA DISTRICT COUNCIL - Support	Reject
	X 507	125	MANAWATU DISTRICT COUNCIL - Support	Reject
	X 515	125	HOROWHENUA DISTRICT COUNCIL - Support	Reject
	X 517	255	RANGITIKEI DISTRICT COUNCIL - Support	Reject
	X 532	125	WANGANUI DISTRICT COUNCIL - Support	Reject
<b>PALMERSTON NORTH CITY COUNCIL</b>	<b>241</b>	<b>73</b>	<b>That Horizons adopt Policy 7-3, Policy 7-4 and Policy 7-5, but move and renumber them as Policy 7-2, Policy 7-3 and Policy 7-4.</b>	<b>Accept in part</b>
	X 500	128	TARARUA DISTRICT COUNCIL - Support	Accept in part
	X 507	128	MANAWATU DISTRICT COUNCIL - Support	Accept in part
	X 515	128	HOROWHENUA DISTRICT COUNCIL - Support	Accept in part
	X 517	258	RANGITIKEI DISTRICT COUNCIL - Support	Accept in part
	X 522	243	MERIDIAN ENERGY LIMITED - Oppose	Accept in part
	X 532	128	WANGANUI DISTRICT COUNCIL - Support	Accept in part
<b>TRANSPower NEW ZEALAND LTD</b>	<b>265</b>	<b>24</b>	<b>C. Delete Policy 7-3 If such areas are to be defined then ensure they are mapped and introduced by way of Variation.</b>	<b>Reject</b>
	X 527	16	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Oppose	Accept

Submitter	Number	Point	Decision sought	Recommendation
POWERCO LIMITED	272	22	M2 - Policies 7-2(d) and 7-3(d) are amended to include an additional circumstance where consents will generally be granted to read: "vegetation clearance and other activities necessary to ensure the continued operation of infrastructure". Recognition that there are links to Policies 5-1, 5-2, 5-3, 5-4 and 5-5.	Reject
	X 511	336	TRUST POWER LIMITED - Support	Reject
NEW ZEALAND DEFENCE FORCE	330	37	1. Amend Policies 7-3 as follows:  (c) The activities described in subsection (b) will be allowed where they are for the purposes of pest control or habitat maintenance or enhancement.	Accept
HORTICULTURE NEW ZEALAND	357	90	Decision Sought: Delete Policy 7-3.	Reject
	X 511	339	TRUST POWER LIMITED - Support	Reject
	X 522	244	MERIDIAN ENERGY LIMITED - Support	Reject
MIGHTY RIVER POWER	359	80	Retain the policy as proposed subject to the issues that Mighty River Power has identified in respect of the Chapter as a whole being resolved.	Accept
MERIDIAN ENERGY LIMITED	363	117	Meridian opposes Policy 7-3 and requests that it is deleted as the issues are adequately addressed under Meridian's submission request to Policy 7-2 [363/116].  Any consequential amendments necessary to give effect to this submission	Reject
	X 511	337	TRUST POWER LIMITED - Support	Reject
MINISTER OF CONSERVATION	372	109	Retain existing wording as written, up to and including sub-paragraph 7-3 (d) (ii)	Accept in part
	X 511	341	TRUST POWER LIMITED - Oppose	Reject
MINISTER OF CONSERVATION	372	110	Add '(b)(iii) surface water takes or groundwater takes that will impact on the surface water levels of any water body identified as an at-risk	Accept in part

Submitter	Number	Point	Decision sought	Recommendation
<b>MINISTER OF CONSERVATION</b>	372	111	habitat'.	<b>Reject</b>
			Add the following after 'enhancement':	
			"and are compatible with maintaining or enhancing the values for which the area has been identified"	
	X 502	105	NEW ZEALAND DEFENCE FORCE - Oppose	Accept
	X 511	342	TRUST POWER LIMITED - Oppose	Accept
<b>FISH &amp; GAME NEW ZEALAND - WELLINGTON REGION</b>	<b>417</b>	<b>58</b>	<b>Policy 7-3 is supported and we wish it to be retained.</b>	<b>Accept in part</b>
	X 511	343	TRUST POWER LIMITED - Oppose	Reject
	X 522	242	MERIDIAN ENERGY LIMITED - Oppose	Reject
<b>FEDERATED FARMERS OF NEW ZEALAND INC</b>	<b>426</b>	<b>102</b>	<b>Delete Policy 7-3</b>	<b>Reject</b>
	X 511	340	TRUST POWER LIMITED - Support	Reject
<b>LANDLINK LTD</b>	<b>440</b>	<b>50</b>	<b>Submitter generally supports Policy 7-3 but note they have some concerns with how Schedule E is written as outlined in 45/440</b>	<b>Accept</b>
<b>LANDLINK LTD</b>	<b>440</b>	<b>55</b>	<b>Replace references to "near" and "nearby" with "adjacent interconnected systems" or similar to provide more clarity about the adverse effects that are being managed.</b>	<b>Accept</b>
<b>ROYAL FOREST &amp; BIRD PROTECTION SOCIETY OF NEW ZEALAND</b>	<b>460</b>	<b>67</b>	<b>Remove - (iii) financial contributions can be used to adequately compensate for or offset significant adverse effects.</b>	<b>Reject</b>
	X 511	338	TRUST POWER LIMITED - Support	Reject

#### 4.8.1 Submission summary

The submissions to Policy 7-3 are generally similar to those raised on Policy 7-2. A group of submitters would like to see the policy removed (see for example submission points 357/90 and 426/102) or reference to Schedule E removed and replaced by maps (see for example submission points 241/70 and 265/24). Issues relating to infrastructure and its maintenance are again raised (see for example submission points 272/22, 359/80 and 363/117). Policy 7-3 is supported fully or conditionally by submission points 372/109, 417/58 and 440/50. Suggested changes include adding effects on water levels (372/110) and removing the ability to use financial contributions (460/67).

#### 4.8.2 Evaluation

Policy 7-3 is the policy which sets out how at-risk habitats will be identified and how they will be managed. It is similar to Policy 7-2 in this regard, but as currently drafted the rules relating to at-risk habitats provide for activities which affect them to be discretionary activities. Therefore the policy does not need to provide for activities to pass through a non-complying 'gateway' but it does need to provide clear guidance to decision-makers about appropriate effects and mitigation for activities in at-risk habitats.

Schedule E is the way in which HRC is defining what is significant vegetation or habitat under section 6(c) of the RMA and how HRC is giving effect to its responsibility to maintain biodiversity. I recommend that Schedule E be retained (with amendments as outlined in recommendation BIO 34) and therefore it is appropriate to continue to refer to Schedule E in this and other policies.

DoC would like takes of water to be identified in the policy; this would be a good addition, as drainage and diversion are already identified, and the effects of takes on lakes and wetlands are controlled in the rules in Chapter 15. Identifying that the maintenance of habitat as well as the enhancement will be provided for is a good addition to the policy and should also be made.

I believe that maintenance and provision of infrastructure is adequately provided for by this policy, which provides for a wide number of activities to be undertaken, provided the effects are avoided, remedied or mitigated. The policies and rules that follow in chapter 12 clarify this further, and as this policy is broad enough to include consideration of these matters, I do not believe it necessary to state them specifically.

Financial contributions are identified as one way in which adverse effects can be offset. Chapter 18 identifies the circumstances and amounts of financial contributions that may be required. For biodiversity, this is limited to 'circumstances where such adverse effects will not be adequately avoided, remedied or mitigated' (Policy 18-1(c)). Policy 18-3 further states that 'the Regional Council will place primary emphasis on requiring the adverse effects of an activity to be adequately avoided, remedied or mitigated by way of other types of consent conditions. Financial contributions, ...will only be considered as a secondary measure.' When Policy 7-3 is read in conjunction with the policies in Chapter 18 I believe the circumstances where financial contribution may be used are

sufficiently tight to avoid any risk of a consent applicant being able to ‘buy their way out of trouble’ or to require large sums of money to be paid in all circumstances, as submitters may fear, and there is adequate provision for protection of the environment.

#### 4.8.3 Recommendation BIO 8

- (a) Accept submissions which support Policy 7-3.
- (b) Accept in part submissions which seek to clarify and add to Policy 7-3 to the extent that changes are recommended.
- (c) Reject submissions seeking to remove Policy 7-3 or reference to Schedule E in it.
- (d) Make a consequential change to Policy 7-3 to refer to a new table for assessment criteria rather than Schedule E (see recommendation BIO 34).

##### 4.8.3.1 Recommended changes to provisions

Words to add are shown in underline, words to delete are shown in ~~strike through~~.

Change Policy 7-3 to read :

##### **Policy 7-3: Activities in at-risk habitats**

- (a) At-risk habitats\* are identified in accordance with Schedule E.
- (b) At-risk habitats\* shall be maintained by regulating the following activities, and by making consent decisions in accordance with subsections (c) and (d):
  - (i) vegetation clearance\* and land disturbance\* within these areas.
  - (ii) discharges of contaminants to land or water, and drainage and diversion and takes of water, within or near these areas.
- (c) The activities described in subsection (b) will be allowed where they are for the purpose of pest control or habitat maintenance or enhancement.
- (d) Where the activities described in subsection (b) are carried out for other purposes, consent decisions will be made on a case by case basis, having regard to an assessment of the ecological significance of the site based upon the site’s representativeness, rarity and distinctiveness, and ecological context as assessed in accordance with Table 7.1 R. Consents will generally be granted in circumstances where:
  - (i) there will be no significant adverse effects on the factors which contribute to the significance of the area as assessed in accordance with Schedule E; or
  - (ii) any significant adverse effects can be adequately avoided, remedied or mitigated; or
  - (iii) financial contributions can be used to adequately compensate for or offset significant adverse effects.

#### 4.9 Chapter 7 Policy 7-4 Proactive management of representative habitats BIO 9

**Table of Submitters, Submission Points and Recommendations**

Submitter	Number	Point	Decision sought	Recommendation
<b>PALMERSTON NORTH CITY COUNCIL</b>	<b>241</b>	<b>120</b>	<b>That Horizons adopt Policy 7-3, Policy 7-4 and Policy 7-5, but move and renumber them as Policy 7-2, Policy 7-3 and Policy 7-4.</b>	<b>Accept in part</b>
	X 500	310	TARARUA DISTRICT COUNCIL - Support	Accept in part
	X 507	310	MANAWATU DISTRICT COUNCIL - Support	Accept in part
	X 515	312	HOROWHENUA DISTRICT COUNCIL - Support	Accept in part
	X 517	298	RANGITIKEI DISTRICT COUNCIL - Support	Accept in part
	X 532	310	WANGANUI DISTRICT COUNCIL - Support	Accept in part
<b>GENESIS POWER LTD</b>	<b>268</b>	<b>20</b>	<b>Amend Policy 7-4 (c) (v) and (vi) as follows:</b>	<b>Reject</b>
			<b>(v) work and materials to be provided by the Regional Council or a third party by agreement with the consent holder</b>	
			<b>(vi) financial assistance to be provided by the Regional Council or a third party by agreement with the consent holder</b>	
<b>RAYONIER N Z LIMITED</b>	<b>310</b>	<b>12</b>	<b>Recognition of the New Zealand Forest Accord as a non-regulatory method for achieving the objectives and policies of the plan and in particular the biodiversity provisions contained in Chapter 7.</b>	<b>Reject</b>
	X 501	115	ERNSLAW ONE LTD - Support	Reject
	X 520	46	N Z FOREST MANAGERS LTD - Support	Reject
<b>WATER AND ENVIRONMENTAL CARE ASSN INC</b>	<b>311</b>	<b>50</b>	<b>7-4 (b) AMEND / ADD A dedicated coastal scientist/co-ordinator will be employed.</b>	<b>Reject</b>
<b>MANAWATU ESTUARY TRUST</b>	<b>312</b>	<b>46</b>	<b>7-4 (b) AMEND / ADD A dedicated coastal scientist/co-ordinator will be employed.</b>	<b>Reject</b>



Submitter	Number	Point	Decision sought	Recommendation
<b>GEORGE &amp; CHRISTINA PATON</b>	313	46	7-4 (b) AMEND / ADD A dedicated coastal scientist/co-ordinator will be employed.	Reject
<b>NEW ZEALAND DEFENCE FORCE</b>	330	42	That open tussock grasslands in the WMTA and the coastal dune area at Raumai be included in this programme.	Reject
<b>MERIDIAN ENERGY LIMITED</b>	363	118	<p>Meridian opposes in part Policy 7-4 and requests that it is amended as follows or similar:</p> <p>Add a new clause (d) as follows:</p> <p>(d) The management plans under subsection (a) can be amended in the event that any new information becomes available that alters the management of that site.</p> <p>Any consequential amendments necessary to give effect to this submission</p>	Reject
<b>MINISTER OF CONSERVATION</b>	372	112	Retain existing wording,	Accept in part
<b>WELLINGTON CONSERVATION BOARD</b>	375	6	<p>Indicate that "bush" includes forests, scrublands and grasslands.</p> <p>Identify types of coastal communities e.g. dunes, escarpments.</p>	Reject

Submitter	Number	Point	Decision sought	Recommendation
WELLINGTON CONSERVATION BOARD	375	8	<p>Insert a new clause in Policy 7-4 along the following lines:</p> <p>Establish criteria and priorities for Horizons' support for active management to ensure the available assistance is directed at those areas that will make the most important overall contribution to the protection and restoration of indigenous biodiversity.</p> <p>Criteria could include, for example:</p> <p>Representativeness</p> <p>Presence of threatened species or distinctive species of plants and animals or combinations of species/populations.</p> <p>Restoration would enhance connectivity between fragmented habitats or provide a better buffer to an existing protected area</p> <p>Significance of species to Maori for cultural or historic reasons</p> <p>Size and shape of area</p> <p>The degree of management required to achieve self-sustainability.</p> <p>The nature of any on going threats</p>	Reject
	X 506	18	MANAWATU BRANCH OF N Z GREEN PARTY - Support	Reject
DAVID LEONARD HOPKINS	382	4	None specifically requested, but states that the deadline is not a responsible response to this problem.	Reject
FISH & GAME NEW ZEALAND - WELLINGTON REGION	417	59	Policy 7-4 is supported and we wish it to be retained.	Accept in part

Submitter	Number	Point	Decision sought	Recommendation
FEDERATED FARMERS OF NEW ZEALAND INC	426	103	Amend 7-6 (a) to read:  "The Regional Council will aim to improve the health and function of the best representative examples of significant biological diversity by working in partnership with relevant landowners to encourage promotion of these areas by providing incentive programmes and establish a plan for the voluntary proactive management of each of these areas." (Or words to that effect)	Accept in part
FEDERATED FARMERS OF NEW ZEALAND INC	426	104	Amend (c) to read:  In accordance with (a), incentive programmes for landowners will be encouraged (including financial), and pest management information will be provided to the public promoting awareness (or words to that effect)	Reject
FEDERATED FARMERS OF NEW ZEALAND INC	426	105	And add "The Council will waive consent and administration fees for resource consents containing any conditions relating to rare and/or threatened species" (or words to that effect).	Reject
LANDLINK LTD	440	51	No decision requested, however submitter notes: "Policies 7-4 ...[is] ambitious and commendable. We look forward to seeing positive progress being made."	Accept
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	68	Amend title to:- Policy 7-4: Proactive management of at-risk habitats (modify to better reflect content below)	Reject

#### 4.9.1 Submission summary

Policy 7-4 is supported by a number of submitters including 241/120, 417/59, 372/112 and 440/51. Amendments are sought by a number of submitters, including adding recognition of agreement of consent holders (268/20), to include criteria by which the best representative examples will be measured (375/8); recognise the NZ Forest Accord (310/12); and include tussock, grassland and scrubland as well as bush remnants (330/42 and 375/6). A group of submitters would like a coastal scientist/coordinator appointed

(see submission points 311/50, 312/46 and 313/46). Federated Farmers request extensive changes to the policy to include reference to incentives, voluntary mechanisms and waiver of fees.

#### 4.9.2 Evaluation

Policy 7-4 outlines HRC's extensive non-regulatory programme relating to protecting and enhancing biodiversity on private land. These non-regulatory methods are expanded on in more detail in the Methods sections of Chapter 7. It sets a target for working with landowners to improve the best examples of remaining habitat by 2016. This is in line with the funding which is available and the targets set in the current Long Term Council Community Plan (LTCCP). The non-regulatory protection and enhancement programme undertaken by HRC is outlined in Alistair Beveridge's evidence. HRC does have a coastal monitoring and research programme; unfortunately there is no funding currently available to employ a dedicated coastal scientist or coast care coordinator.

The policy outlines HRC's own programme to improve biodiversity – it does not preclude other organisations having their own programmes, including the NZ Forest Accord, but I do not think it is appropriate to mention this in this policy.

Submissions which seek to amend the policy to make it clear that management plans could be amended, or that consent holders only contribute with their agreement, or to include assessment criteria, are useful, but I do not think the policy needs to be changed to explicitly state these things; they are true and inherent in the policy without it being specifically stated.

HRC does not currently have a programme to protect or restore tussock or grassland habitat. Tussock or grassland habitat may be protected as part of the forest remnants programme if it contributes to the forest habitat, ie provides a buffer, but there is no separate programme to assess or protect tussock or grassland at present. If there were, it would be appropriate to refer to it in this policy. but as it does not, it would be misleading to indicate that HRC was prioritising protection of this type of habitat when it does not have the funding to do so.

Federated Farmers have made an extensive submission on this policy, asking that it be amended to include more reference to voluntary protection and to financial incentives. HRC acknowledges the work of landowners and wishes to work in partnership with them in its non-regulatory programme. HRC offers a number of financial incentives and these vary with each habitat and landowner, as outlined in Alistair Beveridge's evidence. The policy currently notes financial assistance in general terms; it could be more specific but to do so would run the risk that the policy would become out of date with the LTCCP as changes are made. The policy could be changed to better acknowledge the partnership with landowners, and I recommend some changes below

#### 4.9.3 Recommendation BIO 9

(a) Accept in part submissions which wish to retain Policy 7-4 to the extent it will be retained with changes.

- (b) Accept in part submissions which seek amend to Policy 7-4 to add clarity.
- (c) Reject submissions which seek to amend Policy 7-4 in ways which do not add clarity or which cannot be funded.

#### 4.9.3.1 Recommended changes to provisions

Words to add are shown in underline, words to delete are shown in ~~strike through~~.

Change Policy 7-4 to read :

#### **Policy 7-4: Proactive management of representative habitats**

- (a) The Regional Council will aim to improve the health and function of the best representative examples of rare and threatened habitats\* and at-risk habitats\* by working in partnership with relevant landowners to establish a plan and incentive programme for the voluntary proactive management of each of these areas by 2016.
- (b) For the purposes of subsection (a), separate programmes will be established for wetlands, bush remnants, native fish communities and coastal ecosystems.
- (c) The management plans under subsection (a) will generally address the following matters as a minimum:
  - (i) fencing and prevention of stock access
  - (ii) pest control
  - (iii) planting
  - (iv) agreed land uses
  - (v) work and materials to be provided by the Regional Council or a third party
  - (vi) financial assistance to be provided by the Regional Council or a third party
  - (vii) monitoring
  - (viii) legal options for ensuring longevity of the measures implemented.

#### 4.10 Chapter 7 Policy 7-5 Fostering an ethic of stewardship BIO 10

**Table of Submitters, Submission Points and Recommendations**

Submitter	Number	Point	Decision sought	Recommendation
<b>PALMERSTON NORTH CITY COUNCIL</b>	<b>241</b>	<b>121</b>	<b>That Horizons adopt Policy 7-3, Policy 7-4 and Policy 7-5, but move and renumber them as Policy 7-2, Policy 7-3 and Policy 7-4.</b>	<b>Accept in part</b>
	X 500	311	TARARUA DISTRICT COUNCIL – Support	Accept in part
	X 507	311	MANAWATU DISTRICT COUNCIL – Support	Accept in part
	X 515	313	HOROWHENUA DISTRICT COUNCIL - Support	Accept in part
	X 517	299	RANGITIKEI DISTRICT COUNCIL - Support	Accept in part
	X 532	311	WANGANUI DISTRICT COUNCIL - Support	Accept in part
<b>RAYONIER N Z LIMITED</b>	<b>310</b>	<b>13</b>	<b>Recognition of the New Zealand Forest Accord as a non-regulatory method for achieving the objectives and policies of the plan and in particular the biodiversity provisions contained in Chapter 7.</b>	<b>Reject</b>
			<u><a href="http://www.nzfoa.org.nz/index.php?/file_libraries_resources/agreements_accords/new_zealand_forest_accord">www.nzfoa.org.nz/index.php?/file_libraries_resources/agreements_accords/new_zealand_forest_accord</a></u>	
	X 501	116	ERNSLAW ONE LTD - Support	Reject
	X 520	47	N Z FOREST MANAGERS LTD - Support	Reject
<b>MINISTER OF CONSERVATION</b>	<b>372</b>	<b>113</b>	<b>Retain existing wording as written.</b>	<b>Accept</b>
<b>FISH &amp; GAME NEW ZEALAND - WELLINGTON REGION</b>	<b>417</b>	<b>60</b>	<b>Policy 7-5 is supported and we wish it to be retained.</b>	<b>Accept</b>

Submitter	Number	Point	Decision sought	Recommendation
FEDERATED FARMERS OF NEW ZEALAND INC	426	106	Amend Policy 7-6 to read:  "Although we enjoy much of our current indigenous biological diversity thanks to the good stewardship of many landowners, the Regional Council will aim... (Or words to that effect).	Reject
LANDLINK LTD	440	52	Submitter does not request a decision however they do note: "Policies 7-4 ...[is] ambitious and commendable. We look forward to seeing positive progress being made."	Accept
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	69	The Regional Council will (aim to (- delete)) equip landowners and others with the information they need to act as good stewards for biodiversity, and to act responsibly and proactively. These initiatives will be additional to the Council-led programmes under Policy 7-4. (support with deletion)	Reject
	X 506	17	MANAWATU BRANCH OF N Z GREEN PARTY - Support	Reject

#### 4.10.1 Submission summary

Policy 7-5 is supported by the majority of submitters to it. Three alterations are requested: recognition of the NZ Forest Accord (310/13), a statement that we enjoy the current biodiversity due to landowners stewardship (426/106) and a request to remove the words 'aim to' from the policy in reference to equipping people with information (460/69).

#### 4.10.2 Evaluation

Policy 7-5 states HRC's aim to foster the ethic of stewardship of biodiversity in the community, by providing landowners and others with the information they need to do so. This is achieved by HRC's non-regulatory programme, including education in the community and in schools, as set out in the Methods section of Chapter 7 and in Alistair Beveridge's evidence. This is HRC's aim, but as it relies on uptake of non-regulatory methods not all member of our community will take up the opportunity to be informed or to act on that information, so stating this policy as 'an aim' and a way of achieving that 'aim' is appropriate.

