

## 4. Biodiversity

Submission No. and Point / Submitter Name	Plan Provision	Summary of Submission	Decision Requested
	<b>General</b>		
<b>48.1 Forest &amp; Bird Society</b>	General	The submitter is concerned that the biodiversity rules only apply to areas of significant indigenous biodiversity, and then only areas that are shown on the Planning maps. The submitter believes that this does biodiversity a disservice and will ultimately result in further biodiversity losses.	That significant biodiversity recognised should not solely be shown on Planning Maps but also be able to be recognised through use of appropriate criteria.
<b>48.7 Forest &amp; Bird Society</b>	General	The submitter is concerned that the ICC has very limited in-house expertise in ecology and biodiversity when assessing resource consents involving biodiversity, and recommends that independent ecologists are utilised to assist with such consents, and that DoC and ES are involved as affected parties	That ICC utilise independent ecologists to assist with assessing resource consents, and that the Department of Conservation and Environment Southland be considered as affected parties.
<b>54.1 Otatara Landcare Group</b>	General	The submitter is concerned that the biodiversity rules only apply to areas of significant indigenous biodiversity, and then only areas that are shown on the Planning maps. The submitter believes that relying on the Planning Maps only will inevitably result in further biodiversity losses.	That significant biodiversity recognised should not solely be shown on Planning Maps but also be able to be recognised through use of appropriate criteria.
<b>54.6 Otatara Landcare Group</b>	General	The submitter is concerned that the ICC has no in-house expertise in undertaking ecological inspections, and recommends that consultant ecologists are employed to assist with such applications, and that DoC and ES are involved as affected parties.	That ICC employs consultant ecologists to assist with assessing resource consents, and that the Department of Conservation and Environment Southland be considered as affected parties.
<b>56.16 Jenny Campbell</b>	General	The submitter strongly supports the emphasis on biodiversity but it needs to go beyond ensuring protecting what we already have. The submitter believes much more planting of natives needs to be encouraged within the city limits.	Not stated.
<b>56.20 Jenny Campbell</b>	General	The submitter considers it essential that significant heritage trees, all remnants of native vegetation on the coast need to be given special protection and valued for their intrinsic aspects, not just for economic returns. The values of estuaries need to be noted and retained.	Not stated.
<b>SECTION 2.3 ISSUES, OBJECTIVES AND POLICIES</b>			
	<b>Introduction</b>		
<b>54.8 Otatara Landcare Group</b>	General	The submitter generally supports this section.	Not stated.

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<b>18.7 Environment Southland</b>	Introduction	<p>The submitter generally supports the overall direction of this chapter.</p> <p>The submitter explains that Environment Southland is currently developing a Schedule of Threatened, At Risk and Rare Habitat Types for the Southland Region, as well as a proposal for a Regional Biodiversity Strategy, and wishes to work in collaboration with the Invercargill City Council, other local authorities and the community to maintain, restore and enhance indigenous biodiversity across the Southland region.</p>	<p>That the introduction to Section 2.3 be amended, by inserting the following:</p> <p>The Council is committed to working in collaboration with the Southland Regional Council, other local authorities and the community to maintain indigenous biodiversity, as provided for in the Proposed Southland Regional Policy Statement 2012. This could include working together with Environment Southland to develop a Schedule of Threatened, At Risk and Rare Habitat Types, a supporting GIS layer and advocating for other non-regulatory tools to manage biodiversity for the Southland region.</p>
<b>48.9 Forest &amp; Bird Society</b>	Introduction	The submitter considers that additional criteria should include information from ecological surveys and reports.	Not stated.
<b>64.1 Department of Conservation</b>	Introduction	<p>Oppose. The submitter considers that the criteria detailed in the introduction detailing how to identify areas of significant indigenous biodiversity requires replacement to enable the correct identification of significant areas.</p> <p>The submitter also considers that areas of indigenous biodiversity should be either significant or not, and there should be no ranking of importance within significance.</p>	<p>Replace the criteria listed in the introduction.</p> <p>AND</p> <p>Reword the following statement:  “... The <del>most</del> important areas of <del>significant</del> indigenous biodiversity within the district include...”</p>
<b>65.2 ICC Environmental and Planning Services</b>	Introduction	Typo. Ramsar is not an acronym and therefore does not need to be typed in capitals.	Amend references to “RAMSAR” by using the word “Ramsar”
<b>71.1 NZAS Ltd</b>	Introduction	<p>Support in part. The submitter acknowledges the importance of protecting the important and indigenous biodiversity but notes that this may not always be possible.</p> <p>The submitter also notes that public access will not always be possible,</p>	<p>Amend the final paragraph of the Introduction as follows:  “... The provision of public access should not compromise public safety or security issues and the Council accepts that <del>where private land is involved</del> the</p>

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		and also considers that it is necessary to recognise that there are areas where DOC owns land that is controlled by the submitter to avoid misinterpretation that access should be given over that land.	final decision on whether to permit the public access, and the conditions of such access, will be that of the land owner or occupier.
<b>88.26 Federated Farmers</b>	Introduction	<p>Support. As well as acknowledging the importance of indigenous biodiversity, the submitter considers it is also important to recognise the positive contribution of landowners as guardians of their land and to recognise that the economic, social and cultural well being of people and communities depends on making reasonable use of land.</p> <p>The submitter supports the use of set criteria to provide certainty in the identification of significant indigenous biodiversity, and encourages the use of an independent ecologist in the assessment of any such areas, in conjunction with ground-truthing and stakeholder involvement.</p> <p>The submitter considers that reference to ponds within reserves, on farms and at gravel extraction areas adds a level of uncertainty and either needs to be clarified as being outside areas of significance or removed.</p> <p>The submitter supports the plan's reference to the importance of non-regulatory methods in this area.</p> <p>The submitter states that any such public access to areas of indigenous biodiversity needs to be at the permission of the landowner to ensure matters of safety, privacy, animal welfare and security are fully acknowledged.</p>	<p>That Council:</p> <ul style="list-style-type: none"> <li>• Adopt its approach to identifying significant areas of indigenous biodiversity but ensure that any such process includes full landowner involvement and collaboration;</li> <li>• Either clarifies or removes reference to 'other' non-significant habitats as identified above;</li> <li>• Ensure the strong use of non-regulatory methods in this area;</li> <li>• Ensure that any encouragement of public access to areas of indigenous biodiversity is fully dependent