The NZ Forest Accord may be one of the ways stewardship of the land leads to a biodiversity benefit; there may be many others. HRC acknowledges its contribution, but I do not think it is appropriate to change the policy to refer to this particular programme alone.

HRC acknowledges and values the current and past stewardship of some landowners in the Region at maintaining some biodiversity on private land. Unfortunately despite this the current state of biodiversity is poor and in decline. However this policy is future-focussed rather than looking back, so I do not think the addition suggested by Federated Farmers is appropriate.

#### 4.10.3 Recommendation BIO 10

- (a) Accept submissions which support Policy 7-5.
- (b) Reject submissions which seek to change Policy 7-5.

##### 4.10.3.1 Recommended changes to provisions

Do not change Policy 7-5 as a result of these submissions.

#### 4.11 Chapter 7 Policy 7-6 Pest plants and animals BIO 11

##### Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
MINISTER OF CONSERVATION	372	118	Retain existing wording as written.	Accept
FISH & GAME NEW ZEALAND - WELLINGTON REGION	417	61	Policy 7-6 is supported and we wish it be retained.	Accept
LANDLINK LTD	440	53	Replace references to "near" and "nearby" with "adjacent interconnected systems" or similar to provide more clarity about the adverse effects that are being managed.	Reject
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	70	(b) support, but add at end of policy "and avoided or remedied"	Reject



#### **4.11.1 Submission summary**

The policy is supported by submitters with minor amendments suggested.

#### **4.11.2 Evaluation**

Policy 7-6 states how HRC will manage its pest management functions to align with its biodiversity goals. The second part of the policy identifies that the risks that pests pose can be increased by changes in land use, particularly those that result from subdivision. For example the increase in gardens near an important habitat can increase the risk of garden plants becoming a pest in that habitat; or the increase in domestic cats and dogs with intensifying residential land use nearby can be a threat to native bird species. It is appropriate to take this into account when making those decisions, and make decisions about how those risks will be managed on a case by case basis. Because these activities near the habitat, but not necessarily in a connected habitat, can affect the area, I believe the use of the word 'nearby' is appropriate.

#### **4.11.3 Recommendation BIO 11**

- (a) Accept submissions which support Policy 7-6.
- (b) Reject submissions which seek to change Policy 7-6.

##### **4.11.3.1 Recommended changes to provisions**

Do not change Policy 7-6 as a result of these submissions.

## 4.12 Chapter 7 Consequential Change New Table 7.1 BIO 12

### 4.12.1 Evaluation

As a result of changes to Schedule E in a response to submissions to make it clearer, and as a result of submissions seeking to make the assessment criteria related to Policy 7-2 and 7-3 clearer, it is recommended that Table E.4 be removed from Schedule E and placed in Chapter 7. This would then become Table 7.1.

### 4.12.2 Recommendation BIO 12

(a) Move table E.4 from Schedule and place in Chapter 7 as Table 7.1.

#### 4.12.2.1 Recommended changes to provisions

(As amended from Table E.4 words to delete are shown in ~~strike through~~.)

**Table 7.1 Criteria used for assessing ecological significance**

Criteria	Definition
Representativeness	<ul style="list-style-type: none"> <li>The site contains habitat type that is under-represented (20% or less known or likely former cover), assessed either at the national, regional, <del>water management zone, or water management sub-zone</del>, Ecological District or Ecological Region.</li> </ul>
Rarity and Distinctiveness	<ul style="list-style-type: none"> <li>The site supports one or more species that are classified as threatened (as determined by the New Zealand Threat Classification System); or</li> <li>The site supports a species that is endemic to the Manawatu-Wanganui Region, <del>or any given Water Management Zone, or Water Management Sub-zone</del>, or Ecological District or Ecological Region; or</li> <li>The site supports a species, or community of species, that is distinctive to the Manawatu-Wanganui Region. Distinctiveness describes the uncommon presence, or unique assemblage of species or habitat at any given geographical location.</li> </ul>

Criteria		Definition
Ecological Context		<ul style="list-style-type: none"> <li>The site provides connectivity (physical connections) between two or more areas of indigenous habitat; or</li> <li>The site provides an ecological buffer (is a closely adjacent site of similar, degraded or exotic habitat that provides protection) to another area of indigenous habitat, including aquatic habitat; or</li> <li>The site is an area of indigenous habitat that forms part of an indigenous ecological sequence (connectivity between different habitat types across a gradient (eg. altitudinal or hydrological)).</li> </ul>
Previously Assessed Sites		<ul style="list-style-type: none"> <li>Any site assessed at a previous time, or by a previous agency, on criteria in keeping with the policies, objectives and criteria of this plan, to be of ecological significance.</li> </ul>

### 4.13 Chapter 7 Methods General BIO 13

**Table of Submitters, Submission Points and Recommendations**

Submitter	Number	Point	Decision sought	Recommendation
DAVID LEONARD HOPKINS	382	5	None specifically requested but states that targets in 7.5 are too slow on planned implementation. Non regulatory activity should also include dairy farming.	Reject
BRUCE & MARILYN BULLOCH	237	11	Add to 7.5 Methods (page 7-8 to 7-10) a new Project:  To purchase significant land for Regional Parks and significant sites. To allocate funds for this purpose.	Reject
PALMERSTON NORTH CITY COUNCIL	241	74	That Horizons adopt Section 7-5 Methods but amend by including reference to support for regional parks, where agreed and where justified for the very best sites, in the "top 200" bush remnants and "top 100" aquatic sites.	Reject
	X 500	129	TARARUA DISTRICT COUNCIL - Support	Reject
	X 507	129	MANAWATU DISTRICT COUNCIL - Support	Reject
	X 515	129	HOROWHENUA DISTRICT COUNCIL - Support	Reject
	X 517	259	RANGITIKEI DISTRICT COUNCIL - Support	Reject

Submitter	Number	Point	Decision sought	Recommendation
	X 532	129	WANGANUI DISTRICT COUNCIL - Support	Reject
<b>NEW ZEALAND DEFENCE FORCE</b>	<b>330</b>	<b>43</b>	<b>Retain these provisions in the Proposed One Plan.</b>	<b>Accept</b>
<b>HANCOCK FOREST MANAGEMENT (N Z) LTD</b>	<b>331</b>	<b>14</b>	<b>Retain methods under section 7.5.</b>	<b>Accept</b>
	X 501	154	ERNSLAW ONE LTD - Support	Accept
	X 502	106	NEW ZEALAND DEFENCE FORCE - Support	Accept
	X 520	68	N Z FOREST MANAGERS LTD - Support	Accept
<b>TRUST POWER LIMITED</b>	<b>358</b>	<b>64</b>	<b>Amend all the Methods in Section 7.5 to include reference to the potential appropriateness of hydro-electricity generation and energy development interests, including in "Sites of Significance - Aquatic", "inanga Spawning and Native Fishery Sites - Biodiversity", "Biodiversity (Terrestrial and Aquatic) Research, Monitoring and Reporting", and "District Planning Natural Features, Landscapes and Habitats".</b>  <b>Any similar amendments to like effect.</b>  <b>Any consequential amendments that stem from the amendment of the Methods in Section 7.5 as proposed in this submission.</b>	<b>Reject</b>
	X 492	140	MINISTER OF CONSERVATION - Oppose	Accept
	X 519	291	MIGHTY RIVER POWER - Support	Reject
	X 525	256	GENESIS POWER LTD - Support	Reject
	X 527	46	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Oppose	Accept
<b>FEDERATED FARMERS OF NEW ZEALAND INC</b>	<b>426</b>	<b>110</b>	<b>Amend 7.5 to read</b>  <b>FFNZ and Landowner representatives.</b>	<b>Accept</b>

### 4.13.1 Submission summary

These submissions, on the Methods pertaining to biodiversity generally, are mostly supportive. One exception is 382/5 who claims the rate of implementation is too slow and should apply to dairy farmers. Two submitters would like an additional method, which supports the formation of regional parks. Trust Power would like a number of the methods to refer to hydro-electricity generation.

### 4.13.2 Evaluation

Section 7.5 of the POP outlines the main non-regulatory methods that HRC will pursue to achieve the objectives of the Chapter. They are the methods that HRC, and sometimes its partner organisations, are committed to, and where necessary HRC has set aside funding to achieve them in the LTCCP. This is consistent with the overall POP philosophy for the plan to be focussed on what can actually be achieved and to have strong links with the LTCCP. This ensures that where the POP states that a method will be carried out, stakeholders can have some certainty that it actually will, because funding has been obtained. This is in contrast to earlier plans which stated a wide range of projects to achieve plan objectives, but very few of them were actually achievable or funded.

HRC already manages and contributes funding for one regional park, Totara Reserve in the Manawatu District. There is no funding currently set aside for the purchase of further regional parks. If a purchase of land for a regional park were thought necessary, it would have to go through the annual plan or LTCCP process to gain funding. If this happened it would be appropriate to include it as a non-regulatory method. But I do not think it appropriate to commit HRC to funding a project it may not be able to obtain funding for.

Trust Power seeks to be involved or represented on any projects affecting waterways, as this may affect their interests in hydro-electricity generation. If Trust Power, or any other generating company, had a known interest in a waterway that was significant for protection for its biodiversity values, then HRC would involve them in that project. However at this stage it is not appropriate to involve them in all projects, when there (or any other company's) interests may only lie in a small number of waterways.

Federated Farmers questions why landowners Federated Farmers have been left off the consultation list; by this I assume they mean the 'Who' row of the project tables. I believe this must have been an oversight. Landowners are mentioned in the 'Project Description' and are key to achieving the targets of each project, so it would be appropriate to include them in the 'Who'. If Federated Farmers would like to be an active part of the projects then that should be encouraged and their organisation also added to the list.

### 4.13.3 Recommendation BIO 13

- (a) Accept submissions which support the Methods section of Chapter 7.
- (b) Accept the submission seeking inclusion of landowners and Federated Farmers in the project tables.
- (c) Reject submissions seeking other changes to the Methods.

#### 4.13.3.1 Recommended changes to provisions

Include landowners and Federated Farmers in the 'Who' row of the Projects identified in the Methods section which relates to biodiversity work on private land. These changes are shown in the revised Methods section in Appendix A.

## 4.14 Chapter 7 Method Wetlands – Biodiversity BIO 14

**Table of Submitters, Submission Points and Recommendations**

Submitter	Number	Point	Decision sought	Recommendation
SUSTAINABLE WHANGANUI	176	22	We applaud the target of 100 top wetlands being actively managed within 10 years of this Plan becoming operative.	Accept
PROGRESS CASTLECLIFF INC	332	4	1) We support retention and protection of the northern wetland, but ask that DoC open a management plan for public discussion.  2) There should be an investigation of the smaller wetland area.	Reject
WELLINGTON CONSERVATION BOARD	375	5	Replace "enhancement measures" in Method 5 with "restoration measures".	Accept
FISH & GAME NEW ZEALAND - WELLINGTON REGION	417	64	Method is supported and we wish it to be retained.	Accept
NEW ZEALAND INSTITUTE OF FORESTRY	419	7	Retain Methods under section 7.5.	Accept

Submitter	Number	Point	Decision sought	Recommendation
	X 501	248	ERNSLAW ONE LTD - Support	Accept
	X 502	107	NEW ZEALAND DEFENCE FORCE - Support	Accept
	X 520	120	N Z FOREST MANAGERS LTD - Support	Accept
<b>ROYAL FOREST &amp; BIRD PROTECTION SOCIETY OF NEW ZEALAND</b>	<b>460</b>	<b>74</b>	<b>Submitter supports Method: Wetlands - Biodiversity.</b>	<b>Accept</b>
	X 492	141	MINISTER OF CONSERVATION - Support	Accept

#### 4.14.1 Submission summary

Submissions on this method are supportive with minor changes requested. The Wellington Conservation Board would like enhancement to be replaced with restoration, and Progress Castlecliff raise some issues specific to their area.

#### 4.14.2 Evaluation

The Wellington Conservation Board prefers the term ‘restoration’ rather than enhancement, because enhancement may be done for reasons other than habitat enhancement (aesthetic reasons for example) and they consider restoration more appropriate. This seems a sensible change and could be made.

Progress Castlecliff raise some issues specific to the work Department of Conservation is doing in their area. I do not think that methods in the POP are the most appropriate place to deal with those issues; rather, they should be taken up with DoC itself.

#### 4.14.3 Recommendation BIO 14

- (a) Accept submissions supporting the Wetland method with minor changes.
- (b) Reject submissions referring to the specific Castlecliff issues.

#### 4.14.3.1 Recommended changes to provisions

Amend Method Wetlands – Biodiversity to refer to restoration of wetland rather than enhancement, as shown in the revised Methods section in Appendix A.

### 4.15 Chapter 7 Method Bush Remnants – Biodiversity BIO 15

**Table of Submitters, Submission Points and Recommendations**

Submitter	Number	Point	Decision sought	Recommendation
<b>FISH &amp; GAME NEW ZEALAND - WELLINGTON REGION</b>	<b>417</b>	<b>110</b>	<b>Method is supported and we wish it to be retained.</b>	<b>Accept</b>
<b>NEW ZEALAND INSTITUTE OF FORESTRY</b>	<b>419</b>	<b>10</b>	<b>Retain Methods under section 7.5.</b>	<b>Accept</b>
	X 501	224	ERNSLAW ONE LTD - Support	Accept
	X 502	110	NEW ZEALAND DEFENCE FORCE - Support	Accept
	X 520	123	N Z FOREST MANAGERS LTD - Support	Accept
<b>ROYAL FOREST &amp; BIRD PROTECTION SOCIETY OF NEW ZEALAND</b>	<b>460</b>	<b>75</b>	<b>Submitter supports Method: Bush Remnants - Biodiversity.</b>	<b>Accept</b>
	X 492	142	MINISTER OF CONSERVATION - Support	Accept
<b>TE PEKA RESERVE LAND CARE</b>	<b>349</b>	<b>1</b>	<b>THE DECISION I SEEK FROM HORIZONS IS THAT THE PROJECT NAME - BUSH REMNANTS BIODIVERSITY AND THE TARGET OF IDENTIFYING THE TOP 200 BUSH REMNANTS IS DELETED FROM THE PLAN.</b>	<b>Reject</b>
			<b>In its place I would like to see a target of consultation with Central Government, DoC, TLAs, user interest groups and conservation groups to discuss a way forward by -</b>	



Submitter	Number	Point	Decision sought	Recommendation
			<p>(a) concentrating on the natural areas already in public ownership which have high conservation values, especially small reserves near population centres; and</p> <p>(b) find a fair and equitable way to fund the cost of protecting and restoring the biodiversity values of all reserve areas, in the public estate, whether under the stewardship of DoC or TLAs or voluntary conservation groups.</p>	
	X 492	131	MINISTER OF CONSERVATION - Oppose	Accept

#### 4.15.1 Evaluation

Submissions are supportive of this Method and wish to see it retained. One submitter would like to see the method deleted.

#### 4.15.2 Recommendation BIO 15

- (a) Accept submissions which seek to retain this method.
- (b) Reject the submission which seeks to have the method deleted.

##### 4.15.2.1 Recommended changes to provisions

No changes are recommended as a result of these submissions. Other changes are recommended to this method as a result of other submissions, as outlined above and shown in the revised Methods in Appendix A.

## 4.16 Chapter 7 Method Sites of Significance - Aquatic BIO 16

**Table of Submitters, Submission Points and Recommendations**

Submitter	Number	Point	Decision sought	Recommendation
<b>HORTICULTURE NEW ZEALAND</b>	<b>357</b>	<b>91</b>	<b>Decision Sought: Retain Method 7.5 Sites of significance - Aquatic and implement a non-regulatory approach to identifying and managing the 100 top sites of significance.</b>	<b>Accept</b>
<b>FISH &amp; GAME NEW ZEALAND - WELLINGTON REGION</b>	<b>417</b>	<b>109</b>	<b>Method is supported and we wish it to be retained.</b>	<b>Accept</b>
	X 492	143	MINISTER OF CONSERVATION - Support	Accept
<b>NEW ZEALAND INSTITUTE OF FORESTRY</b>	<b>419</b>	<b>9</b>	<b>Retain Methods under section 7.5.</b>	<b>Accept</b>
	X 501	250	ERNSLAW ONE LTD - Support	Accept
	X 502	109	NEW ZEALAND DEFENCE FORCE - Support	Accept
	X 520	122	N Z FOREST MANAGERS LTD - Support	Accept

### 4.16.1 Submission summary

The submissions are supportive of this Method.

### 4.16.2 Recommendation BIO 16

(a) Accept submissions which seek to retain the Method.

#### 4.16.2.1 Recommended changes to provisions

No changes are recommended as a result of these submissions. Other changes are recommended to this method as a result of other submissions, as outlined above and shown in the revised Methods in Appendix A.

### 4.17 Chapter 7 Method Inanga Spawning and Native Fishery Sites – Biodiversity BIO 17

**Table of Submitters, Submission Points and Recommendations**

Submitter	Number	Point	Decision sought	Recommendation
<b>WELLINGTON CONSERVATION BOARD</b>	<b>375</b>	<b>9</b>	<b>Either add eels to the inanga project or set up a parallel project for eel restoration.</b>	
<b>FISH &amp; GAME NEW ZEALAND - WELLINGTON REGION</b>	<b>417</b>	<b>113</b>	<b>Method is supported and we wish it to be retained.</b>	
<b>NEW ZEALAND INSTITUTE OF FORESTRY</b>	<b>419</b>	<b>13</b>	<b>Retain methods under section 7.5.</b>	
	X 501	227	ERNSLAW ONE LTD - Support	
	X 502	113	NEW ZEALAND DEFENCE FORCE - Support	
<b>ROYAL FOREST &amp; BIRD PROTECTION SOCIETY OF NEW ZEALAND</b>	<b>460</b>	<b>76</b>	<b>Submitter supports Method: Inanga Spawning and Native Fishery Sites - Biodiversity.</b>	
	X 492	144	MINISTER OF CONSERVATION - Support	

#### 4.17.1 Submission summary

Submissions are supportive of the method, and one seeks to include eel in the project.

#### 4.17.2 Evaluation

Eel would benefit from the programme, as barriers to fish passage (including eels) will be removed and the migration times of juvenile eel are similar to that of whitebait. In addition the SOS Aquatic Method also helps protect habitat that would be used for eel as well as other native species. There is adequate protection for the habitat of eel within the plan and the method does not need to be changed to reflect this.

#### 4.17.3 Recommendation BIO 17

- (a) Accept submissions which support the Method.
- (b) Reject submissions which seek to change the Method.

##### 4.17.3.1 Recommended changes to provisions

No changes are recommended as a result of these submissions. Other changes are recommended to this Method as a result of other submissions, as outlined above and shown in the revised Methods in Appendix A.

### 4.18 Chapter 7 Method Biodiversity (Terrestrial and Aquatic) Research, Monitoring and Reporting BIO 18

#### Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
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Submitter	Number	Point	Decision sought	Recommendation
<b>ALEXANDER BRYAN WILFRIED JAMES</b>	<b>45</b>	<b>13</b>	<b>I think it is unwise for Horizons to monitor and report on their own effectiveness at delivering the objectives outlined in the One Plan.</b>	<b>Reject</b>
			<b>If Horizons monitor and report on their own effectiveness at delivering the objectives outlined in the One Plan, then the monitoring programs and reports generated must be peer reviewed by an independent entity.</b>	
			<b>I am also unconvinced that Horizons has the capability to deliver the research outcomes required to refine existing policies and methods. Experienced researchers are needed to design effective research programs.</b>	
<b>FISH &amp; GAME NEW ZEALAND - WELLINGTON REGION</b>	<b>417</b>	<b>112</b>	<b>Method is supported and we wish it to be retained.</b>	<b>Accept</b>
<b>NEW ZEALAND INSTITUTE OF FORESTRY</b>	<b>419</b>	<b>11</b>	<b>Retain methods under section 7.5.</b>	<b>Accept</b>
	X 501	225	ERNSLAW ONE LTD - Support	Accept
	X 502	111	NEW ZEALAND DEFENCE FORCE - Support	Accept
	X 520	124	N Z FOREST MANAGERS LTD - Support	Accept
<b>ROYAL FOREST &amp; BIRD PROTECTION SOCIETY OF NEW ZEALAND</b>	<b>460</b>	<b>77</b>	<b>Submitter supports Method: Biodiversity (Terrestrial and Aquatic) Research.</b>	<b>Accept</b>
	X 492	145	MINISTER OF CONSERVATION - Support	Accept

#### 4.18.1 Submission summary

The submissions are generally supportive of the Method, with the exception of one who questions the ability of HRC to do the work and to do it independently.

#### 4.18.2 Evaluation

HRC has a current programme of research, monitoring and policy effectiveness monitoring. This is carried out by staff in-house and with support from external science agencies where expertise cannot be provided in-house, or where peer review is required.

#### 4.18.3 Recommendation BIO 18

- (a) Accept submissions which support the Method.
- (b) Reject submissions which oppose the Method.

##### 4.18.3.1 Recommended changes to provisions

No changes are recommended as a result of these submissions. Other changes are recommended to this Method as a result of other submissions, as outlined above and shown in the revised Methods in Appendix A.

### 4.19 Chapter 7 Method Education in Schools – Biodiversity BIO 19

#### Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
SUSTAINABLE WHANGANUI	176	23	We seek the inclusion of the Youth Environmental Forum in the biodiversity-related environmental education programme.	Accept
FISH & GAME NEW ZEALAND - WELLINGTON REGION	417	111	Method is supported and we wish it to be retained.	Accept
NEW ZEALAND INSTITUTE OF FORESTRY	419	12	Retain Methods under section 7.5.	Accept
	X 501	226	ERNSLAW ONE LTD - Support	Accept
	X 502	112	NEW ZEALAND DEFENCE FORCE - Support	Accept

<b>ROYAL FOREST &amp; BIRD PROTECTION SOCIETY OF NEW ZEALAND</b>	<b>460</b>	<b>78</b>	<b>Submitter supports Method: Education in Schools - Biodiversity.</b>	<b>Accept</b>
	X 492	146	MINISTER OF CONSERVATION - Support	Accept

#### 4.19.1 Submission summary

The submissions are supportive of the Method, with the addition of the Youth Environmental Forum requested.

#### 4.19.2 Evaluation

Many environmental education initiatives are supported by Horizons; this includes the recently proposed Youth Environment Forum. It is appropriate to include this education initiative in this Method.

#### 4.19.3 Recommendation BIO 19

- (a) Accept submissions which support the Education in Schools Method.
- (b) Accept the submission which seeks to add Youth Environment Forum into the Method.

##### 4.19.3.1 Recommended changes to provisions

Amend the Education in Schools Method to include Youth Environment Forum, and to make changes as a result of other submissions as shown in the revised methods in Appendix A..

## 4.20 Chapter 7 AER General BIO 20

### Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
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Submitter	Number	Point	Decision sought	Recommendation
<b>MERIDIAN ENERGY LIMITED</b>	363	124	Meridian opposes Section 7-6: Anticipated Environmental Results and seeks its deletion.  Any consequential amendments necessary to give effect to this submission	Reject
	X 511	361	TRUST POWER LIMITED - Support	Reject
<b>FISH &amp; GAME NEW ZEALAND - WELLINGTON REGION</b>	417	65	The Anticipated Environmental Results are supported and we wish to have this retained.	Accept
<b>TRUST POWER LIMITED</b>	358	66	That Table 7.6 be either deleted from the Proposed Plan or that the Anticipated Environmental Results in relation to rare, threatened or at-risk habitats, bush remnants and outstanding landscapes and natural features be deleted and replaced with the following text in the first column of Table 7.6:  Anticipated Environmental Result  "Except for change because of natural processes or infrastructure or energy development in the national interest, at 2017 the area of each habitat type identified as rare, threatened or at-risk is the same as that estimated prior to this Plan becoming operative."  Link To Policy  Retain as read.  Indicator  Retain as read.  Data source  Retain as read.	Accept in part



Submitter	Number	Point	Decision sought	Recommendation
			<p><b>Anticipated Environmental Result</b></p> <p>Except for change because of natural processes or infrastructure or energy development in the national interest, at 2017 the Region's top 100 wetlands and top 200 bush remnants will be in better condition than that measured prior to this Plan becoming operative."</p> <p><b>Link To Policy</b></p> <p>Retain as read.</p> <p><b>Indicator</b></p> <p>Retain as read.</p> <p><b>Data source</b></p> <p>Retain as read.</p>	
			<p><b>Anticipated Environmental Result</b></p> <p>"Except for change because of natural processes or infrastructure or energy development in the national interest, at 2017 the characteristics/values of all outstanding landscapes and natural features identified in the Region (Schedule F) will be in the same state as assessed prior to this Plan becoming operative."</p> <p><b>Link To Policy</b></p> <p>Retain as read.</p> <p><b>Indicator</b></p> <p>Retain as read.</p> <p><b>Data source</b></p>	

Submitter	Number	Point	Decision sought	Recommendation
			<p><b>Retain as read.</b></p> <p><b>Any similar amendments to like effect.</b></p> <p><b>Any consequential amendments that stem from the amendment of Section 7.6 and Table 7.6 as proposed in this submission.</b></p>	
	X 519	293	MIGHTY RIVER POWER - Support	Accept in part
	X 527	48	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Oppose	Reject

#### 4.20.1 Submission summary

The general anticipated environmental results (AERs) are supported by Fish & Game and opposed by Meridian and Trust Power.

#### 4.20.2 Legislative overview

Section 62(1)(g) of the RMA states that the RPS must state the environmental results anticipated from the implementation of the policies and methods.

#### 4.20.3 Evaluation

Changes could be made to the AERs to reflect the interests of the energy submitters, but as the RPS must state the AERs it is not possible to delete this section entirely. The energy companies who submitted on the AERs oppose them because they seek no change, other than by natural processes, to the habitats and landscapes. In many ways this is not consistent with the policies and objectives, which state that some change is acceptable in limited circumstances, or where it can be adequately mitigated. It would be appropriate to reflect this in the policies.

#### 4.20.4 Recommendation BIO 20

(a) Accept submissions supporting the AERs in general.

- (b) Reject submissions seeking to have the AERs removed entirely.
- (c) Accept in part submissions seeking to alter the AERs to reflect change consistent with the policies and objectives.

#### 4.20.4.1 Recommended changes to provisions

Alter the AERs to reflect change consistent with the policies, as shown in Appendix B.

### 4.21 Chapter 7 AER Table Row 2 BIO 21

**Table of Submitters, Submission Points and Recommendations**

Submitter	Number	Point	Decision sought	Recommendation
MINISTER OF CONSERVATION	372	119	Include a general statement that where possible habitat condition measures will be compatible with those used by the Department of Conservation	Accept
	X 511	362	TRUST POWER LIMITED - Support	Accept

#### 4.21.1 Evaluation

The Minister of Conservation would like the habitat condition measures to be consistent with those used by DoC where possible. This seems a sensible addition, and will allow good comparison with information collected by DoC.

#### 4.21.2 Recommendation BIO 21

- (a) Accept submissions which seek to make habitat condition measures consistent with those used by DoC.

#### 4.21.2.1 Recommended changes to provisions

Alter the second AER to state that where possible habitat condition measures will be compatible with those used by DoC, as shown in the recommended revised AERs in Appendix B.

### 4.22 Chapter 7 Explanations and Principal Reasons BIO 22

#### Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
DONALD LESLIE SIEMONEK	168	2	Reduce the 30% threshold to 10% and in so doing bring the policy statement in line with current scientific thinking	

#### 4.22.1 Evaluation

The Explanations and Principle Reasons explain the reasons why the policies in the RPS have been adopted. The information in this section reflects the technical information which supported development of this chapter, and is consistent with current scientific thinking. Fleur Maseyk's evidence covers this point in more detail.

#### 4.22.2 Recommendation BIO 22

(a) Reject the submission.

##### 4.22.2.1 Recommended changes to provisions

Do not change the provisions as a result of this submission.

## 4.23 Chapter 12 Overall Biodiversity BIO 23

**Table of Submitters, Submission Points and Recommendations**

Submitter	Number	Point	Decision sought	Recommendation
<b>MIGHTY RIVER POWER</b>	359	92	- Delete the plan provisions relating to biodiversity and consider a variation to the Plan which bases the identification and management of biodiversity values on an ecological district or LENZ approach; or  - In the alternative amend the objectives	Accept in part
	X 492	193	MINISTER OF CONSERVATION - Oppose	Accept in part
<b>MERIDIAN ENERGY LIMITED</b>	363	135	<b>Meridian opposes Chapter 12 and seeks the following or similar:</b>  Renewable energy development is provided for in a similar manner to farming and forestry activities, that is, all land disturbance and vegetation removal associated with renewable energy development be provided for as a permitted activity where a renewable energy development plan has been supplied to the Council. The only exception for this should be in those situations where resource consents are required for farming and forestry activities, i.e. land disturbance and vegetation removal involving protected habitats (i.e. Rules 12-7 and 12-8).  It is noted however, that Meridian opposes Rule 12-7 and considers Rule 12-8 requires amendment.  <b>Any consequential amendments necessary to give effect to this submission</b>	Accept in part
	X 492	194	MINISTER OF CONSERVATION - Oppose	Accept in part
	X 501	196	ERNSLAW ONE LTD - Oppose	Accept in part
	X 511	382	TRUST POWER LIMITED - Support	Accept in part

#### 4.23.1 Submission summary

Two submissions were received on the biodiversity provisions in general, one seeking change to an approach based on LENZ or ecological districts, and one seeking that energy developments be treated in the same way as farming and forestry, particularly with reference to codes of practice.

#### 4.23.2 Evaluation

Fleur Maseyk has outlined in her evidence how the biodiversity approach in the POP is based on LENZ analysis, and that the habitats can then be assessed at an ecological district scale. Therefore I do not think it is necessary to delete the proposed provisions as the provisions have already been developed in the way the submitter seeks.

Land disturbance and vegetation clearance are dealt with by the rules in the same way, regardless of the purpose for which the disturbance or clearance is being undertaken (farming, forestry or energy development). The exceptions to this are where these activities are undertaken in accordance with a code of practice incorporated by reference into the plan. Currently whole farm business plans and forests accredited by the FSC programme are treated this way in the plan (permitted activities). The POP also contains a number of policies which encourage the development and adoption of codes of practice for other activities. HRC would encourage the development of a code of practice for vegetation clearance and land disturbance activities associated with energy developments. This code could then be incorporated by reference into the POP by way of a plan change or variation.

The other way in which the POP can facilitate the maintenance of infrastructure, without being subject to the rules, is to change the definition of vegetation clearance to exclude clearance undertaken to maintain existing infrastructure. This recommendation has been made in the planning report for the Land chapter, and I also endorse this change.

#### 4.23.3 Recommendation BIO 23

- (a) Accept in part submissions which seek to have energy developments dealt with in the same way as farming or forestry in the plan, and that a code of practice could be developed to further increase this.
- (b) Reject the parts of submissions which seek to delete the biodiversity provisions of the POP

##### 4.23.3.1 Recommended changes to provisions

No changes are recommended as a result of these submissions, but changes to the definition of vegetation clearance and land disturbance are recommended in recommendation LAND 10 and are endorsed here.

## 4.24 Chapter 12 Policy 12-3 Important and essential activities BIO 24

**Table of Submitters, Submission Points and Recommendations**

Submitter	Number	Point	Decision sought	Recommendation
MIGHTY RIVER POWER	359	97	Amend the start of the policy so that it reads as follows:  The Regional Council will generally allow vegetation clearance* or land disturbance* including within rare and threatened habitats and at-risk habitats...	Reject
	X 511	388	TRUST POWER LIMITED - Support	Reject

### 4.24.1 Evaluation

Policy 12-3 deals with vegetation and land disturbance activities generally, not just those relating to rare and threatened and at-risk habitats. It is inappropriate to narrow its focus as it also relates to rules that do not involve these habitats.

### 4.24.2 Recommendation BIO 24

(a) Reject the submission.

#### 4.24.2.1 Recommended changes to provisions

No changes are recommended in response to this submission.

#### 4.25 Chapter 12 Policy 12-5 Consent decision-making regarding Rare and Threatened Habitats, and At-Risk Habitats BIO 25

Submitter	Number	Point	Decision sought	Recommendation
<b>MIGHTY RIVER POWER</b>	<b>359</b>	<b>99</b>	<b>Exclude important and essential activities from this policy.</b>	<b>Reject</b>
	X 522	308	MERIDIAN ENERGY LIMITED - Support	Reject
<b>MERIDIAN ENERGY LIMITED</b>	<b>363</b>	<b>142</b>	<b>Meridian requests that Policy 12-5 is amended as follows, or similar:</b>  <b>Amend to refer to significant indigenous vegetation or significant habitats of indigenous fauna; and</b>  <b>Expressly exclude renewable energy generation facilities; or</b>  <b>Delete Policy 12-5 in its entirety.</b>  <b>Any consequential amendments necessary to give effect to this submission</b>	<b>Reject</b>
	X 511	396	TRUST POWER LIMITED - Support	Reject
<b>ANGUS GORDON</b>	<b>447</b>	<b>10</b>	<b>Re-write this sub section using language or diagrams that clearly define what is required.</b>	<b>Accept in part</b>
<b>ROYAL FOREST &amp; BIRD PROTECTION SOCIETY OF NEW ZEALAND</b>	<b>460</b>	<b>97</b>	<b>Submitter supports Policy 12-5: Consent decision-making regarding Rare and Threatened Habitats, and At-Risk Habitats.</b>	<b>Accept</b>
	X 492	197	MINISTER OF CONSERVATION - Support	Accept

##### 4.25.1 Submission summary

Energy company submitters would like energy development or essential infrastructure excluded from this decision-making policy, or to refer to significant vegetation (rather than rare, threatened or at-risk habitats). One submitter would like the section rewritten to make it clearer. Forest and Bird and Minister of Conservation support the policy.



## 4.25.2 Evaluation

Policy 12-5 is a decision-making policy for decision-makers considering resource consents for activities affecting rare and threatened and at-risk habitats. This policy refers the decision-maker back to the specific policies in Chapter 7 which deal with these activities. The changes recommended to the policies in Chapter 7 (see recommendation BIO 7 and BIO 8) will allow for energy and infrastructure activities appropriately, and so I do not think it is necessary to repeat that in this policy, or to exclude these types of developments from the policy entirely.

The policy could however be clearer and refer back to the exact policies in Chapter 7 which are relevant. In addition to the changes to Schedule E that are recommended this should make this policy and the whole biodiversity section easier to follow.

## 4.25.3 Recommendation BIO 25

- (a) Accept submissions which support Policy 12-5.
- (b) Accept in part submissions which seek to clarify Policy 12-5, to the extent that the links between this policy and those in Chapter 7 will be improved, including links to policies regarding renewable energy.
- (c) Reject parts of submissions which seek to delete Policy 12-5.

### 4.25.3.1 Recommended changes to provisions

Words to add are shown in underline, words to delete are shown in ~~strike through~~.

Change Policy 12-5 to read:

#### **Policy 12-5: Consent decision-making regarding rare and threatened habitats, and at-risk habitats**

The Regional Council will make decisions on resource consent applications involving rare and threatened habitats\*, and at-risk habitats\* in accordance with the Objectives 7-1 and Policies 7-2, 7-3, 7-4, 7-5 and 7-6 in Chapter 7.

#### 4.26 Chapter 12 Biodiversity Rules General BIO 26

Submitter	Number	Point	Decision sought	Recommendation
HEATHER OLIVER	144	2	I ask that all responsibilities for maintaining indigenous biological diversity be apportioned to District Councils	Reject
WINSTON OLIVER	145	3	I ask that all responsibilities for maintaining indigenous biological diversity be apportioned to District Councils	Reject
HORIZONS REGIONAL COUNCIL	182	33	<p>Insert a new Rule into section 12.3 : <b>Activities within at-risk habitats* and threatened habitats* that occur as treeland*. Any of the following activities within an at-risk habitat* or threatened habitat* that occurs as treeland*</b></p> <p>(a) <b>Vegetation clearance*</b>,</p> <p>(b) <b>Land disturbance*</b>,</p> <p>(c) <b>Discharges of contaminants into water, or into or onto land, and</b></p> <p>(d) <b>Diversions of water.</b></p> <p><b>This rule does not apply to the activities described in subsections (a) to (d) in circumstances where --</b></p> <p>(e) <b>They are carried out for the purposes of controlling pests pursuant to a Pest Management Strategy prepared under the Biosecurity Act 1993, or</b></p> <p>(f) <b>They are carried out for the purposes of protecting or enhancing an At-Risk Habitat*, or</b></p> <p>(g) <b>They are classified as a discretionary, non-complying or prohibited activity under another rule - in which case the other rules of this Plan relevant to the activities apply.</b></p>	Accept
	X 523	9	TRANSPower NEW ZEALAND LTD - Unknown	Reject
	X 531	75	HORTICULTURE NEW ZEALAND - Oppose	Reject

Submitter	Number	Point	Decision sought	Recommendation
STUART MC NIE	198	10	I ask that all responsibilities for maintaining indigenous biological diversity be apportioned to District Councils	Reject
TRANSPower NEW ZEALAND LTD	265	19	H. Clarification in the Plan (particularly in relation to Rules 12-7 and 12-8) that trimming/clearance of vegetation in and around existing transmission lines is a protective measure in at-risk or threatened habitats and therefore is acceptable (ie. permitted).	Accept
	X 528	18	POWERCO LIMITED - Support	Accept

#### 4.26.1 Submission summary

There were five submissions on the biodiversity rules generally. The comments of submitters who would like biodiversity responsibilities to rest with district councils only are repeated (see for example 198/10 and 144/2). Transpower would like to clarify that trimming vegetation to maintain infrastructure is permitted. HRC submitted that a new rule should be added to allow for activities in treeland, as other than a non-complying activity.

#### 4.26.2 Technical assessment

Fleur Maseyk has provided evidence on the biodiversity provisions, and in particular on the appropriateness of treating treeland habitat different from other habitat (see section 10 of Fleur's report).

#### 4.26.3 Evaluation

I have discussed the issue of apportioning of responsibilities between district and regional councils for maintaining biodiversity in this report in section 4.6.3. It is appropriate for the Regional Council to take primary responsibility for this issue, and to write rules to control it.

I believe it is appropriate to ensure that activities for the maintenance of important infrastructure can be carried out as a permitted activity. This is dealt with by amending the definition of vegetation clearance to specifically exclude that required to maintain important infrastructure. This recommendation is made in the planning report for the land hearing (see Land Recommendation 10, section 4.10.3.1 of that Report).

Treeland is included in Schedule E because of the contribution it makes as a buffer to other habitat, riparian habitat and for other ecological reasons as outlined in Fleur Maseyk's evidence. However the way Schedule E and the rules are currently written, if a landowner wanted to remove or trim a few trees in a small area of scattered trees, they may require consent for a non-complying activity. This could be considered overly onerous for an activity that may have no more than minor adverse effect on the habitat it is actually providing habitat for. It is more appropriate that the activity be considered a restricted discretionary activity. Then the impacts of the activity on the buffered habitat can be considered, but the application would not be a non-complying activity and it could be considered without the need to notify or gain consent from affected parties.

#### 4.26.4 Recommendation BIO 26

- (a) Accept the submission which would like the status of activities to maintain infrastructure clarified.
- (b) Accept the submissions which would like to change the activity status of activities affecting treeland.
- (c) Reject submissions seeking to remove the regional council's responsibilities to maintain biodiversity.

##### 4.26.4.1 Recommended changes to provisions

- (a) Amend the definition of vegetation clearance to exclude maintenance of important infrastructure, as recommended in Land Recommendation 10, section 4.10.3.1.
- (b) Insert a new rule to control activities affecting treeland as set out below as Rule 12-7, and renumber the remaining rules:

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
12-7 Activities within rare and threatened habitat* or at-risk habitat* where they occur as treeland*:	Any of the following activities within a rare and threatened habitat* or at-risk habitat* where they occur as treeland*: (a) vegetation clearance* (b) land disturbance* (c) discharges of contaminants into water, or into or onto land (d) diversions of water. This rule does not apply to the activities described in subsections (a) to (d) in circumstances where: (e) they are carried out for the purposes of	Restricted discretionary		Discretion is reserved over: (a) the nature, scale, timing and duration of activity (b) effects on any nearby rare and threatened habitat* or at-risk habitat* for which the treeland is acting as a buffer (c) effects of removing trees which are providing or contributing to a riparian buffer (d) effects of removing trees which are providing crucial life-supporting habitat to a threatened species (e) effects on the ecological significance of the site based upon an assessment of the site's

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p>controlling pests pursuant to a pest management strategy prepared under the Biosecurity Act 1993, or</p> <p>(f) they are carried out for the purposes of protecting, maintaining or enhancing an at-risk habitat*, or</p> <p>(g) the activity is a discharge of fertiliser in accordance with the permitted activity conditions in Rule 13-2</p> <p>(h) they are classified as a discretionary, non-complying or prohibited activity under another rule</p> <p>in which case the other rules of this Plan relevant to the activities apply.</p>			<p>representativeness, rarity and distinctiveness, as assessed in accordance with Table 7.1</p> <p>(f) re-vegetation requirements</p> <p>(g) procedures in the event of discovering or disturbing an archaeological site, waahi tapu or koiwi remains</p> <p>(h) duration of consent</p> <p>(i) review of consent conditions</p> <p>(j) compliance monitoring.</p> <p>Resource consent applications under this rule will not be notified and written approval of affected persons will not be required (notice of applications need not be served on affected persons).</p>

#### 4.27 Chapter 12 Rule 12-7 Activities within At-Risk Habitats BIO 27

Submitter	Number	Point	Decision sought	Recommendation
<b>MARAEKOWHAI WHENUA TRUST, TAWATA WHANAU TRUST, NGATI TAMA O NGATI HAUA TRUST AND TITI TIHU FARM TRUST</b>	<b>148</b>	<b>3</b>	<b>No decision requested but submit that they use trees for firewood, house heating and cooking requirements where houses are not connected to electricity and for cultural landscapes for fencing and stopbanking around kainga and marae and that this should not be an offence.</b>	<b>Accept in part</b>
<b>RUAPEHU DISTRICT COUNCIL</b>	<b>151</b>	<b>147</b>	<b>That rule 12.7 be deleted in its entirety.</b>	<b>Reject</b>
	X 481	212	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 502	139	NEW ZEALAND DEFENCE FORCE - Oppose	Accept
<b>MOUNTAIN CARROTS N Z LTD</b>	<b>179</b>	<b>13</b>	<b>Delete Rule 12-7.</b>	<b>Reject</b>
	X 495	248	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 502	131	NEW ZEALAND DEFENCE FORCE - Oppose	Accept
<b>NGATI KAHUNGUNU IWI INCORPORATED</b>	<b>180</b>	<b>63</b>	<b>In last column add:  "Resource consent applications under this rule will be publicly notified."</b>	<b>Reject</b>
	X 501	14	ERNSLAW ONE LTD - Oppose	Accept
	X 520	6	N Z FOREST MANAGERS LTD - Oppose	Accept
<b>HORIZONS REGIONAL COUNCIL</b>	<b>182</b>	<b>32</b>	<b>Add a new subclause to rule 12-5 Activity after: This rule does not apply: " they are undertaken by, or on behalf of, the Regional Council in accordance with the Environmental Code of practice for River Works, Horizons Regional Council, April 2007 [or adopted version]"</b>	<b>Accept</b>
	X 500	165	TARARUA DISTRICT COUNCIL - Oppose	Reject
	X 507	165	MANAWATU DISTRICT COUNCIL - Oppose	Reject
	X 515	165	HOROWHENUA DISTRICT COUNCIL - Oppose	Reject
	X 517	75	RANGITIKEI DISTRICT COUNCIL - Oppose	Reject

Submitter	Number	Point	Decision sought	Recommendation
	X 532	165	WANGANUI DISTRICT COUNCIL - Oppose	Reject
<b>DAVID JOHN GREENWOOD</b>	<b>225</b>	<b>13</b>	<b>Delete Rule 12-7.</b>	<b>Reject</b>
	X 495	249	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 502	132	NEW ZEALAND DEFENCE FORCE - Oppose	Accept
<b>PALMERSTON NORTH CITY COUNCIL</b>	<b>241</b>	<b>72</b>	<b>That Horizons remove Rule 12-8 and amend Rule 12-7 to apply to activities within "at-risk, rare or threatened" habitats.</b>	<b>Reject</b>
	X 500	127	TARARUA DISTRICT COUNCIL - Support	Reject
	X 507	127	MANAWATU DISTRICT COUNCIL - Support	Reject
	X 515	127	HOROWHENUA DISTRICT COUNCIL - Support	Reject
	X 517	257	RANGITIKEI DISTRICT COUNCIL - Support	Reject
	X 532	127	WANGANUI DISTRICT COUNCIL - Support	Reject
<b>RUAPEHU FEDERATED FARMERS OF NEW ZEALAND INC</b>	<b>246</b>	<b>18</b>	<b>Clearly define "At-risk habitats"</b>	<b>Accept</b>
<b>GORDON GEORGE KUGGELEIJN</b>	<b>300</b>	<b>2</b>	<b>2. Then, to include a statement similar that written in chapter 12, 12-7 ,(e), (f), (g), That specifies the following:  "This rule does not apply to the activities described in subsections (a) to (d) in circumstances where: (e) to (g): "Then add a section (h)" to include production forests and the right to: log, harvest, put in roads, skid sites and anything else that is consistent with acceptable forest management practices, that will or may or is likely to impact negatively on the flora and fauna that has adapted to the "Production Forest" site."</b>	<b>Accept in part</b>

Submitter	Number	Point	Decision sought	Recommendation
<b>GORDON GEORGE KUGGELEIJN</b>	<b>300</b>	<b>3</b>	<b>3. I suggest a new and additional sub-section 12-7, (h), as follows: (h) Activities associated with production forest practices including harvesting the crop, preparing roads and skid sites and other activities consistent with accepted forest management practices be exempt from considerations of Schedule E (Indigenous Biological Diversity). Specifically be permitted to consequentially or accidentally kill fauna that has colonized the production forest. The wording may be varied but I believe that the consequential by-kill from forest operations, like the by-kill of 1080 poisoning must be specified and not glossed over.</b>	<b>Accept in part</b>
<b>KIM YOUNG &amp; SONS LTD</b>	<b>315</b>	<b>13</b>	<b>Delete Rule 12-7.</b>	<b>Reject</b>
	X 495	250	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 502	133	NEW ZEALAND DEFENCE FORCE - Oppose	Accept
<b>KAPITI GREEN LIMITED</b>	<b>317</b>	<b>12</b>	<b>Delete Rule 12-7.</b>	<b>Reject</b>
	X 495	247	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 502	130	NEW ZEALAND DEFENCE FORCE - Oppose	Accept
<b>NEW ZEALAND DEFENCE FORCE</b>	<b>330</b>	<b>38</b>	<b>2.Amend Rule 12-7 as follows:</b>  <b>(f) they are carried out for the purposes of protecting, maintaining or enhancing an at-risk habitat,</b>	<b>Accept</b>
<b>NEW ZEALAND DEFENCE FORCE</b>	<b>330</b>	<b>41</b>	<b>Retain Policy 7-2(d) as is and insert a new sub clause into Rules 12-7 and 12-8 as follows: (?) or they are carried out for the purposes of military training using live ammunition under the Defence Act 1990.</b>	<b>Accept</b>
<b>HANCOCK FOREST MANAGEMENT ( N Z ) LTD</b>	<b>331</b>	<b>26</b>	<b>Amend rule 12.7 to exclude production forestry, or adopt such alternative relief to ensure production forestry activities are not captured by rule 12.7.</b>	<b>Accept in part</b>
	X 501	167	ERNSLAW ONE LTD - Support	Accept in part
	X 520	80	N Z FOREST MANAGERS LTD - Support	Accept in part



Submitter	Number	Point	Decision sought	Recommendation
	X 534	3	Gordon Kuggeleijn - Support	Accept in part
<b>RANGITIKEI DISTRICT COUNCIL</b>	<b>346</b>	<b>120</b>	<b>Delete Rule 12-7 in its entirety.</b>	<b>Reject</b>
	X 481	825	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 495	255	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 502	138	NEW ZEALAND DEFENCE FORCE - Oppose	Accept
<b>WOODHAVEN GARDENS LTD</b>	<b>347</b>	<b>13</b>	<b>Delete Rule 12-7.</b>	<b>Reject</b>
	X 495	251	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 502	134	NEW ZEALAND DEFENCE FORCE - Oppose	Accept
<b>DAVID YOUNG</b>	<b>348</b>	<b>13</b>	<b>Delete Rule 12-7.</b>	<b>Reject</b>
	X 495	252	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 502	135	NEW ZEALAND DEFENCE FORCE - Oppose	Accept
<b>ALMADALE PRODUCE LTD</b>	<b>350</b>	<b>13</b>	<b>Delete Rule 12-7.</b>	<b>Reject</b>
	X 495	253	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 502	136	NEW ZEALAND DEFENCE FORCE - Oppose	Accept
<b>ENVIRONMENT NETWORK MANAWATU</b>	<b>356</b>	<b>48</b>	<b>ENM generally support these rules, but are concerned at the lack of guidance given to conditions/standards/terms given. The way the rules are set out lacks coherence and we can only assume that objectives in the RPS would be referred to</b>	<b>Accept in part</b>
<b>HORTICULTURE NEW ZEALAND</b>	<b>357</b>	<b>114</b>	<b>Decision Sought: Delete Rule 12-7.</b>	<b>Reject</b>
	X 495	254	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 502	137	NEW ZEALAND DEFENCE FORCE - Oppose	Accept
	X 511	418	TRUST POWER LIMITED - Support	Reject
<b>MERIDIAN ENERGY LIMITED</b>	<b>363</b>	<b>152</b>	<b>Meridian opposes Rule 12-7 and seeks its deletion.</b>	<b>Reject</b>
			<b>Any consequential amendments necessary to give effect to this submission</b>	

Submitter	Number	Point	Decision sought	Recommendation
	X 495	256	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 502	140	NEW ZEALAND DEFENCE FORCE - Oppose	Accept
	X 511	414	TRUST POWER LIMITED - Support	Reject
<b>MERIDIAN ENERGY LIMITED</b>	<b>363</b>	<b>153</b>	<p><b>Meridian requests that a new permitted rule is included for land disturbance and vegetation clearance associated with renewable energy generation facilities as requested in Meridian's primary submission to Chapter 12.</b></p> <p><b>Any consequential amendments necessary to give effect to this submission.</b></p>	<b>Reject</b>
	X 495	257	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 511	415	TRUST POWER LIMITED - Support	Reject
<b>MERIDIAN ENERGY LIMITED</b>	<b>363</b>	<b>156</b>	<p><b>In the event that this submission and Meridian's preference to have a separate permitted activity status for land disturbance and vegetation clearance outside areas of significant habitat value is not accepted, Meridian requests that a controlled activity rule covering all land disturbance and vegetation clearance on highly erodible land and land disturbance and vegetation clearance affecting protected habitat areas associated with renewable energy development is included. A possible controlled activity rule is included below:</b></p> <p><b>Renewable Energy Development - Controlled activity.</b></p> <p><b>Activity: Land disturbance on highly erodible land pursuant to s9 RMA for the purposes of renewable energy development.</b></p> <p><b>For the avoidance of doubt, this is the only rule in Chapter 12 that applies to renewable energy development.</b></p> <p><b>Classification: Controlled activity</b></p> <p><b>Conditions:(a) The activity shall not disturb any archaeological</b></p>	<b>Reject</b>

Submitter	Number	Point	Decision sought	Recommendation
			<p>site, waahi tapu or koiwi remains as identified in any district plan, in the NZ Archaeological Association’s Site Recording Scheme, or by the Historic Places Trust except where the HPT or iwi approval has been obtained.</p> <p>(b) All activities shall provide with their application for resource consent a Renewable Energy Development Plan.</p> <p>Control: Control is reserved over:</p> <p>(a) The nature, scale, timing and duration of land disturbance</p> <p>(b) Measures to maintain slope stability</p> <p>(c) The method of sediment retention and control of sediment run-off</p> <p>(d) Effects on riparian margins and water-bodies</p> <p>(e) Effects on significant indigenous vegetation and significant habitats of indigenous fauna</p> <p>(f) Effects on existing structures</p> <p>(g) Qualifications required of contractors</p> <p>(h) Re-vegetation requirements</p> <p>(i) Procedures in the event of discovering or disturbing an archaeological site, waahi tapu or koiwi remains</p> <p>(j) Duration of consent</p> <p>(k) Review of consent conditions</p> <p>(l) Compliance monitoring</p>	

Submitter	Number	Point	Decision sought	Recommendation
			<p>Resource consent applications under this rule will not be notified and written approval of affected parties will not be required (notice of applications need not be served on affected persons).</p> <p>Any consequential amendments necessary to give effect to this submission.</p>	
	X 511	416	TRUST POWER LIMITED - Support	Reject
	X 525	71	GENESIS POWER LTD - Support	Reject
<b>MINISTER OF CONSERVATION</b>	<b>372</b>	<b>137</b>	<b>Retain the rule as written.</b>	<b>Accept in part</b>
	X 495	241	RUAPEHU DISTRICT COUNCIL - Oppose	Reject
	X 511	419	TRUST POWER LIMITED - Oppose	Reject
<b>RAVENSDOWN FERTILISER CO-OPERATIVE LIMITED</b>	<b>379</b>	<b>22</b>	<p>Ravensdown seeks clarification of this Rule and seeks for Council to either:</p> <p>- Specifically exclude fertiliser application from Rule 12-7; or</p> <p>- Change the activity status to permitted for farming activities where the Code of Practice for Fertiliser Use is complied with.</p>	<b>Accept in part</b>
<b>HOROWHENUA DISTRICT GROWERS ASSOCIATION</b>	<b>392</b>	<b>5</b>	Delete Rule 12-7.	Reject
	X 495	244	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 502	127	NEW ZEALAND DEFENCE FORCE - Oppose	Accept
<b>NEW ZEALAND FERTILISER MANUFACTURERS RESEARCH ASSOCIATION INCORPORATED</b>	<b>415</b>	<b>13</b>	Provide clarification and certainty by either specifically excluding fertiliser application from Rule 12-7 or referring to it under Rule 12-7 as a permitted activity.	<b>Accept in part</b>
<b>FEDERATED FARMERS OF NEW ZEALAND INC</b>	<b>426</b>	<b>152</b>	Delete Rule 12-7.	Reject

Submitter	Number	Point	Decision sought	Recommendation
	X 502	141	NEW ZEALAND DEFENCE FORCE - Oppose	Reject
	X 511	420	TRUST POWER LIMITED - Support	Accept
<b>PESCINI BROTHERS</b>	<b>438</b>	<b>6</b>	<b>Delete Rule 12-7.</b>	<b>Reject</b>
	X 495	245	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 502	128	NEW ZEALAND DEFENCE FORCE - Oppose	Accept
<b>MIDDLE DISTRICTS FARM FORESTRY ASSOCIATION</b>	<b>444</b>	<b>12</b>	<b>No specific decision requested but submits that rules could be too problematic where indigenous species move into exotic forests.</b>	<b>Accept in part</b>
	X 501	268	ERNSLAW ONE LTD - Support	Accept in part
<b>B S YOUNG LTD</b>	<b>449</b>	<b>6</b>	<b>Delete Rule 12-7.</b>	<b>Reject</b>
	X 495	246	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 502	129	NEW ZEALAND DEFENCE FORCE - Oppose	Accept
<b>ROYAL FOREST &amp; BIRD PROTECTION SOCIETY OF NEW ZEALAND</b>	<b>460</b>	<b>104</b>	<b>Submitter strongly supports Rule 12-7: Activities within At-Risk Habitats given the level of loss to At-Risk Habitats in Horizons' region.</b>	<b>Accept in part</b>
	X 495	240	RUAPEHU DISTRICT COUNCIL - Oppose	Reject
	X 511	417	TRUST POWER LIMITED - Oppose	Reject

#### 4.27.1 Submission summary

A wide range and number of submissions have been made on this rule. A large number of submitters oppose the rule and seek its deletion (see for example submission points 151/147, 179/13, 225/13 and 315/13). Another group of submitters would like the rule altered so that it would not apply to production forestry activities (306/2, 331/26 and 444/12). Submissions also ask for changes or clarification, including allowing use of trees for firewood (148/3), providing for notification of resource consents under this rule (18/63), to provide for maintenance as well as enhancement (330/41), to provide for live fire for military training (330/41) to exclude fertiliser application (372/137 and 460/104) and to provide for activities permitted by the Riverworks COP (182/32). Submitters

363/153 and 363/156 would like activities associated with renewable energy development to be provided for as a permitted activity or controlled activity. The rule is supported by 372/137 and 460/104.

#### 4.27.2 Evaluation

Rule 12-7 provides for activities that may adversely impact on an at-risk habitat to be a discretionary activity. Because of the significance of these habitats in the Region, their severely restricted current extent and their vulnerability to change (as outlined in Fleur Maseyk's evidence) I believe it is appropriate to restrict the activities which may adversely effect these habitats.

Many of the submissions which oppose Rule 12-7 oppose it because they also oppose the definition of at-risk habitat in Schedule E because they consider it too broad, or too uncertain. Fleur Maseyk has suggested extensive changes to Schedule E in response to these submissions, to make it easier to use, more certain and to exclude a number of areas which would otherwise have been included in the definition of at-risk habitat. I believe these changes will address the issues raised by submitters in regards to Schedule E and its links with Rule 12-7.

Forestry activities had the potential to be severely restricted by this Rule and the definition of at-risk habitat in Schedule E because of the inclusion of a number of highly mobile species in Table E.3 of Schedule E. If one of these species, for example Falcon, made a production forest its habitat, the forest would then be considered an at-risk habitat for the purposes of the plan, and a resource consent would be required to harvest that forest. This does not seem a reasonable restriction, given the benefits of the forest to Region, for soil conservation and habitat protection and provision for the years it is growing. I believe the recommended changes to Schedule E to remove a number of the very mobile species from Table E.3 (and therefore remove the risk that a commercial forest would become considered an at-risk habitat) and the proposed change to remove production forest from the definition of what constitutes a 'habitat' will give the relief sought by the forestry submitters, without changes to Rule 12-7. It is my understanding from speaking with representatives from the forestry industry, that modern best practice forestry methods already protect areas of indigenous vegetation and riparian margins during the establishment and harvesting phases of the activity, and therefore a rule which requires their protection is consistent with their current practices and would not be an unreasonable restriction.

The notification requirements for resource consents are set out in sections 93 to 95 of the RMA. They provide for the notification provision to be specified in rules for controlled activities and restricted discretionary activities (that applications will or will not be notified). The RMA does not provide for this for discretionary activities, therefore this cannot be included in this rule.

Clarification of how activities will be considered is provided by expanding on Policy 12-5 as recommended in recommendation BIO 25 of this report.

HRC has prepared a code of practice (COP) for its river works activities. This COP provides for activities on the banks of rivers adjacent to sites of significance - aquatic (which are considered to be at-risk habitats) subject to specific requirements and restrictions. I believe this COP adequately provides for the protection and control of these habitats and activities and so it is not reasonable to also require a resource consent to be granted. Therefore an exclusion for activities carried out in accordance with this COP is appropriate.

The issues relating to infrastructure provision, including renewable energy, are discussed in recommendations BIO 7 and BIO 8 of this report. Given that the habitats protection by this rule is considered 'significant' in terms of section 6(c) of the RMA it is appropriate that it be protected from inappropriate activities, even if those activities are associated with developments that provide renewable energy (the benefits of which must be considered under s7(j)). Policy 7-3 guides decision-makers considering activities in at-risk habitats, and provides for remedy or mitigation of adverse effects, including through financial contributions. Further, the policies in chapter 3 relating to the benefits of infrastructure should also be considered when making decisions on resource consents. I believe these policies are sufficient to balance the various interests when a resource consent is required, and that it is not necessary to provide for these activities with a separate, less restrictive rule.

The Defence Force carries out live fire training on its land in Waiouru. This land contains a number of habitats covered by the definitions in this plan (particularly tussock land). Live ammunition fire can be considered a discharge (of bullets and shells) and may also cause vegetation clearance or land disturbance (through ammunition destroying plants or small areas of land). To deal with this, the Defence Force could apply for a resource consent to cover this activity over all its land, or prepare a code of practice to cover its activities. I understand from conversations with Defence Force representatives, that they are considering preparing a code of practice. However, before that code is prepared and incorporated into the plan a resource consent would not be their preferred option and they have sought amendment of the plan to exclude their live fire activities from the rules. This seems a reasonable request.

Fertiliser discharges into at-risk habitats may cause adverse effects. Although this seems a benign activity, some habitats are particularly sensitive to changes in fertility and inputs of fertiliser may drastically affect their natural function. It does not seem unreasonable to ask those applying fertiliser to avoid wetlands, river margins and areas of native trees. However the treeland (ie scattered trees among a largely pastoral landscape) does sometimes meet the definition of at-risk habitat, and fertiliser application in this area is very common practice. It is also unlikely to have a significant adverse effect on the trees. Activities in treeland habitat are recommended to be included in a separate rule, and this rule should exclude the discharge of fertiliser from the activities it controls. This should allow normal farming practices to be carried out and give the submitters the relief they seek.

Providing for the maintenance as well as the enhancement of habitats as a permitted activity is sensible, and I agree this change should be made. This is consistent with my recommendations in BIO 7 and BIO 8 of this report to alter the policy to allow for maintenance as well as enhancement.

This rule does not provide for trees from habitats that qualify as at-risk to be removed for firewood. However other trees may be removed for firewood, for example exotic trees (pine, macrocarpa etc) and manuka scrub. There will also be native trees that are not part of an at-risk habitat that could be removed without triggering this rule (for example single trees in production land). I believe there is sufficient opportunity for firewood to be taken from trees not covered under this rule for people to be able to provide for their wellbeing without affecting at-risk habitats.

#### 4.27.3 Recommendation BIO 27

- (a) Accept in part submissions which support Rule 12-7 to the extent that it will be retained with some recommended changes.
- (b) Accept the submission seeking that activities associated with live fire on defence force land are excluded from Rule 12-7.
- (c) Accept in part submissions which seek clarity or for provision for specific activities, to the extent that they are given relief by other recommendations in this report and the Land report.
- (d) Reject submissions which seek to delete Rule 12-7.
- (e) Make a consequential amendment to Rule 12-7 to renumber it Rule 12-8 as a result of Recommendation 26 adding a new rule before it.

##### 4.27.3.1 Recommended changes to provisions

###### Amend Rule 12-7 to read:

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
12-78 Activities within at-risk habitats	Any of the following activities within an at-risk habitat*: <ul style="list-style-type: none"> <li>(a) vegetation clearance*</li> <li>(b) land disturbance*</li> <li>(c) discharges of contaminants into water, or into or onto land</li> <li>(d) diversions of water.</li> </ul> This rule does not apply to the activities described in subsections (a) to (d) in circumstances where: <ul style="list-style-type: none"> <li>(e) they are carried out for the purposes of controlling pests pursuant to a pest management strategy prepared under the Biosecurity Act 1993, or</li> <li>(f) they are carried out for the purposes of protecting, <u>maintaining</u>, or enhancing an at-risk habitat*, or</li> <li>(g) <u>they are carried out on for the purposes of military training using live ammunition</u></li> </ul>	Discretionary		



Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p><u>under the Defence Act 1990</u></p> <p>(h) they are classified as a discretionary, non-complying or prohibited activity under another rule</p> <p>in which case the other rules of this Plan relevant to the activities apply.</p>			

#### 4.28 Chapter 12 Rule 12-8 Activities within Rare and Threatened Habitats Including Wetlands BIO 28

Submitter	Number	Point	Decision sought	Recommendation
<b>FISH &amp; GAME NEW ZEALAND - AUCKLAND / WAIKATO REGION</b>	<b>33</b>	<b>1</b>	<b>Retention of rule 12.8</b>	<b>Accept in part</b>
	X 495	243	RUAPEHU DISTRICT COUNCIL - Oppose	Reject
	X 511	426	TRUST POWER LIMITED - Oppose	Reject
<b>RUAPEHU DISTRICT COUNCIL</b>	<b>151</b>	<b>133</b>	<p><b>[Matters referred to as follows:</b></p> <p><b>In relation to Rule 12.8(f), it is not clear who will determine whether vegetation clearance activities, for example, are being carried out for the purposes of protecting or enhancing a rare or threatened habitat? It is also noted that Rule 12-8 refers to activities within a 'rare or threatened habitat*! The * denotes a definition in the glossary of the Plan. However the glossary contains two definitions namely 'rare and threatened habitat' and 'threatened habitat', neither of which have an 'or' in them and there is no definition of 'rare habitat'. ]</b></p> <p><b>All the above matters should provide certainty of interpretation and activity status for land users and Plan users seeking to interpret and apply the rules in Section 12 of the Plan.</b></p>	<b>Accept in part</b>
	X 481	198	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part

Submitter	Number	Point	Decision sought	Recommendation
<b>RUAPEHU DISTRICT COUNCIL</b>	<b>151</b>	<b>148</b>	<b>That rule 12.8 be deleted in its entirety, or, if it is to be retained, that the rule be amended to discretionary activity status, and all areas to which it relates to in Schedule E be mapped at an appropriate individual property scale.</b>	<b>Reject</b>
	X 481	213	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 522	313	MERIDIAN ENERGY LIMITED - Support	Reject
	X 531	83	HORTICULTURE NEW ZEALAND - Support	Reject
<b>TARARUA DISTRICT COUNCIL</b>	<b>172</b>	<b>64</b>	<b>[Matters referred to in Submission as follows</b>  <b>Some rules in Section 12 of the Plan do not provide certainty as to activity status and therefore it may be difficult for a landowner or a district planner administering the land use provisions of a District Plan to discern whether or not a consent is required and, if required, what type of consent.]</b>  <b>Withdraw the whole plan; or clarify</b>  <b>- all the above matters [referring to Rule 12-8] and provide certainty of interpretation and activity status for land users and Plan users seeking to interpret and apply the rules in Section 12 of the Plan.</b>	<b>Accept in part</b>
	X 481	335	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
<b>PALMERSTON NORTH CITY COUNCIL</b>	<b>241</b>	<b>101</b>	<b>That Horizons remove Rule 12-8 and amend Rule 12-7 to apply to activities within 'at-risk, rare or threatened habitats'.</b>	<b>Reject</b>
	X 500	295	TARARUA DISTRICT COUNCIL - Support	Reject
	X 507	295	MANAWATU DISTRICT COUNCIL - Support	Reject
	X 515	297	HOROWHENUA DISTRICT COUNCIL - Support	Reject
	X 517	283	RANGITIKEI DISTRICT COUNCIL - Support	Reject
	X 532	295	WANGANUI DISTRICT COUNCIL - Support	Reject

Submitter	Number	Point	Decision sought	Recommendation
<b>PALMERSTON NORTH CITY COUNCIL</b>	<b>241</b>	<b>71</b>	<b>That Horizons remove Rule 12-8 and amend Rule 12-7 to apply to activities within 'at-risk, rare or threatened habitats'.</b>	<b>Reject</b>
	X 500	126	TARARUA DISTRICT COUNCIL - Support	Reject
	X 507	126	MANAWATU DISTRICT COUNCIL - Support	Reject
	X 515	126	HOROWHENUA DISTRICT COUNCIL - Support	Reject
	X 517	256	RANGITIKEI DISTRICT COUNCIL - Support	Reject
	X 532	126	WANGANUI DISTRICT COUNCIL - Support	Reject
<b>RUAPEHU FEDERATED FARMERS OF NEW ZEALAND INC</b>	<b>246</b>	<b>19</b>	<b>Clearly define "Rare and Threatened habitats"</b>	<b>Accept in part</b>
<b>GENESIS POWER LTD</b>	<b>268</b>	<b>33</b>	<b>Genesis Energy submits that Lakes Otamangakau, Te Whaiiau and Moawhango are excluded from Rule 12-8 as they are man-made and are therefore not naturally-occurring habitats.</b>	<b>Accept in part</b>
	X 519	6	MIGHTY RIVER POWER - Support	Accept in part
<b>HOROWHENUA DISTRICT COUNCIL</b>	<b>280</b>	<b>67</b>	<b>[Matters referred to in Submission as follows</b>  <b>Some rules in Section 12 of the Plan do not provide certainty as to activity status and therefore it may be difficult for a landowner or a district planner administering the land use provisions of a District Plan to discern whether or not a consent is required and, if required, what type of consent.]</b>  <b>Clarify all the above matters [referring to 12-8] and provide certainty of interpretation and activity status for land users and Plan users seeking to interpret and apply the rules in Section 12 of the Plan.</b>	<b>Accept in part</b>
	X 481	428	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part

Submitter	Number	Point	Decision sought	Recommendation
WANGANUI DISTRICT COUNCIL	291	38	<p>[Matters referred to in Submission as follows</p> <p>Some rules in Section 12 of the Plan do not provide certainty as to activity status and therefore it may be difficult for a landowner or a district planner administering the land use provisions of a District Plan to discern whether or not a consent is required and, if required, what type of consent.]</p> <p>- Withdraw the whole plan; or</p> <p>- Clarify all the above matters [referring to 12-8] and provide certainty of interpretation and activity status for land users and Plan users seeking to interpret and apply the rules in Section 12 of the Plan.</p> <p>- Consider other forms of accreditation.</p>	Accept in part
	X 481	498	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
NEW ZEALAND DEFENCE FORCE	330	39	<p>3. Amend Rule 12-8 as follows:</p> <p>(f) they are carried out for the purposes of protecting, maintaining or enhancing a rare or threatened habitat,</p>	Accept
MANAWATU DISTRICT COUNCIL	340	86	<p>[Matters referred to in Submission as follows</p> <p>Some rules in Section 12 of the Plan do not provide certainty as to activity status and therefore it may be difficult for a landowner or a district planner administering the land use provisions of a District Plan to discern whether or not a consent is required and, if required, what type of consent.]</p> <p>Clarify all the above matters [relating to Rule 12-8] and provide certainty of interpretation and activity status for land users and Plan users seeking to interpret and apply the rules in Section 12 of the Plan.</p>	Accept in part
	X 481	642	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part

Submitter	Number	Point	Decision sought	Recommendation
RANGITIKEI DISTRICT COUNCIL	346	121	Delete Rule 12-8 in its entirety. Alternatively, if it is to be retained, amend the rule to Discretionary Activity status and map all areas to which it relates in Schedule E at an appropriate individual property scale.	Reject
	X 481	826	PALMERSTON NORTH CITY COUNCIL - Support	Reject
RANGITIKEI DISTRICT COUNCIL	346	64	[Matters referred to in Submission as follows  Some rules in Section 12 of the Plan do not provide certainty as to activity status and therefore it may be difficult for a landowner or a district planner administering the land use provisions of a District Plan to discern whether or not a consent is required and, if required, what type of consent.]  Clarify all the above matters [referring to Rule 12-8] and provide certainty of interpretation and activity status for land users and Plan users seeking to interpret and apply the rules in Section 12 of the Plan.	Accept in part
	X 481	769	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
ENVIRONMENT NETWORK MANAWATU	356	49	ENM considers that guidance as to how 104(D) would be applied in this situation could be given.	Accept in part
MIGHTY RIVER POWER	359	100	Amend Rule 12-8 so that non-compliance with the rule results in the need for an application for resource consent for a discretionary activity.	Reject
	X 511	421	TRUST POWER LIMITED - Support	Reject
	X 522	312	MERIDIAN ENERGY LIMITED - Support	Reject
MERIDIAN ENERGY LIMITED	363	154	Meridian opposes Rule 12-8 and requests the following amendments or similar:  Delete Rule 12-8 in its entirety;  Any consequential amendments necessary to give effect to this submission	Reject

Submitter	Number	Point	Decision sought	Recommendation
	X 502	142	NEW ZEALAND DEFENCE FORCE - Oppose	Accept
	X 511	422	TRUST POWER LIMITED - Support	Reject
<b>MERIDIAN ENERGY LIMITED</b>	<b>363</b>	<b>155</b>	<b>Meridian opposes Rule 12-8 and requests the following amendments or similar:</b>  <b>Amend Rule 12-8 to a discretionary activity status.</b>  <b>Any consequential amendments necessary to give effect to this submission</b>	<b>Reject</b>
	X 511	423	TRUST POWER LIMITED - Support	Reject
<b>MINISTER OF CONSERVATION</b>	<b>372</b>	<b>138</b>	<b>Retain the rule as written</b>	<b>Accept in part</b>
	X 495	242	RUAPEHU DISTRICT COUNCIL - Oppose	Reject
<b>FEDERATED FARMERS OF NEW ZEALAND INC</b>	<b>426</b>	<b>153</b>	<b>Delete Rule 12-7</b>  <b>Amend Rule 12-8 to discretionary classification</b>	<b>Reject</b>
	X 511	425	TRUST POWER LIMITED - Support	Reject
<b>LANDLINK LTD</b>	<b>440</b>	<b>91</b>	<b>[Referring to rule 12-8] We do not consider that such a discharge however should be a Non-Complying Activity but rather a Discretionary Activity.</b>	<b>Reject</b>
<b>MIDDLE DISTRICTS FARM FORESTY ASSOCIATION</b>	<b>444</b>	<b>13</b>	<b>No specific decision requested but submits that rules could be too problematic where indigenous species move into exotic forests.</b>	<b>Accept in part</b>
	X 501	269	ERNSLAW ONE LTD - Support	Accept in part
<b>ROYAL FOREST &amp; BIRD PROTECTION SOCIETY OF NEW ZEALAND</b>	<b>460</b>	<b>105</b>	<b>Submitter supports Rule 12-8: Activities within Rare and Threatened Habitats, including wetlands; but advocates "the rule is broadened to encompass protection for the biophysical context in which these habitats occur." Submitter seeks Rule title be amended to read: "Activities within OR ADJACENT TO Rare and Threatened Habitats, including wetlands."</b>	<b>Accept in part</b>

Submitter	Number	Point	Decision sought	Recommendation
	X 511	424	TRUST POWER LIMITED - Oppose	Reject
	X 534	2	Gordon Kuggeleijn - Oppose	Reject

#### 4.28.1 Submission summary

This rule is supported by submitters 33/1 and 372/138. Several submitters, including all the local TAs seek more clarity in the rule and how it will be applied (see for example 151/133, 172/64 and 280/67) or how s104D will be applied to it (356/49). A number of submitters would like the rule removed entirely (241/101) or changed to a discretionary activity (see for example 346/121, 363/155 and 426/153). Submitters would like the rule narrowed to exclude hydro-electricity lakes (268/33) and forestry (444/13) or expanded to include maintenance of habitats (330/39) and area adjacent to habitats (460/105).

#### 4.28.2 Evaluation

Rule 12-8 controls activities affecting rare and threatened habitats as a non-complying activity. If an activity is described as a non-complying activity in the plan, a resource consent may be granted for the activity (s77B(5)) but additional tests set out in s104(D) must be met before the consent can be granted. Section 104D states that a resource consent for a non-complying activity can only be granted if either the adverse effects are minor or the activity will not be contrary to the objectives and policies of the plan. Resource consents for controlled or discretionary activities do not have to pass these tests, so a non-complying activity status is the most restrictive activity status that an activity can be given, other than being prohibited.

I believe a non-complying activity status is appropriate for activities that may impact on rare and threatened habitats. As outlined in Fleur Maseyk's evidence, rare habitats are those habitats of which there is naturally very little – therefore if any is lost or significantly affected, it will/may be lost to the nation for good. Threatened habitats are those habitat types of which less than 20% remains, any loss of damage to these habitats may result in that habitat type being lost to the Region for good. These two habitat classification meet the necessary tests for being considered 'significant' for the purposes of section 6(c) and therefore must be protected. A non-complying activity status is appropriate to provide this protection.

When considering non-complying activities the objectives and policies of the plan become very important – being consistent with these objectives and policies is one of the tests to decide if consent should be granted. The most relevant provisions are Objective 7-1 and Policy 7-2. These provide for a high level of protection for the values which make the habitat significant (as set out in Table 7.1 of the POP) but do allow for minor adverse effects and (with the changes recommended in this report) for more than minor

adverse effects in circumstances where important infrastructure is required to provide for the communities' wellbeing. I believe this provides for appropriate balance and meets the purpose of the RMA.

I believe the clarification sought by a number of submitters about how Rule 12-8 will be applied is provided by the changes which are recommended to Schedule E.

As discussed previously in this report, lakes created for hydro electricity generation are specifically excluded from the definition of a habitat (BIO 7) and forestry will be excluded by changes to Schedule E (Recommendation BIO 34).

Activities in areas adjacent to rare and threatened habitats may have an impact on the habitat. For example water takes near wetlands may impact on the functioning of the wetland, or trees adjacent to a habitat may provide an important buffer for the habitat. Buffer areas are adequately protected by the definitions in Schedule E, and water takes and diversions are controlled by this rule, and rules for water takes in Chapter 15 and so I believe the relief sought by the submitter has already been granted, unless there are other specific examples provided at the hearing.

**4.28.3 Recommendation BIO 28**

- (a) Accept in part submissions which support Rule 12-8 to the extent the rule will remain with minor amendments.
- (b) Accept in part submissions which seek to clarify Rule 12-8, to the extent that relief is granted by changes to Schedule E.
- (c) Reject submissions which seek to remove Rule 12-8 or to change its activity status to Discretionary.
- (d) Make a consequential change to Rule 12-8 to renumber it as a result of Recommendation BIO 26.
- (e) Make a consequential change to Rule 12-8 to exclude military activities, to ensure it is consistent with Rule 12-7.

**4.28.3.1 Recommended changes to provisions**

**Amend Rule 12-8 to read:**

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
12-9 Activities within rare and threatened habitats including wetlands	Any of the following activities within a rare and threatened habitat*: (a) vegetation clearance* (b) land disturbance* (c) discharges of contaminants into water, or into or onto land (d) diversions of water, including for the purpose of wetland drainage. This rule does not apply to the activities described in subsections (a) to	Non-		



Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
	<p>(d) in circumstances where:</p> <p>(e) they are carried out for the purposes of controlling pests pursuant to a pest management strategy prepared under the Biosecurity Act 1993; or</p> <p>(f) they are carried out for the purposes of protecting, <u>maintaining</u> or enhancing a rare or threatened habitat*; or</p> <p>(g) <u>they are carried out on for the purposes of military training using live ammunition under the Defence Act 1990</u>; or</p> <p>(h) they are classified as a non-complying or prohibited activity under another rule</p> <p>in which case the other rules of this Plan relevant to the activities apply.</p>			

#### 4.29 Glossary New terms BIO 29

Submitter	Number	Point	Decision sought	Recommendation
GRANT JOHN STEPHENS	369	40	Add the following RMA definition to the glossary:  <b>Ecosystems</b>  A biological community of interacting organisms and their physical environment	Reject
GRANT JOHN STEPHENS	369	47	Add the following RMA definition to the glossary:  <b>Intrinsic values</b>  In relation to ecosystems, means those aspects of ecosystems and their constituent parts which have value in their own right, including:  (a) their biological and genetic diversity; and  (b) the essential characteristics that determine an ecosystem's integrity, form, functioning, and resilience	Reject
MINISTER OF CONSERVATION	372	211	Amend definition of 'rare and threatened habitat' in glossary	Reject
	X 511	536	TRUST POWER LIMITED - Support	Reject
	X 531	131	HORTICULTURE NEW ZEALAND - Oppose	Accept
MASON STEWART	394	40	Add the following RMA definition to the glossary:  <b>Ecosystems</b>  A biological community of interacting organisms and their physical environment	Reject
	X 527	232	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	Reject
MASON STEWART	394	47	Add the following RMA definition to the glossary:	Reject

Submitter	Number	Point	Decision sought	Recommendation
			<p><b>Intrinsic values</b></p> <p><b>In relation to ecosystems, means those aspects of ecosystems and their constituent parts which have value in their own right, including:</b></p> <p><b>(a) their biological and genetic diversity, and;</b></p> <p><b>(b) the essential characteristics that determine an ecosystem’s integrity, form, functioning, and resilience</b></p>	
	X 527	239	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	<b>Reject</b>
TARARUA - AOKAUTERE GUARDIANS INC ( T A G )	395	40	<p><b>Add the following RMA definition to the glossary:</b></p> <p><b>Ecosystems</b></p> <p><b>A biological community of interacting organisms and their physical environment</b></p>	<b>Reject</b>
TARARUA - AOKAUTERE GUARDIANS INC ( T A G )	395	47	<p><b>Add the following RMA definition to the glossary:</b></p> <p><b>Intrinsic values</b></p> <p><b>In relation to ecosystems, means those aspects of ecosystems and their constituent parts which have value in their own right, including:</b></p> <p><b>(a) their biological and genetic diversity, and;</b></p> <p><b>(b) the essential characteristics that determine an ecosystem’s integrity, form, functioning, and resilience</b></p>	<b>Reject</b>

Submitter	Number	Point	Decision sought	Recommendation
SUE STEWART	396	40	Add the following RMA definition to the glossary:  <b>Ecosystems</b>  <b>A biological community of interacting organisms and their physical environment</b>	Reject
	X 527	291	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	Reject
SUE STEWART	396	47	Add the following RMA definition to the glossary:  <b>Intrinsic values</b>  <b>In relation to ecosystems, means those aspects of ecosystems and their constituent parts which have value in their own right, including:</b>  <b>(a) their biological and genetic diversity, and;</b>  <b>(b) the essential characteristics that determine an ecosystem's integrity, form, functioning, and resilience</b>	Reject
	X 527	298	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	Reject
ALISON MARGARET MILDON	401	40	Add the following RMA definition to the glossary:  <b>Ecosystems</b>  <b>A biological community of interacting organisms and their physical environment</b>	Reject
	X 527	357	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	Reject

Submitter	Number	Point	Decision sought	Recommendation		
ALISON MARGARET MILDON	401	47	Add the following RMA definition to the glossary:	Reject		
			<p><b>Intrinsic values</b></p> <p>In relation to ecosystems, means those aspects of ecosystems and their constituent parts which have value in their own right, including:</p> <p>(a) their biological and genetic diversity; and</p> <p>(b) the essential characteristics that determine an ecosystem's integrity, form, functioning, and resilience</p>			
	X 527	364	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	Reject		
FEDERATED FARMERS OF NEW ZEALAND INC	426	85	Define "riparian margin" within the Glossary	Reject		
			X 511	534	TRUST POWER LIMITED - Support	Reject
			X 531	127	HORTICULTURE NEW ZEALAND - Oppose and Support	Reject
ROBERT LEENDERT SCHRADERS	442	40	Add the following RMA definition to the glossary:	Reject		
			<p><b>Ecosystems</b></p> <p>A biological community of interacting organisms and their physical environment</p>			
	X 527	464	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	Reject		

Submitter	Number	Point	Decision sought	Recommendation
ROBERT LEENDERT SCHRADERS	442	47	Add the following RMA definition to the glossary:  <b>Intrinsic values</b>  In relation to ecosystems, means those aspects of ecosystems and their constituent parts which have value in their own right, including:  (a) their biological and genetic diversity; and  (b) the essential characteristics that determine an ecosystem's integrity, form, functioning, and resilience	Reject
	X 527	471	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	Reject
MIDDLE DISTRICTS FARM FORESTY ASSOCIATION	444	14	No specific decision requested, however submitter asks that wetlands be defined in the glossary	Reject
	X 501	270	ERNSLAW ONE LTD - Support	Reject
PAUL & MONICA STICHBURY	452	40	Add the following RMA definition to the glossary:  <b>Ecosystems</b>  A biological community of interacting organisms and their physical environment	Reject
	X 527	524	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	Reject

Submitter	Number	Point	Decision sought	Recommendation
PAUL & MONICA STICHBURY	452	47	<p>Add the following RMA definition to the glossary:</p> <p><b>Intrinsic values</b></p> <p><b>In relation to ecosystems, means those aspects of ecosystems and their constituent parts which have value in their own right, including:</b></p> <p><b>(a) their biological and genetic diversity; and</b></p> <p><b>(b)the essential characteristics that determine an ecosystem’s integrity, form, functioning, and resilience</b></p>	Reject
	X 527	531	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	Reject
SHONA PAEWAI	467	40	<p>Add the following RMA definition to the glossary:</p> <p><b>Ecosystems</b></p> <p><b>A biological community of interacting organisms and their physical environment</b></p>	Reject
	X 527	587	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	Reject
SHONA PAEWAI	467	47	<p>Add the following RMA definition to the glossary:</p> <p><b>Intrinsic values</b></p> <p><b>In relation to ecosystems, means those aspects of ecosystems and their constituent parts which have value in their own right, including:</b></p> <p><b>(a) their biological and genetic diversity; and</b></p> <p><b>(b)the essential characteristics that determine an ecosystem’s integrity, form, functioning, and resilience</b></p>	Reject
	X 527	594	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	Reject

Submitter	Number	Point	Decision sought	Recommendation
TONY PAEWAI	468	45	Add the following RMA definition to the glossary:  <b>Ecosystems</b>  <b>A biological community of interacting organisms and their physical environment</b>	Reject
	X 527	650	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	Reject
TONY PAEWAI	468	51	Add the following RMA definition to the glossary:  <b>Intrinsic values</b>  <b>In relation to ecosystems, means those aspects of ecosystems and their constituent parts which have value in their own right, including:</b>  <b>(a) their biological and genetic diversity; and</b>  <b>(b)the essential characteristics that determine an ecosystem's integrity, form, functioning, and resilience</b>	Reject
	X 527	656	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Support	Reject

#### 4.29.1 Submission summary

Submitters would like four new terms added to the glossary: ecosystem, intrinsic values, wetland and riparian margin.

#### 4.29.2 Evaluation

Ecosystem used in a number of introductory or explanatory parts of the plan. It is also used in relation to discharges which may affect aquatic ecosystems in the assessment criteria for some rules. The definition suggested by the submitters is the common or dictionary meaning. As such it would not clarify, narrow or limit the meaning of the word. I consider the ordinary meaning of the word to be sufficient and that further definition is not required.



Intrinsic values is a term used in and defined by the RMA. It is used once in the POP, in Policy 9-4 of the Coast Chapter. The introduction to the Glossary states that terms defined in the RMA have the same meaning as that in the Act and are not repeated in the POP. I consider that the RMA definition is sufficient and that it does not need to be repeated in the POP.

Wetland is also a term used in and defined by the RMA. It is used in the POP in policies and rules. I consider the RMA definition is sufficient and it does not need to be repeated in the POP.

Riparian margins is a term used in some explanatory text in the POP and in Rules 12-3 and 12-4 as a matter that control is reserved over “effects on riparian margins and water bodies”. The Ministry for the Environment publication “Managing waterways on farms”:<sup>3</sup> states that

*“for practical management, the best definition of the riparian zone is:  
Any land that adjoins or directly influences, or is influenced by, a body of water or an area where water accumulates periodically. It includes:*

- *the land immediately alongside streams and rivers, including the riverbank itself*
- *areas immediately surrounding lakes*
- *river floodplains and associated wetlands and seepage zones which interact with the river permanently or in times of flood*
- *estuarine margins especially where streams and rivers exit.”*

This covers all areas that could reasonably be considered ‘riparian’ but I do not think it adds any clarity to the term as it is used in the rules beyond what a reasonable person might expect riparian margin to include. Federated Farmers may present more evidence about what they might expect from a clearer or more narrow definition at the hearing.

#### 4.29.3 Recommendation BIO 29

(a) Reject all submissions seeking new glossary terms to be added.

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<sup>3</sup> Ministry for the Environment July 2001 “Managing waterways on farms -A guide to sustainable water and riparian management in rural New Zealand” Ref. ME38

### 4.29.3.1 Recommended changes to provisions

No changes are recommended as a result of these submissions.

### 4.30 Glossary At-Risk Habitat BIO 30

Submitter	Number	Point	Decision sought	Recommendation
<b>RUAPEHU DISTRICT COUNCIL</b>	<b>151</b>	<b>199</b>	<b>Deleted completely.</b>	<b>Reject</b>
	X 481	264	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 492	354	MINISTER OF CONSERVATION - Oppose	Accept
<b>MOUNTAIN CARROTS N Z LTD</b>	<b>179</b>	<b>1</b>	<b>Delete clauses a) and b) from the definition of at-risk habitats.</b>	<b>Reject</b>
	X 492	347	MINISTER OF CONSERVATION - Oppose	Accept
<b>MOUNTAIN CARROTS N Z LTD</b>	<b>179</b>	<b>2</b>	<b>Develop, in consultation with land owners, appropriate measures related to specific species and adverse effects.</b>	<b>Reject</b>
<b>DAVID JOHN GREENWOOD</b>	<b>225</b>	<b>1</b>	<b>Delete clauses a) and b) from the definition of at-risk habitats.</b>	<b>Accept in part</b>
<b>DAVID JOHN GREENWOOD</b>	<b>225</b>	<b>2</b>	<b>Develop, in consultation with land owners, appropriate measures related to specific species and adverse effects.</b>	<b>Reject</b>
<b>KIM YOUNG &amp; SONS LTD</b>	<b>315</b>	<b>1</b>	<b>Delete clauses a) and b) from the definition of at-risk habitats.</b>	<b>Accept in part</b>
<b>KIM YOUNG &amp; SONS LTD</b>	<b>315</b>	<b>2</b>	<b>Develop, in consultation with land owners, appropriate measures related to specific species and adverse effects.</b>	<b>Reject</b>
<b>KAPITI GREEN LIMITED</b>	<b>317</b>	<b>1</b>	<b>Delete clauses a) and b) from the definition of at-risk habitats".</b>	<b>Accept in part</b>
<b>KAPITI GREEN LIMITED</b>	<b>317</b>	<b>2</b>	<b>Develop, in consultation with land owners, appropriate measures related to specific species and adverse effects.</b>	<b>Reject</b>
<b>HANCOCK FOREST</b>	<b>331</b>	<b>39</b>	<b>Amend the definition of at-risk habitat to specifically exclude</b>	<b>Accept in part</b>

Submitter	Number	Point	Decision sought	Recommendation
<b>MANAGEMENT (N Z) LTD</b>				
	X 492	349	MINISTER OF CONSERVATION - Oppose	Reject
	X 501	181	ERNSLAW ONE LTD - Support	Accept
	X 520	90	N Z FOREST MANAGERS LTD - Support	Accept
<b>MANAWATU DISTRICT COUNCIL</b>				
	<b>340</b>	<b>136</b>	<b>Remove the definition of "At-risk habitat", as part of providing a clear new set of rules for the protection of biodiversity.</b>	<b>Reject</b>
	X 481	692	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 492	352	MINISTER OF CONSERVATION - Oppose	Accept
	X 495	389	RUAPEHU DISTRICT COUNCIL - Support	Reject
<b>RANGITIKEI DISTRICT COUNCIL</b>				
	<b>346</b>	<b>103</b>	<b>Amend the Glossary as follows:</b>	<b>Reject</b>
			<b>Delete At-risk Habitat</b>	
	X 481	808	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 492	350	MINISTER OF CONSERVATION - Oppose	Accept
	X 495	387	RUAPEHU DISTRICT COUNCIL - Support	Reject
<b>WOODHAVEN GARDENS LTD</b>				
	<b>347</b>	<b>1</b>	<b>Delete clauses a) and b) from the definition of at-risk habitats.</b>	<b>Accept in part</b>
<b>WOODHAVEN GARDENS LTD</b>				
	<b>347</b>	<b>2</b>	<b>Develop, in consultation with land owners, appropriate measures related to specific species and adverse effects.</b>	<b>Reject</b>
<b>DAVID YOUNG</b>				
	<b>348</b>	<b>1</b>	<b>Delete clauses a) and b) from the definition of at-risk habitats.</b>	<b>Accept in part</b>
<b>DAVID YOUNG</b>				
	<b>348</b>	<b>2</b>	<b>Develop, in consultation with land owners, appropriate measures related to specific species and adverse effects.</b>	<b>Reject</b>
<b>ALMADALE PRODUCE LTD</b>				
	<b>350</b>	<b>1</b>	<b>Delete clauses a) and b) from the definition of at-risk habitats".</b>	<b>Accept in part</b>
	X 528	8	POWERCO LIMITED - Support	Reject

Submitter	Number	Point	Decision sought	Recommendation
<b>ALMADALE PRODUCE LTD</b>	<b>350</b>	<b>2</b>	<b>Develop, in consultation with land owners, appropriate measures related to specific species and adverse effects.</b>	<b>Reject</b>
<b>HORTICULTURE NEW ZEALAND</b>	<b>357</b>	<b>8</b>	<b>Decision Sought: Delete clauses a) and b) from the definition of 'at-risk habitats'. Develop, in consultation with land owners, appropriate measures related to specific species and adverse effects.</b>	<b>Accept in part</b>
	X 511	540	TRUST POWER LIMITED - Oppose	Accept
<b>TRUST POWER LIMITED</b>	<b>358</b>	<b>135</b>	<b>Delete the definition of 'At-risk habitat' from the Proposed Plan and any references to this term elsewhere in the document.</b>  <b>Any similar amendments to like effect.</b>  <b>Any consequential amendments that stem from the amendment of this definition as proposed in this submission.</b>	<b>Reject</b>
	X 492	351	MINISTER OF CONSERVATION - Oppose	Accept
	X 495	388	RUAPEHU DISTRICT COUNCIL - Support	Reject
<b>MERIDIAN ENERGY LIMITED</b>	<b>363</b>	<b>195</b>	<b>Meridian opposes the definition of at-risk habitat and requests its deletion.</b>  <b>Any consequential amendments necessary to give effect to this submission</b>	<b>Reject</b>
	X 492	353	MINISTER OF CONSERVATION - Oppose	Accept
	X 495	390	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 511	539	TRUST POWER LIMITED - Support	Reject

Submitter	Number	Point	Decision sought	Recommendation
<b>MINISTER OF CONSERVATION</b>	<b>372</b>	<b>209</b>	<p>Amend definition of 'at-risk habitat' in glossary as follows:</p> <p>In subparagraph (b) insert ' or physical substrate' after '(whether indigenous or not)'</p> <p>In subparagraph (c) ) amend latter half (after parentheses) 'or physical substrate that contains or supports, or could be reasonably known to contain or support, threatened plant and/or animal species as identified in Table E3.'</p>	<b>Reject</b>
	X 511	541	TRUST POWER LIMITED - Oppose	Accept
	X 522	447	MERIDIAN ENERGY LIMITED - Oppose	Accept
	X 533	63	FEDERATED FARMERS OF NEW ZEALAND INC - Oppose	Accept
<b>HOROWHENUA DISTRICT GROWERS ASSOCIATION</b>	<b>392</b>	<b>1</b>	<b>Delete clauses a) and b) from the definition of at-risk habitats.</b>	<b>Accept in part</b>
	X 492	348	MINISTER OF CONSERVATION - Oppose	Accept
<b>HOROWHENUA DISTRICT GROWERS ASSOCIATION</b>	<b>392</b>	<b>12</b>	<b>Develop, in consultation with land owners, appropriate measures related to specific species and adverse effects.</b>	<b>Reject</b>
<b>FEDERATED FARMERS OF NEW ZEALAND INC</b>	<b>426</b>	<b>220</b>	<p>Delete clauses a) and b) from the definition of at-risk habitats.</p> <p>Develop, in consultation with land owners, appropriate measures related to specific species and adverse effects.</p>	<b>Accept in part</b>
	X 492	355	MINISTER OF CONSERVATION - Oppose	Accept in part
	X 511	542	TRUST POWER LIMITED - Support	Accept in part
<b>PESCINI BROTHERS</b>	<b>438</b>	<b>1</b>	<b>Delete clauses a) and b) from the definition of at-risk habitats.</b>	<b>Accept in part</b>
<b>PESCINI BROTHERS</b>	<b>438</b>	<b>13</b>	<b>Develop, in consultation with land owners, appropriate measures related to specific species and adverse effects.</b>	<b>Reject</b>
<b>B S YOUNG LTD</b>	<b>449</b>	<b>1</b>	<b>Delete clauses a) and b) from the definition of at-risk habitats.</b>	<b>Accept in part</b>
<b>B S YOUNG LTD</b>	<b>449</b>	<b>13</b>	<b>Develop, in consultation with land owners, appropriate measures related to specific species and adverse effects.</b>	<b>Reject</b>

#### 4.30.1 Submission summary

The submissions oppose in whole or in part the definition of at-risk habitat in the glossary, except the Minister of Conservation who would like it to include physical substrate.

#### 4.30.2 Evaluation

The definition of at-risk habitats is one of the ways in which the POP identifies significant habitats in accordance with section 6(c) of the RMA. To remove the definition entirely would remove the clarity and certainty about what habitats HRC is interested in protecting in accordance with this section.

This definition is the same as the one which is included in Schedule E, although Schedule E adds more detail. Many of the submitters oppose this definition because they also oppose either Schedule E or the way it is used in the rules in the POP. I believe the changes recommended to Schedule E to clarify it, remove many species and exclude production forestry, and along with changes to the rules and policies recommended in this report will give many of the submitters the relief they seek. In addition I recommend that the definition of at-risk habitat be amended to refer directly to Schedule E rather than try to paraphrase it in the glossary.

#### 4.30.3 Recommendation BIO 30

- (a) Accept in part submissions which seek to clarify the definition to the extent that relief will be granted by changes to other parts of the POP.
- (b) Make a consequential change to the definition of at-risk habitat to improve the clarity of the plan to refer directly to Schedule E.
- (c) Reject submissions which seek to remove the definition of at-risk habitat entirely.

##### 4.30.3.1 Recommended changes to provisions

Replace the definition of at-risk habitat with:

**At-risk habitat** means an area defined as an at-risk habitat in accordance with Schedule E.

#### 4.31 Glossary DBH, Forest, Grassland, Herbfield, Rushland, Scrub, Shrubland, Treeland, Tussockland BIO 31

Submitter	Number	Point	Decision sought	Recommendation
NOEL OLSSON	227	3	May I suggest the definition be changed to 1.5 m	Reject

#### Forest

Submitter	Number	Point	Decision sought	Recommendation
PIRIE CONSULTANTS LTD, PACIFIC FARMS LTD, HOULT CONTRACTORS LTD, KEEGAN CONTRACTORS LTD, PARANUI CONTRACTORS LTD, RYMAN HEALTHCARE LTD, M & M EARTHMOVERS LTD, TITAN 1 LTD AND O'HAGAN CONTRACTING LTD	303	11	Prepare a definition which accurately describes what is being defined.	Accept in part
	X 492	361	MINISTER OF CONSERVATION - Oppose	Accept
HORTICULTURE NEW ZEALAND	357	16	Decision Sought: Add: excluding trees for horticultural crops after woody vegetation.	Accept in part
FEDERATED FARMERS OF NEW ZEALAND INC	426	226	Add to the definition of Forest  ...excluding trees for horticultural crops after woody vegetation	Accept in part
MIDDLE DISTRICTS FARM FORESTY ASSOCIATION	444	18	No specific decision requested but submit that the definition of a forest in the glossary is very different to the definition in the Kyoto Protocol, which relates to carbon sequestration. There is a case for using the KP definition if carbon sequestration is to be a factor in future afforestation programmes.	Accept in part
	X 501	274	ERNSLAW ONE LTD - Support	Accept in part

## Grassland

Submitter	Number	Point	Decision sought	Recommendation
PIRIE CONSULTANTS LTD, PACIFIC FARMS LTD, HOULT CONTRACTORS LTD, KEEGAN CONTRACTORS LTD, PARANUI CONTRACTORS LTD, RYMAN HEALTHCARE LTD, M & M EARTHMOVERS LTD, TITAN 1 LTD AND O'HAGAN CONTRACTING LTD	303	14	Prepare a definition which accurately describes what is being defined.	Accept in part

## Herbfield

Submitter	Number	Point	Decision sought	Recommendation
PIRIE CONSULTANTS LTD, PACIFIC FARMS LTD, HOULT CONTRACTORS LTD, KEEGAN CONTRACTORS LTD, PARANUI CONTRACTORS LTD, RYMAN HEALTHCARE LTD, M & M EARTHMOVERS LTD, TITAN 1 LTD AND O'HAGAN CONTRACTING LTD	303	15	Prepare a definition which accurately describes what is being defined.	Accept in part
	X 492	362	MINISTER OF CONSERVATION - Oppose	Accept in part

## Rushland

Submitter	Number	Point	Decision sought	Recommendation
PIRIE CONSULTANTS LTD, PACIFIC FARMS LTD, HOULT CONTRACTORS LTD, KEEGAN CONTRACTORS LTD, PARANUI CONTRACTORS LTD, RYMAN HEALTHCARE LTD, M & M EARTHMOVERS LTD, TITAN 1 LTD AND O'HAGAN CONTRACTING LTD	303	16	Prepare a definition which accurately describes what is being defined.	Accept in part
	X 492	381	MINISTER OF CONSERVATION - Oppose	Accept in part



## Scrub

Submitter	Number	Point	Decision sought	Recommendation
PIRIE CONSULTANTS LTD, PACIFIC FARMS LTD, HOULT CONTRACTORS LTD, KEEGAN CONTRACTORS LTD, PARANUI CONTRACTORS LTD, RYMAN HEALTHCARE LTD, M & M EARTHMOVERS LTD, TITAN 1 LTD AND O'HAGAN CONTRACTING LTD	303	12	Prepare a definition which accurately describes what is being defined.	Accept in part
	X 492	382	MINISTER OF CONSERVATION - Oppose	Accept in part
HORTICULTURE NEW ZEALAND	357	27	Decision Sought: Exclude orchard trees from the definition of scrub.	Accept in part

## Shrubland

Submitter	Number	Point	Decision sought	Recommendation
PIRIE CONSULTANTS LTD, PACIFIC FARMS LTD, HOULT CONTRACTORS LTD, KEEGAN CONTRACTORS LTD, PARANUI CONTRACTORS LTD, RYMAN HEALTHCARE LTD, M & M EARTHMOVERS LTD, TITAN 1 LTD AND O'HAGAN CONTRACTING LTD	303	17	Prepare a definition which accurately describes what is being defined.	Accept in part
	X 492	383	MINISTER OF CONSERVATION - Oppose	Accept in part

## Treeland

Submitter	Number	Point	Decision sought	Recommendation
MOUNTAIN CARROTS N Z LTD	179	7	Exclude orchard trees from the definition of treeland.	Accept in part
DAVID JOHN GREENWOOD	225	7	Exclude orchard trees from	Accept in part

Submitter	Number	Point	Decision sought	Recommendation
HOROWHENUA FRUITGROWERS ASSOCIATION	232	4	Exclude orchard trees from the definition of treeland.	Accept in part
PIRIE CONSULTANTS LTD, PACIFIC FARMS LTD, HOULT CONTRACTORS LTD, KEEGAN CONTRACTORS LTD, PARANUI CONTRACTORS LTD, RYMAN HEALTHCARE LTD, M & M EARTHMOVERS LTD, TITAN 1 LTD AND O'HAGAN CONTRACTING LTD	303	13	Prepare a definition which accurately describes what is being defined.	Accept in part
KIM YOUNG & SONS LTD	315	7	Exclude orchard trees from the definition of treeland.	Accept in part
WOODHAVEN GARDENS LTD	347	7	Exclude orchard trees from the definition of treeland.	Accept in part
DAVID YOUNG	348	7	Exclude orchard trees from the definition of treeland.	Accept in part
ALMADALE PRODUCE LTD	350	7	Exclude orchard trees from the definition of treeland.	Accept in part
HOROWHENUA DISTRICT GROWERS ASSOCIATION	392	20	Exclude orchard trees from the definition of treeland.	Accept in part
PESCINI BROTHERS	438	21	Exclude orchard trees from the definition of treeland.	Accept in part
B S YOUNG LTD	449	21	Exclude orchard trees from the definition of treeland.	Accept in part

## Tussockland

Submitter	Number	Point	Decision sought	Recommendation
PIRIE CONSULTANTS LTD, PACIFIC FARMS LTD, HOULT CONTRACTORS LTD, KEEGAN CONTRACTORS LTD, PARANUI CONTRACTORS LTD, RYMAN HEALTHCARE LTD, M & M EARTHMOVERS LTD, TITAN 1 LTD AND O'HAGAN CONTRACTING LTD	303	18	Prepare a definition which accurately describes what is being defined.	Accept in part

### 4.31.1 Submission summary

There are a number of submissions on glossary terms relating to terms used in Schedule E, DBH, Forest, Grassland, Herbfield, Rushland, Scrub, Shrubland, Treeland, Tussockland. Some submissions would like orchard trees removed from the definitions.

### 4.31.2 Evaluation

The terms identified in the submission above (DBH, Forest, Grassland, Herbfield, Rushland, Scrub, Shrubland, Treeland, Tussockland) are only used in Schedule E. Therefore it is more appropriate to define it within Schedule E itself and not in the glossary. This will remove any confusion about the areas of vegetation that these definitions apply to (ie. they only apply to habitats identified in Schedule E, and exclude production forest and amenity or orchard trees).

### 4.31.3 Recommendation BIO 31

- (a) Accept in part submissions seeking changes or clarification to the definitions, to the extent that they will be clarified by their inclusion in Schedule E.
- (b) Make a consequential change to improve clarity of the plan to remove the definition of DBH, Forest, Grassland, Herbfield, Rushland, Scrub, Shrubland, Treeland, Tussockland from the glossary and to define them within Schedule E.

#### 4.31.3.1 Recommended changes to provisions

Remove the definition of DBH from the glossary.

#### 4.32 Glossary Rare and threatened habitat BIO 32

Submitter	Number	Point	Decision sought	Recommendation
<b>RUAPEHU DISTRICT COUNCIL</b>	<b>151</b>	<b>203</b>	<b>Rare and threatened habitat means an area mapped in Schedule E.</b>	<b>Reject</b>
	X 481	268	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 492	372	MINISTER OF CONSERVATION - Oppose	Accept
	X 492	375	MINISTER OF CONSERVATION - Oppose	Accept
<b>MANAWATU DISTRICT COUNCIL</b>	<b>340</b>	<b>144</b>	<b>Provide consistency so that the Plan either uses the term "Rare and Threatened Habitat", or "Rare or Threatened Habitat", but not both.</b>	<b>Accept</b>
	X 481	700	PALMERSTON NORTH CITY COUNCIL - Support	Accept
<b>RANGITIKEI DISTRICT COUNCIL</b>	<b>346</b>	<b>107</b>	<b>Amend the Glossary as follows:</b>	<b>Reject</b>
			<b>Rare and threatened habitat means an area mapped in Schedule E.</b>	
	X 481	812	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 492	371	MINISTER OF CONSERVATION - Oppose	Accept
<b>TRUST POWER LIMITED</b>	<b>358</b>	<b>141</b>	<b>Delete the definition of 'Rare and threatened habitat' from the Proposed Plan and any references to this term elsewhere in the document.</b>	<b>Reject</b>
			<b>Any similar amendments to like effect.</b>	
			<b>Any consequential amendments that stem from the amendment of this definition as proposed in this submission.</b>	
	X 492	373	MINISTER OF CONSERVATION - Oppose	Accept
<b>MERIDIAN ENERGY LIMITED</b>	<b>363</b>	<b>202</b>	<b>Meridian requests the definition of Rare and threatened habitat is deleted in its entirety.</b>	<b>Reject</b>
			<b>Consequential relief necessary to give effect to this submission</b>	
	X 492	374	MINISTER OF CONSERVATION - Oppose	Accept

Submitter	Number	Point	Decision sought	Recommendation
	X 511	551	TRUST POWER LIMITED - Support	Reject
	X 531	138	HORTICULTURE NEW ZEALAND - Support	Reject

#### 4.32.1 Submission summary

These submissions seek that the definition of rare and threatened habitat deleted, or changed to refer to an area mapped in Schedule E. Manawatu District Council also asks that the term rare and threatened habitat is used consistently, to replace rare or threatened which is sometimes used in the plan.

#### 4.32.2 Evaluation

Rare and threatened habitat is defined in the glossary in the same way it is defined in Schedule E. Schedule E does not refer to mapped areas, for reasons discussed in the evaluation of submissions on Schedule E (see Recommendation BIO 34 of this report). I believe there would be greater clarity if this glossary definition referred direction to the definition in Schedule E, rather than attempting to repeat it without the greater context that Schedule E provides.

#### 4.32.3 Recommendation BIO 32

- (a) Make a consequential change to the definition of at-risk habitat to improve the clarity of the plan to refer directly to Schedule E.
- (b) Reject submissions which seek to remove the definition of at-risk habitat entirely or to refer to mapped areas.
- (c) Accept the submission which seeks to remove references to rare or threatened habitats.

##### 4.32.3.1 Recommended changes to provisions

- (a) Replace the definition of rare and threatened habitat with:

**Rare and threatened habitat** means an area defined as rare and threatened habitat in accordance with Schedule E.

- (b) Replace references to rare or threatened habitat with rare and threatened habitat throughout the plan.

### 4.33 Glossary Threatened Habitat BIO 33

Submitter	Number	Point	Decision sought	Recommendation
<b>RANGITIKEI DISTRICT COUNCIL</b>	<b>346</b>	<b>108</b>	<b>Amend the Glossary as follows: Delete Threatened Habitat.</b>	<b>Accept</b>
	X 481	813	PALMERSTON NORTH CITY COUNCIL - Support	Accept
	X 492	384	MINISTER OF CONSERVATION - Oppose	Reject
<b>MERIDIAN ENERGY LIMITED</b>	<b>363</b>	<b>207</b>	<b>Meridian requests the definition of threatened habitat be deleted in its entirety. Any consequential amendments necessary to give effect to this submission</b>	<b>Accept</b>
	X 492	385	MINISTER OF CONSERVATION - Oppose	Reject
	X 511	552	TRUST POWER LIMITED - Support	Accept

#### 4.33.1 Evaluation

Threatened habitats are only referred to in the context of rare and threatened habitats. Therefore a definition of threatened habitat is not needed.

#### 4.33.2 Recommendation BIO 33

(a) Accept submissions which would like the definition of threatened habitat deleted.

##### 4.33.2.1 Recommended changes to provisions

Delete the definition of threatened habitat.

### 4.34 Schedule E General BIO 34

Submitter	Number	Point	Decision sought	Recommendation
<b>RUAPEHU DISTRICT COUNCIL</b>	<b>151</b>	<b>208</b>	<b>Council seeks that Schedule E be deleted in its entirety, or  That rare and threatened habitats be specifically identified and mapped at an appropriate scale and included in Schedule E, and 'at-risk' habitats be deleted.</b>	<b>Reject</b>
	X 481	10	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 488	32	TARANAKI FISH & GAME COUNCIL - Oppose	Accept
	X 491	33	FISH & GAME NEW ZEALAND - WELLINGTON REGION - Oppose	Accept
<b>RUAPEHU DISTRICT COUNCIL</b>	<b>151</b>	<b>111</b>	<b>(b) That the definitions for manuka, kanaka and woody species are rewritten correctly.</b>	<b>Accept in part</b>
<b>DONALD LESLIE SIEMONEK</b>	<b>168</b>	<b>1</b>	<b>Amend Schedule E to read in a manner that reflects the scientific concept that has been advanced.</b>	<b>Accept in part</b>
<b>NGATI KAHUNGUNU IWI INCORPORATED</b>	<b>180</b>	<b>98</b>	<b>Retain Schedule E as proposed.</b>	<b>Accept in part</b>
	X 492	448	MINISTER OF CONSERVATION - Support	Accept
<b>RUAPEHU FEDERATED FARMERS OF NEW ZEALAND INC</b>	<b>246</b>	<b>31</b>	<b>1.Amend Schedule E and clearly define the parameters that distinguish "rare and threatened or at-risk habitats" from other habitats based on robust analysis and consultation with affected land owners.</b>	<b>Accept in part</b>
	X 488	24	TARANAKI FISH & GAME COUNCIL - Oppose	Accept in part
	X 491	25	FISH & GAME NEW ZEALAND - WELLINGTON REGION - Oppose	Accept in part
	X 495	435	RUAPEHU DISTRICT COUNCIL - Support	Accept in part
<b>TRANSPower NEW ZEALAND LTD</b>	<b>265</b>	<b>25</b>	<b>C. Delete Schedule E. If such areas are to be defined then ensure they are mapped and introduced by way of Variation.</b>	<b>Reject</b>

Submitter	Number	Point	Decision sought	Recommendation
	X 488	23	TARANAKI FISH & GAME COUNCIL - Oppose	Accept
	X 491	24	FISH & GAME NEW ZEALAND - WELLINGTON REGION - Oppose	Accept
	X 495	433	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 522	451	MERIDIAN ENERGY LIMITED - Support	Reject
<b>P F OLSEN LIMITED</b>	<b>305</b>	<b>23</b>	<b>As with submission on policy 5.5 &amp; 12-2</b>  <b>1. Allocate some resources toward ensuring land and water based biodiversity data and mapping used in the One Plan is available to industry for incorporation into Company GIS systems at little or no cost and that spatial data is linked to schedule codes</b>	<b>Accept in part</b>
	X 501	94	ERNSLAW ONE LTD - Support	Accept in part
	X 520	30	N Z FOREST MANAGERS LTD - Support	Accept in part
<b>P F OLSEN LIMITED</b>	<b>305</b>	<b>24</b>	<b>As with submission on policy 5.5 &amp; 12-2</b>  <b>2. Create a web portal or disk for use by small scale players where the classifications and associated data can be easily scaled and matched against cadastral boundaries.</b>	<b>Accept in part</b>
	X 501	95	ERNSLAW ONE LTD - Support	Accept in part
<b>P F OLSEN LIMITED</b>	<b>305</b>	<b>25</b>	<b>As with submission on policy 5.5 &amp; 12-2</b>  <b>3. Map the areas of threatened vegetation types from table E.1</b>	<b>Reject</b>
	X 495	434	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 501	96	ERNSLAW ONE LTD - Support	Reject
	X 520	31	N Z FOREST MANAGERS LTD - Support	Reject



Submitter	Number	Point	Decision sought	Recommendation
<b>N Z FOREST MANAGERS LTD</b>	<b>319</b>	<b>5</b>	<b>NZFM submits that in the identification and mapping of rare and threatened habitats within the Horizons MW region - including regionally significant wetlands, natural state water bodies, etc - Council consults with and involves the landowner/manager. The identification of such sites may have implications for land management activities on their land and as such it is important that the landowner/manager is fully consulted.</b>	<b>Reject</b>
	X 495	430	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 501	140	ERNSLAW ONE LTD - Support	Reject
<b>MANAWATU DISTRICT COUNCIL</b>	<b>340</b>	<b>150</b>	<b>Delete or substantially amend Schedule E, as part of providing a clear new set of rules for the protection of biodiversity.</b>	<b>Reject</b>
	X 481	706	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 488	34	TARANAKI FISH & GAME COUNCIL - Oppose	Accept
	X 491	35	FISH & GAME NEW ZEALAND - WELLINGTON REGION - Oppose	Accept
	X 495	440	RUAPEHU DISTRICT COUNCIL - Support	Reject
<b>RANGITIKEI DISTRICT COUNCIL</b>	<b>346</b>	<b>114</b>	<b>Delete Schedule E in its entirety or (if it is to be retained) specifically identify and map at an appropriate scale Rare and Threatened Habitats and include in Schedule E and delete At-risk Habitats</b>	<b>Reject</b>
	X 481	819	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 488	31	TARANAKI FISH & GAME COUNCIL - Oppose	Accept
	X 491	32	FISH & GAME NEW ZEALAND - WELLINGTON REGION - Oppose	Accept
	X 495	439	RUAPEHU DISTRICT COUNCIL - Support	Reject
<b>HORTICULTURE NEW ZEALAND</b>	<b>357</b>	<b>152</b>	<b>Decision Sought: Delete Schedule E and notify a Variation that identifies specific areas accurately mapped where threatened species are known to exist and an appropriate management</b>	<b>Reject</b>

Submitter	Number	Point	Decision sought	Recommendation
			<b>approach in conjunction with affected land owners.</b>	
	X 474	2	JOHANNES ALTENBURG - Support	Reject
	X 488	35	TARANAKI FISH & GAME COUNCIL - Oppose	Accept
	X 491	36	FISH & GAME NEW ZEALAND - WELLINGTON REGION - Oppose	Accept
	X 495	441	RUAPEHU DISTRICT COUNCIL - Support	Reject
<b>TRUST POWER LIMITED</b>	<b>358</b>	<b>168</b>	<p><b>Either delete Schedule E from the Proposed Plan or delete the threatened, at-risk and rare categories from Schedule E;</b></p> <p><b>Or,</b></p> <p><b>amend Schedule E to be less inclusive or contain appropriate justification for the inclusion of each of these habitats and species, and include individual maps identifying the locations for each of the threatened species identified in Table E.</b></p> <p><b>Any similar amendments to like effect.</b></p> <p><b>Any consequential amendments that stem from the amendment of Schedule E as proposed in this submission.</b></p>	<b>Reject</b>
	X 488	27	TARANAKI FISH & GAME COUNCIL - Oppose	Accept
	X 491	28	FISH & GAME NEW ZEALAND - WELLINGTON REGION - Oppose	Accept
	X 492	447	MINISTER OF CONSERVATION - Oppose	Accept
	X 495	442	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 522	454	MERIDIAN ENERGY LIMITED - Support	Reject

Submitter	Number	Point	Decision sought	Recommendation
<b>TRUST POWER LIMITED</b>	<b>358</b>	<b>52</b>	<p><b>Either delete Schedule E from the Proposed Plan or amend it to only make provision for appropriately identified species and habitats of ecological significance.</b></p> <p><b>Any similar amendments to like effect.</b></p> <p><b>Any consequential amendments that stem from the amendment of Section 7.1.2 and Objective 7.1 as proposed in this submission.</b></p>	<b>Accept in part</b>
	X 488	25	TARANAKI FISH & GAME COUNCIL - Oppose	Accept in part
	X 491	26	FISH & GAME NEW ZEALAND - WELLINGTON REGION - Oppose	Accept in part
	X 492	445	MINISTER OF CONSERVATION - Oppose	Accept in part
	X 495	436	RUAPEHU DISTRICT COUNCIL - Support	Accept in part
	X 522	452	MERIDIAN ENERGY LIMITED - Support	Accept in part
	X 525	252	GENESIS POWER LTD - Support	Accept in part
<b>TRUST POWER LIMITED</b>	<b>358</b>	<b>57</b>	<p><b>Either delete Schedule E from the Proposed Plan or amend the provisions to only make provision for appropriately identified species and habitats of ecological significance.</b></p> <p><b>Any similar amendments to like effect.</b></p> <p><b>Any consequential amendments that stem from the amendment of Policies 7-2, 7-3 and</b></p> <p><b>Schedule E as proposed in this submission.</b></p>	<b>Accept in part</b>
	X 488	26	TARANAKI FISH & GAME COUNCIL - Oppose	Accept in part
	X 491	27	FISH & GAME NEW ZEALAND - WELLINGTON REGION - Oppose	Accept in part
	X 492	446	MINISTER OF CONSERVATION - Oppose	Accept in part

Submitter	Number	Point	Decision sought	Recommendation
	X 522	453	MERIDIAN ENERGY LIMITED - Support	Accept in part
	X 525	254	GENESIS POWER LTD - Support	Accept in part
<b>MIGHTY RIVER POWER</b>	<b>359</b>	<b>141</b>	<b>Delete the plan provisions relating to biodiversity and consider a variation to the Plan which focuses on the identification and management of biodiversity values on an ecological district or LENZ approach.</b>	Accept in part
	X 488	33	TARANAKI FISH & GAME COUNCIL - Oppose	Accept in part
	X 491	34	FISH & GAME NEW ZEALAND - WELLINGTON REGION - Oppose	Accept in part
	X 492	444	MINISTER OF CONSERVATION - Oppose	Accept in part
	X 511	578	TRUST POWER LIMITED - Support	Accept in part
<b>MERIDIAN ENERGY LIMITED</b>	<b>363</b>	<b>210</b>	<p><b>Meridian opposes Schedule E and requests the following or similar:</b></p> <p><b>Delete Schedule E;</b></p> <p><b>In the alternative, but without prejudice to the relief sought above:</b></p> <p><b>Amend Schedule E to be more appropriate to the s6(c) RMA requirements; and</b></p> <p><b>Amend Schedule E to be less inclusive and contain improved justification of the inclusion of each of these habitats and species; and</b></p> <p><b>Include individual maps identifying the locations for each of the threatened species identified in Table E3.</b></p> <p><b>Any consequential amendments necessary to give effect to this submission.</b></p>	Accept in part

Submitter	Number	Point	Decision sought	Recommendation
	X 488	36	TARANAKI FISH & GAME COUNCIL - Oppose	Accept in part
	X 491	37	FISH & GAME NEW ZEALAND - WELLINGTON REGION - Oppose	Accept in part
	X 495	443	RUAPEHU DISTRICT COUNCIL - Support	Accept in part
	X 511	579	TRUST POWER LIMITED - Support	Accept in part
	X 525	82	GENESIS POWER LTD - Support	Accept in part
<b>MINISTER OF CONSERVATION</b>	<b>372</b>	<b>210</b>	<b>Amend definition of 'at-risk habitat' in Schedule E as follows:  In subparagraph (b) insert ' or physical substrate' after '(whether indigenous or not)'  In subparagraph (c ) amend latter half (after parentheses) 'or physical substrate that contains or supports, or could be reasonably known to contain or support, threatened plant and/or animal species as identified in Table E3.'</b>	<b>Reject</b>
	X 511	581	TRUST POWER LIMITED - Oppose	Accept
	X 522	455	MERIDIAN ENERGY LIMITED - Support	Reject
<b>MINISTER OF CONSERVATION</b>	<b>372</b>	<b>218</b>	<b>Include descriptions or guidelines for interpretation for the following in the plan: 'rare'; 'no threat category'; 'continuous'; 'discontinuous'; life-supporting habitat'.</b>	<b>Accept in part</b>
	X 511	582	TRUST POWER LIMITED - Oppose	Reject
<b>FEDERATED FARMERS OF NEW ZEALAND INC</b>	<b>426</b>	<b>236</b>	<b>Delete Schedule E and notify a Variation that identifies specific areas accuracy mapped where threatened species are known to exist and an appropriate management approach in conjunction with affected landowners.</b>	<b>Reject</b>
	X 488	30	TARANAKI FISH & GAME COUNCIL - Oppose	Accept
	X 491	31	FISH & GAME NEW ZEALAND - WELLINGTON REGION - Oppose	Accept

Submitter	Number	Point	Decision sought	Recommendation
	X 495	444	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 511	583	TRUST POWER LIMITED - Support	Reject
<b>FEDERATED FARMERS OF NEW ZEALAND INC</b>	<b>426</b>	<b>82</b>	<b>Delete Schedule E and all reference to it within the Plan.</b>	<b>Reject</b>
	X 488	28	TARANAKI FISH & GAME COUNCIL - Oppose	Accept
	X 491	29	FISH & GAME NEW ZEALAND - WELLINGTON REGION - Oppose	Accept
	X 492	442	MINISTER OF CONSERVATION - Oppose	Accept
	X 495	437	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 511	580	TRUST POWER LIMITED - Support	Reject
	X 531	148	HORTICULTURE NEW ZEALAND - Support	Reject
<b>FEDERATED FARMERS OF NEW ZEALAND INC</b>	<b>426</b>	<b>83</b>	<b>Delete reference to rare or threatened or at-risk and refer to necessary objectives, policies and methods as significant indigenous biodiversity.</b>	<b>Reject</b>
	X 488	29	TARANAKI FISH & GAME COUNCIL - Oppose	Accept
	X 491	30	FISH & GAME NEW ZEALAND - WELLINGTON REGION - Oppose	Accept
	X 492	443	MINISTER OF CONSERVATION - Oppose	Accept
	X 495	438	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 531	149	HORTICULTURE NEW ZEALAND - Support	Reject

Submitter	Number	Point	Decision sought	Recommendation
<b>TIM MATTHEWS</b>	<b>445</b>	<b>5</b>	<b>Delete Schedule E and all reference to it.</b>	<b>Reject</b>
			<b>Delete reference to "rare" or "threatened" or "at-risk" and refer to necessary objectives, policies and methods as "significant" biodiversity. Conduct an independent ecological evaluation of sites in Schedule E; determine these (if evaluated as such) as significant as a result of community consultation. The Plan can then make reference to the new evaluated sites - which will hence be significant.</b>	
	X 488	21	TARANAKI FISH & GAME COUNCIL - Oppose	Accept
	X 491	22	FISH & GAME NEW ZEALAND - WELLINGTON REGION - Oppose	Accept
	X 495	431	RUAPEHU DISTRICT COUNCIL - Support	Reject
<b>WANGANUI PROVINCE OF FEDERATED FARMS INC</b>	<b>446</b>	<b>7</b>	<b>Delete Schedule E and all reference to it.</b>	<b>Reject</b>
			<b>Delete reference to 'rare' or 'threatened' or 'at-risk' and refer to necessary objectives, policies and methods as 'significant biodiversity'. Conduct an independent ecological evaluation of sites in Schedule E, determine these (if evaluated as such) as significant as a result of community consultation. The Plan can then make reference to the new evaluated sites which will hence be significant.</b>	
	X 488	22	TARANAKI FISH & GAME COUNCIL - Oppose	Accept
	X 491	23	FISH & GAME NEW ZEALAND - WELLINGTON REGION - Oppose	Accept
	X 495	432	RUAPEHU DISTRICT COUNCIL - Support	Reject

#### 4.34.1 Submission summary

The majority of these submissions seek the deletion or alteration of Schedule E. Common alterations are; to replace Schedule E with maps of habitats, to rewrite Schedule E to meet the 'significance' test, or to be less inclusive. Some submitters support Schedule E and would like it retained.

#### 4.34.2 Evaluation

Schedule E is the way in which the POP identified habitats of 'significance' and along with the rules and policies of the plan, protects them as required to do so by section 6(c) of the RMA. HRC has, with the support of the District Councils, chosen to take the lead on biodiversity protection for the Region, and chosen to use some rules to protect that biodiversity. To use rules, the POP must identify which area the rules apply to – it must identify which habitats it considers 'significant' and therefore are protected by rules.

There are two common ways in which plans (exclusively district plans until now) identify and protect significant habitat: by surveying and mapping all significant sites in the area and including a schedule of these mapped sites in the plan, or by including a general vegetation clearance rule.

Section 68 of the RMA provides (among other things) for regional councils to write rules which apply to all or part of the region (s68(5)(a)) or to be specific or general in its application (s68(5)(b)). I take this to mean that rules can apply to particular areas of the region (in this case significant habitats) and that there is no prescription by the RMA which says that identification must be by way of mapping, it may be a descriptive identification.

As outlined in Fleur Maseyk's evidence, a mapping led approach is not possible in the Horizons Region at this time due to the lack of ground-truthed information and the cost of doing a ground survey. Mapped schedules also have some other disadvantages. There can be an unintentional message sent by the use of a map schedule, that all areas that are not mapped are unimportant and therefore expendable. This may not be true, as a ground survey, particularly at a Regional scale is bound to have gaps. Maps of sites are often unpopular with landowners, as has been discovered in a number of districts, who are unhappy to have areas of their land specifically identified in the plan.

A vegetation clearance rule is very often used as a proxy rule where site assessments have not been carried out. These types of rules generally identify a number of native tree species, and state that any specimens over a certain height and/or certain diameter (both as a proxy for age and significance) cannot be cut down, or that only a certain amount can be cut down at any one time (eg. 1 ha per year).



The approach used in the POP is new, but I believe it is an ‘evolution’ of the vegetation clearance rule which is commonly used in district plans. POP uses the best technology and modelling tools (including use of the LENZ tool, as detailed in Fleur Maseyk’s evidence) to identify the types of habitats which are significant in our Region. It then sets a threshold for the size of those habitats that is significant (ie. an area of forest greater than .5 ha) and controls activities which may have an adverse effect on them. This has several advantages over the traditional vegetation clearance rule:

- The types of habitats identified are known to be significant in terms of s6(c) rather than using species as a proxy for significance. This assessment is set out in more detail in Fleur Maseyk’s evidence.
- The size of the habitat is the trigger, not the size of the area of disturbance or clearance. This means areas of forest that are insignificant because of their small size are not controlled by the rule and that the rule does not allow clearance at a scale that would significantly impact on a habitat.
- The rules can cover activities other than clearance which may have an adverse effect on a habitat eg discharges of contaminants and diversions of groundwater.

An alternative relief sought by submitters is to remove Schedule E altogether, and to have no rules which relate to the protection of biodiversity. I do not believe that by removing all rules from the POP that we can fulfil our obligation to protect significant habitats or to maintain biodiversity in the Region. Indeed, the Court has found (in *Minister of Conservation v Western Bay of Plenty DC A071/01*) that use of voluntary mechanisms by themselves may not afford adequate assurance of protection in respect to identified sites. Therefore I do recommend the retention of both Schedule E and the rules that refer to it.

Based on my assessment and on Fleur Maseyk’s evidence and her earlier technical report, I am confident that the habitat types and sizes identified in Schedule E appropriately identify habitats of significance consistent with the requirement in section 6(c) of the RMA. I am also confident that this approach is the best approach compared with the alternatives sought by submitters of mapping or other alternatives such as a general vegetation clearance rule or a removal of the Schedule altogether.

#### **4.34.3 Recommendation BIO 34**

- (a) Accept in part submissions which support Schedule E, to the extent it will be retained with modification to improve clarity.
- (b) Reject submissions which seek the deletion of Schedule E or its replacement with maps.

##### **4.34.3.1 Recommended changes to provisions**

Adopt the new Schedule E as provided in Appendix 4 of Fleur Maseyk’s evidence.

#### 4.35 Schedule E Definition of At-Risk Habitat BIO 35

Submitter	Number	Point	Decision sought	Recommendation
RAYONIER N Z LIMITED	310	21	(b) and (c)  Include in the definition of At-Risk Habitat an exclusion for production forestry and areas under the canopy of production forests.	Accept
	X 501	125	ERNSLAW ONE LTD - Support	Accept
	X 520	52	N Z FOREST MANAGERS LTD - Support	Accept

##### 4.35.1 Evaluation

Forestry activities had the potential to be severely restricted by this Rule and the definition of at-risk habitat in Schedule E because of the inclusion of a number of highly mobile species in Table E.3 of Schedule E. If one of these species, for example Falcon, made a production forest its habitat, the forest would then be considered an at-risk habitat for the purposes of the plan, and a resource consent would be required to harvest that forest. Fleur Maseyk has provided a revised definition of at-risk habitat, along with a revised list of species for Schedule E. The new definition specifically excludes production forestry.

##### 4.35.2 Recommendation BIO 35

(a) Accept submissions which ask that production forestry be excluded from the definition of at-risk habitats.

###### 4.35.2.1 Recommended changes to provisions

Adopt the new Schedule E as provided in Appendix 4 of Fleur Maseyk's evidence.

#### 4.36 Schedule E Table E:1 BIO 36

Submitter	Number	Point	Decision sought	Recommendation
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Submitter	Number	Point	Decision sought	Recommendation
NEW ZEALAND INSTITUTE OF FORESTRY	419	26	Specifically exclude these criteria and thresholds from commercial timber plantation forests and adopt the NZ Forest Accord as the mechanism to be applied. It is already embedded within the Forestry Environmental Code of Practice AND/OR provide financial assistance in biodiversity management costs (Section 7.1.2(b)) to the extent that there is any practical means and realistic probability of achieving retention of a biologically sustainable species population or association in any particular area OR make provision to purchase and fully compensate landowners for all costs and disadvantages borne in protecting such small remnants.  This very important area appears not well discussed with industry in terms of its practicality and workability. Council needs to work fully and carefully with the sector to reappraise this section.	Accept in part
	X 501	241	ERNSLAW ONE LTD - Support	Accept in part
	X 520	132	N Z FOREST MANAGERS LTD - Support	Accept in part
MINISTER OF CONSERVATION	372	223	Define a new habitat type to capture kowhai forest.	Reject
MINISTER OF CONSERVATION	372	224	Add the following rare habitat types to table E1:  Calcareous cliffs and bluffs, for example  - areas of calcareous bedrock (limestone, calcareous mudstone) creating karst landscape features  - wet cliffs (vertical wetlands")  - calcareous coastal cliffs  Cave entrances and cave systems (eg. Puraroto caves near Pipiriki; Pipiriki caves near Pohangina)	
MINISTER OF CONSERVATION	372	225	In the final part of Table E:1 include 'active and recently formed coastal dunelands' as a habitat type and provide a description which includes allowance for inclusion of bare sand and mosaics of community types.	Reject

Submitter	Number	Point	Decision sought	Recommendation
HORIZONS REGIONAL COUNCIL	182	138	Amend Table E:1 to remove reference to southern rata from the Habitat type names for Hall's totara/silver beech-kamahi and Podocarp/kamahi-silver beech.	Accept
HORIZONS REGIONAL COUNCIL	182	139	Amend Table E:1 to remove reference to southern rata in the habitat type description and replace it with northern rata.	Accept
HORIZONS REGIONAL COUNCIL	182	140	Amend Table E:1 to remove 'Estuarine open water' and 'Lake and pond' habitat types.	Accept
HORIZONS REGIONAL COUNCIL	182	141	Amend Table E:1 Habitat type description for kanuka forest to read: 'Kanuka forest is climax forest dominated by almost pure stands of kanuka. Manuka and common broadleaf species can also be present scattered through the canopy or comprising the understorey. Kanuka forest can be differentiated from kanuka scrub by size (generally greater than 2 m tall or 20 cm diameter (dbh)). Kanuka forest occurs only in localities where environmental limitations restrict successional processes from progressing from kanuka to other forest types. Thus, only climax kanuka forest is included in this definition.'	Accept
	X 492	449	MINISTER OF CONSERVATION - Support	Accept
MINISTER OF CONSERVATION	372	219	Re-word for greater clarity	Accept
MINISTER OF CONSERVATION	372	220	Create a new category and threat ranking for 'historically induced tussock-grassland' or something along those lines?	Reject
	X 522	458	MERIDIAN ENERGY LIMITED - Oppose	Accept
MINISTER OF CONSERVATION	372	221	Substitute 'pahautea' for 'kaikawaka'	Reject
MINISTER OF CONSERVATION	372	222	In the same way that kanuka forest has been identified, it is suggested that new habitat type is defined to capture pahautea forest.	Reject
MINISTER OF CONSERVATION	372	226	Add a note to Table E:1 (or elsewhere in the plan) to the effect that the table will be updated as knowledge and understanding develops and as the national rare ecosystems framework develops and new ecosystems are discovered.	Reject

Submitter	Number	Point	Decision sought	Recommendation
	X 522	459	MERIDIAN ENERGY LIMITED - Oppose	Accept

#### 4.36.1 Submission summary

Submitters (DoC and HRC) seek a number of additions or deletions to habitat types defined in Schedule E. Forestry interests wish to be excluded.

#### 4.36.2 Evaluation

A number of changes to Schedule E have been recommended by Fleur Maseyk in her evidence to provide clarity and to respond to submissions.

As discussed in the previous section, forestry is excluded by a new definition of at-risk habitats.

#### 4.36.3 Recommendation BIO 36

(a) Accept submissions which support the POP and the combination of the RPS and RP into one integrated document.

##### 4.36.3.1 Recommended changes to provisions

Adopt the new Schedule E as provided in Appendix 4 of Fleur Maseyk's evidence.

#### 4.37 Schedule E Table E:2 BIO 37

Submitter	Number	Point	Decision sought	Recommendation
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Submitter	Number	Point	Decision sought	Recommendation
HORIZONS REGIONAL COUNCIL	182	142	Amend Table E:2 (a) so that the introductory sentence reads (in part) 'is considered to be forest, treeland, scrub or shrubland...' and to include the follow subclauses after (ii):  i. Areas of threatened habitat type where it occurs as treeland over at least 1 ha.  ii. Areas of at-risk habitat type where it occurs as treeland over at least 1 ha within any Water Management Sub-zone coded red (Figure E1).  iii. Areas of at-risk habitat type where it occurs as treeland over at least 2 ha within any Water Management Sub-zone coded orange or yellow (Figure E1).  And re-number the following subclauses.	Accept in part
	X 492	450	MINISTER OF CONSERVATION - Support	Accept in part
	182	143	Amend Table E:2 (b) so that the introductory sentence reads (in part): 'is not considered to be forest, treeland, scrub or shrubland...' and remove subclause (i) and re-number the following subclauses.	Accept in part
	305	30	Specifically exclude these criteria and thresholds from commercial timber plantation forests and adopt the NZ Forest Accord as the mechanism to be applied. It is already embedded within the Forestry Environmental Code of Practice.	Accept in part
P F OLSEN LIMITED	X 501	102	ERNSLAW ONE LTD - Support	Accept in part
	X 520	36	N Z FOREST MANAGERS LTD - Support	Accept in part
P F OLSEN LIMITED	305	31	AND/OR provide financial assistance in biodiversity management costs (Policy 7.1.2) to the extent that there is any practical means and realistic probability of achieving retention of a biologically sustainable species population or association in any particular area.	Reject
	X 501	103	ERNSLAW ONE LTD - Support	Reject
	X 520	37	N Z FOREST MANAGERS LTD - Support	Reject

Submitter	Number	Point	Decision sought	Recommendation
<b>P F OLSEN LIMITED</b>	<b>305</b>	<b>32</b>	<b>OR make provision to purchase and fully compensate landowners for all costs and disadvantage-borne in protecting such small remnants.</b>	<b>Reject</b>
	X 501	104	ERNSLAW ONE LTD - Support	Reject
	X 520	38	N Z FOREST MANAGERS LTD - Support	Reject
<b>P F OLSEN LIMITED</b>	<b>305</b>	<b>33</b>	<b>It should be noted that these issues were not widely canvassed in the forest sector stakeholder meetings and thus the detail of this very important area has not been well discussed with industry in terms of its practicality and workability. Council needs to work fully and carefully with the sector to reappraise this section.</b>	<b>Accept in part</b>
	X 501	105	ERNSLAW ONE LTD - Support	Accept in part
	X 520	39	N Z FOREST MANAGERS LTD - Support	Accept in part
<b>QUEEN ELIZABETH II NATIONAL TRUST</b>	<b>365</b>	<b>2</b>	<b>QEII National Trust seeks the following amendment:</b>	<b>Reject</b>
			<b>Table E.2 (a)</b>	
			<b>ii areas of continuous indigenous vegetation covering at least 0.5 ha within any water management sub-zone coded orange or yellow.</b>	
			<b>iii Delete</b>	
			<b>iv Delete</b>	
			<b>v Delete</b>	
		<b>vi Delete</b>		
		<b>ix areas of indigenous woody vegetation that have been established for habitat manipulation including habitat creation, restoration and buffering , where such an area covers at least 0.25 ha within any water management sub-zone coded red and 0.5 within any water management sub-zone coded orange or yellow.</b>		

Submitter	Number	Point	Decision sought	Recommendation
NEW ZEALAND INSTITUTE OF FORESTRY	419	27	Specifically exclude these criteria and thresholds from commercial timber plantation forests and adopt the NZ Forest Accord as the mechanism to be applied. It is already embedded within the Forestry Environmental Code of Practice AND/OR provide financial assistance in biodiversity management costs (Section 7.1.2(b)) to the extent that there is any practical means and realistic probability of achieving retention of a biologically sustainable species population or association in any particular area OR make provision to purchase and fully compensate landowners for all costs and disadvantages borne in protecting such small remnants.  This very important area appears not well discussed with industry in terms of its practicality and workability. Council needs to work fully and carefully with the sector to reappraise this section.	Accept in part
	X 501	242	ERNSLAW ONE LTD - Support	Accept in part
	X 520	133	N Z FOREST MANAGERS LTD - Support	Accept in part

#### 4.37.1 Submission summary

Submitters seek a number of additions or deletions to habitat definitions in Schedule E. Forestry interests wish to be excluded.

#### 4.37.2 Evaluation

A number of changes to Schedule E have been recommended by Fleur Maseyk in her evidence to provide clarity and to respond to submissions.

As discussed in the previous section, forestry is excluded by a new definition of at-risk habitats.

#### 4.37.3 Recommendation BIO 37

(a) Accept submissions which support the POP and the combination of the RPS and RP into one integrated document.



#### 4.37.3.1 Recommended changes to provisions

Adopt the new Schedule E as provided in Appendix 4 of Fleur Maseyk’s evidence.

### 4.38 Schedule E Figure E:1 BIO 38

Submitter	Number	Point	Decision sought	Recommendation
MINISTER OF CONSERVATION	372	227	Amend key or title to provide cross-reference to the parts of the plan to which it refers.	Accept

#### 4.38.1 Evaluation

Fleur Maseyk has provided a new version of Figure E:1 which responds to the submitters’ concerns.

#### 4.38.2 Recommendation BIO 38

(a) Accept submissions seeking a new version of Figure E:1

##### 4.38.2.1 Recommended changes to provisions

Adopt the new Schedule E as provided in Appendix 4 of Fleur Maseyk’s evidence.

### 4.39 Schedule E Table E:3 BIO 39

Submitter	Number	Point	Decision sought	Recommendation
MINISTER OF CONSERVATION	372	228	Add 'or species that landowners may otherwise be reasonably expected to know are present through notification by the Council'.	Reject

Submitter	Number	Point	Decision sought	Recommendation
MINISTER OF CONSERVATION	372	229	<p>Include the identified species in Table E3</p> <p>Species referred to in Submission as follows:</p> <p>ornate skink (<i>Cyclodina ornata</i>, gradual decline), brown skink (<i>Oligosoma zelandicum</i>, sparse).</p> <p>black-fronted tern (<i>Sterna albobriata</i>, nationally endangered)</p> <p>Grey Duck (<i>Anas superciliosa superciliosa</i>, nationally endangered)</p> <p>northern New Zealand dotterel (<i>Charadrius obscurus aquilonius</i>, nationally vulnerable)</p> <p>reef heron (<i>Egretta sacra sacra</i>, nationally vulnerable)</p> <p>Black-billed gull (<i>Larus bulleri</i>, Serious decline)</p> <p>North Island Rifleman (<i>Acanthisitta chloris granti</i>, gradual decline)</p> <p>northern little blue penguin (<i>Eudyptula minor iredalei</i>, gradual decline)</p> <p>Red-billed gull (<i>Larus novaehollandiae scopulinus</i>, gradual decline)</p> <p>white-fronted tern (<i>Sterna striata striata</i>, gradual decline)</p> <p>yellow-crowned kakariki (<i>Cyanorhamphus auriceps</i>, gradual decline)</p> <p>Black shag (<i>Phalacrocorax carbo novaehollandiae</i>, sparse)</p> <p>New Zealand dabchick, weweia (<i>Poliiocephalus rufopectus</i>, sparse)</p> <p>Little black shag (<i>Phalacrocorax sulcirostris</i>, range restricted)</p> <p>North Island saddleback, tieke (<i>Philesturnus carunculatus rufusater</i>, range restricted)</p>	Reject

Submitter	Number	Point	Decision sought	Recommendation
			<p>carabid beetle (<i>Brullea Antarctica</i>, sparse)</p> <p>snail: (<i>Powelliphanta marchanti</i>, serious decline)</p> <p><i>Celmisia Mangaweka</i> (plant) Nationally critical/ regionally uncommon</p> <p><i>Cardamine Reparoa</i> Bog. Plant. nationally critical.</p> <p>Longfin eel</p> <p>Koaro</p>	
MINISTER OF CONSERVATION	372	230	Make provision in plan to update Table E:3 as and when updated threat classification lists are published.	Reject
MINISTER OF CONSERVATION	372	231	Delete this sentence from the description.	Accept
			[sentence referred to in submission as follows:  'Never associated with broad-leaved canopy trees']	
NEW ZEALAND INSTITUTE OF FORESTRY	419	25	Specifically exclude species residing within or using a plantation or plantation/remnants land matrix AND/OR provide financial assistance in biodiversity management costs (Section 7.1.2(b)) to the extent that there is a practical means and realistic probability of achieving retention of a biologically sustainable species population in any particular area OR make provision to purchase and fully compensate landowners for all costs and disadvantage-borne in providing habitat.	Accept in part
			It should be noted that these issues were not widely canvassed in the forestry sector stakeholder meetings and thus the detail of this very important area has not been well discussed with industry in terms of its practicality and workability. Council needs to work fully and carefully with the sector to reappraise this section.	
	X 492	451	MINISTER OF CONSERVATION - Oppose	Accept in part

Submitter	Number	Point	Decision sought	Recommendation
	X 501	240	ERNSLAW ONE LTD - Support	Accept in part
	X 520	131	N Z FOREST MANAGERS LTD - Support	Accept in part
	X 534	1	Gordon Kuggeleijn - Support	Accept in part
<b>P F OLSEN LIMITED</b>	<b>305</b>	<b>26</b>	<b>Specifically exclude species residing within or using a plantation or plantation/remnants land matrix.</b>	<b>Accept</b>
	X 492	452	MINISTER OF CONSERVATION - Oppose	Reject
	X 501	97	ERNSLAW ONE LTD - Support	Accept
	X 520	32	N Z FOREST MANAGERS LTD - Support	Accept
<b>P F OLSEN LIMITED</b>	<b>305</b>	<b>27</b>	<b>AND/ OR provide financial assistance in biodiversity management costs (Policy 7.1.2) to the extent that there is any practical means and realistic probability of achieving retention of a biologically sustainable species population in any particular area.</b>	<b>Reject</b>
	X 501	98	ERNSLAW ONE LTD - Support	Reject
	X 520	33	N Z FOREST MANAGERS LTD - Support	Reject
<b>P F OLSEN LIMITED</b>	<b>305</b>	<b>28</b>	<b>OR make provision to purchase and fully compensate landowners for all costs and disadvantage-borne in providing habitat .</b>	<b>Reject</b>
	X 501	99	ERNSLAW ONE LTD - Support	Reject
	X 520	34	N Z FOREST MANAGERS LTD - Support	Reject
<b>P F OLSEN LIMITED</b>	<b>305</b>	<b>29</b>	<b>It should be noted that these issues were not widely canvassed in the forestry sector stakeholder meetings and thus the detail of this very important area has not been well discussed with industry in terms of its practicality and workability. Council needs to work fully and carefully with the sector to reappraise this section.</b>	<b>Accept in part</b>
	X 501	100	ERNSLAW ONE LTD - Support	Accept in part
	X 520	35	N Z FOREST MANAGERS LTD - Support	Accept in part

Submitter	Number	Point	Decision sought	Recommendation
WELLINGTON CONSERVATION BOARD	375	10	Add long fin eels ( <i>Anguilla dieffenbachii</i> ) (regionally vulnerable) and short fin eels ( <i>Anguilla australis</i> ) to Schedule E under native fish.	Reject
GORDON GEORGE KUGGELEIJN	300	1	To remedy this situation I propose that the One Plan includes:  1. Definitions of the forest types more clearly to include the "Production" and "Protection" land use. I note that there are 19 indigenous forest types in Schedule E. Plus the description of "At-risk habitats" includes reference to exotic species which are then ignored in the body of the schedule. Please add descriptions of production and or protection forests planted in exotic and or native species.	Accept in part
	X 501	78	ERNSLAW ONE LTD - Support	Accept in part

#### 4.39.1 Submission summary

Submissions seek to add species or definitions to Table E:3 or to exclude forestry.

#### 4.39.2 Evaluation

In response to submissions, including the ones above and general submissions that sought to clarify or narrow the influence of Schedule E, a new Table E:3 has been provided by Fleur Maseyk. The reasons for the changes are given in detail in her evidence. The changes recommended to this table will significantly narrow the list and will exclude production forestry.

#### 4.39.3 Recommendation BIO 39

(a) Accept submissions which support the POP and the combination of the RPS and RP into one integrated document.

##### 4.39.3.1 Recommended changes to provisions

Adopt the new Schedule E as provided in Appendix 4 of Fleur Maseyk's evidence.

#### 4.40 Schedule E Table E:4 BIO 40

Submitter	Number	Point	Decision sought	Recommendation
MINISTER OF CONSERVATION	372	232	Retain relevant wording.	Accept in part
MINISTER OF CONSERVATION	372	233	Include limits of distribution of species, type localities, and disjunct populations within the definition.	Accept in part

##### 4.40.1 Evaluation

Table E:4 outlines the assessment criteria which will be used to assess the values of each site. As a result of other submissions seeking more clarity around the structure of Schedule E and the policies, it is recommended that this table be moved to Chapter 7 to be referred to in the policies there.

Fleur Maseyk has suggested a couple of changes to the table in response to submissions, particularly to remove references to water management zones.

##### 4.40.2 Recommendation BIO 40

- (a) Accept in part submissions seeking to retain or change the wording to the extent that these have been incorporated into the new table.

###### 4.40.2.1 Recommended changes to provisions

- (a) Adopt the amended table as Table 7.1 as recommended in BIO 12.

## Appendix A – Recommended Changes to Methods

### Methods

The main non-regulatory methods the Regional Council will pursue are outlined below as action plan summaries.

Project Name	Wetlands – Biodiversity
Project Description	<p>The Regional Council and other agencies will work with landowners to protect and restore priority wetlands throughout the Region. Resources will be directed towards the most significant sites.</p> <p>Wetland owners will be provided with advice and financial/project management assistance to carry out enhancement and protection measures including fencing, planting, and pest (plant and animal) control. The Regional Council will seek funding from third parties to assist with this project, and encourage the establishment of covenants.</p> <p>Monitoring of the effectiveness of the protection and enhancement works will be undertaken.</p> <p>The project will include publicity to increase public awareness about the importance of wetlands and indigenous biological diversity.</p>
Who	Regional Council, <u>Landowners</u> , <u>Federated Farmers</u> , Territorial Authorities, Department of Conservation, non-government agencies including NZ Fish and Game, QEII Trust, NZ Wetland Trust, NZ Landcare Trust and relevant funding agencies including the He Tini Awa Trust, Biodiversity Condition Fund, Nga Whenua Rahui and Ducks Unlimited.
Links to Policy	This project links to Policy 7-4.
Targets	The top 100 wetlands in the Region are actively managed, including protection and/or restoration measures, within 10 years of this Plan becoming operative.

Project Name	Bush Remnants – Biodiversity
Project Description	<p>The Regional Council and other agencies will work with landowners to protect and enhance priority bush remnants throughout the Region. Resources will be directed towards the most significant sites.</p> <p>Bush remnant owners will be provided with advice and financial/project management assistance to carry out enhancement and protection measures including fencing, planting, and pest (plant and animal) control. The Regional Council will seek funding from third parties to assist with this project, and encourage the establishment of covenants.</p> <p>Monitoring of the effectiveness of the protection and enhancement works will be undertaken.</p> <p>The project will include publicity to increase public awareness about the importance of bush remnants and indigenous biological diversity.</p>
Who	Regional Council, <u>Landowners</u> , <u>Federated Farmers</u> , Territorial Authorities, Department of Conservation, non-government agencies including QEII Trust and NZ Landcare Trust, and relevant funding agencies including the He Tini Awa Trust, Biodiversity Condition Fund and Nga Whenua Rahui.
Links to Policy	This project links to Policy 7-4.
Targets	The top 200 bush remnants in the Region are being actively managed, including protection and/or enhancement measures, within 10 years of this Plan becoming operative.

Project Name	Sites of Significance – Aquatic
Project Description	<p>The Regional Council and other agencies will work with landowners to protect and enhance waterways and parts of waterways that serve an important role in the lifecycle of the Region's rare and threatened native fish. Resources will be directed towards the most significant sites.</p> <p>Water-way owners will be provided with advice and financial/project management assistance to carry out enhancement and protection measures including fencing, planting, replacement of perched culverts and pest (plant and animal) control. The Regional Council will seek funding from third parties to assist with this project.</p> <p>Monitoring of the effectiveness of the protection and enhancement works will be undertaken.</p> <p>The project will include publicity to increase public awareness about the importance of native fish and indigenous biological diversity.</p>
Who	Regional Council, <u>Landowners</u> , <u>Federated Farmers</u> , Territorial Authorities, Department of Conservation and funding agencies including the He Tini Awa Trust, Biodiversity Condition Fund and Nga Whenua Rahui.
Links to Policy	This project links to Policy 7-4.
Targets	The top 100 sites of significance – aquatic are actively managed, including protection and/or enhancement measures, within 10 years of this Plan becoming operative.

Project Name	Inanga Spawning and Native Fishery Sites – Biodiversity
Project Description	<p>The Regional Council and other agencies will work with landowners to protect and enhance waterways and parts of waterways (wetlands and streams) that serve an important role in the lifecycle of the inanga and whitebait species. Resources will be directed towards the most significant sites.</p> <p>Water-way owners will be provided with advice and financial/project management assistance to carry out enhancement and protection measures including fencing, planting, replacement of perched culverts and pest (plant and animal) control. The Regional Council will seek funding from third parties to assist with this project.</p> <p>Monitoring of the effectiveness of the protection and enhancement works will be undertaken.</p> <p>The project will include publicity to increase public awareness about the importance of native fish and indigenous biological diversity.</p>
Who	Regional Council, <u>Landowners</u> , <u>Federated Farmers</u> , Territorial Authorities, Department of Conservation and funding agencies including the He Tini Awa Trust, Biodiversity Condition Fund and Nga Whenua Rahui.
Links to Policy	This project links to Policy 7-4.
Targets	The top 30 inanga spawning and native fishery sites are actively managed, including protection and/or enhancement measures, within 10 years of this Plan becoming operative.



Project Name	Biodiversity (Terrestrial and Aquatic) Research, Monitoring and Reporting
Project Description	The aim of this project is to develop an integrated research, monitoring and reporting programme that supports delivery and refinement of existing policies and methods, guides implementation planning, and allows implementation effectiveness to be assessed.
Who	Predominantly Horizons Regional Council, with assistance from research institutes, universities and non-government agencies and community groups as required.
Links to Policy	This project links to Policy 7-4.
Targets	A research, monitoring and reporting programme that supports delivery and refinement of existing policies and methods, and guides and assesses implementation.

Project Name	Education in Schools – Biodiversity
Project Description	The aim of this project is to raise awareness amongst the youth of the Region of the significance of our indigenous biological diversity, the threats to it, and what they can do to protect/restore it. This will be achieved through various environmental education programmes/initiatives eg., Green RIG, EnviroSchools, Trees for Survival, <a href="#">Youth Environment Forum</a> etc.
Who	Horizons Regional Council, Department of Conservation, and various national and local environmental education providers
Links to Policy	This project links to Policy 7-5.
Targets	The Regional Council develops and delivers a biodiversity-related environmental education programme

Project Name	District Planning – Natural Features, Landscapes and Habitats
Project Description	<p>The Regional Council will formally submit on resource consent applications received by Territorial Authorities for land use activities where there is potential for effects on outstanding natural features, landscapes or native habitats.</p> <p>The Regional Council will formally seek changes to district plans if required to ensure provisions are in place to provide an appropriate level of protection to natural features, landscapes and native habitats.</p>
Who	Regional Council and Territorial Authorities.
Links to Policy	This project links to Policies 7-7 and 7-8.
Targets	<ul style="list-style-type: none"> <li>• Submissions completed on consent applications.</li> <li>• District plan changes sought if necessary by 2008.</li> </ul>

## Appendix B – Recommended Changes to Anticipated Environmental Results

### Anticipated Environmental Results

Anticipated Environmental Result	Link to Policy	Indicator	Data Source
<u>Except for change because of natural processes, or change authorised by a resource consent</u> , by 2017, the area of each habitat type identified as rare, threatened or at-risk is the same as that estimated prior to this Plan becoming operative, and no "not threatened" habitat types have fallen into the at-risk category.	<p>Living Heritage Policies: 7-1, 7-2, 7-3, 7-5, 7-6 and 7-8</p> <p>Administration Policies: 2-1, 2-2, 2-3 and 2-5</p> <p>Water Policies: 6-1, 6-2, 6-3, 6-4, 6-5, 6-7, 6-10 6-17, 6-18, 6-19, 6-26 and 6-28</p>	<ul style="list-style-type: none"> <li>Area of each habitat type compared to former extent</li> <li>Number of rare and threatened and at-risk habitat sites damaged by unauthorised activities</li> </ul>	<ul style="list-style-type: none"> <li>Landcare Research: Land Environments NZ Tool, Ecosat tool and Landcover Database 2 tool</li> <li>Horizons' incidents database</li> </ul>
By 2017, the Region's top 100 wetlands and top 200 bush remnants will be in better condition than that measured prior to this Plan becoming operative.	<p>Living Heritage Policies: 7-1, 7-4, 7-5, 7-6 and 7-8</p> <p>Administration Policies: 2-1, 2-2, 2-3 and 2-5</p> <p>Water Policies: 6-1, 6-2, 6-3, 6-4, 6-5, 6-7, 6-10 6-17, 6-18, 6-19, 6-26 and 6-28</p>	<ul style="list-style-type: none"> <li>Number of top 100 wetlands and top 200 bush remnants under proactive management</li> <li>Habitat condition measure(s) (<u>which, where possible will be consistent with those used by the Department of Conservation</u>)</li> </ul>	<ul style="list-style-type: none"> <li>Horizons' identification and assessment of significant indigenous aquatic, coastal and terrestrial habitat types</li> <li>Horizons' progress reports on results of proactive management of top wetland and bush remnant habitats</li> </ul>
<u>Except for change because of natural processes, or change authorised by a resource consent</u> , at 2017 the characteristics/values of all outstanding landscapes and natural features identified in the Region (Schedule F) will be in the same state as assessed prior to this Plan becoming operative.	<p>Living Heritage Policies: 7.7 and 7-8</p> <p>Administration Policies: 2-1, 2-2, 2-3 and 2-5</p>	<ul style="list-style-type: none"> <li>Number of Schedule F outstanding landscapes and natural features where identified characteristics/values have been damaged</li> <li>Level of protection afforded to Schedule F outstanding landscapes and natural features in Territorial Authority district plans</li> <li>Ratio of successful submissions versus total submissions made on outstanding landscapes and natural features to Territorial Authority consent planning processes</li> </ul>	<ul style="list-style-type: none"> <li>Outstanding landscapes and natural features characteristics/values assessment survey</li> <li>Horizons' incidents database</li> <li>Horizons' SED (Subdivision Enquiry Database) database</li> <li>Territorial Authority district plans</li> <li>Territorial Authority consent decisions</li> </ul>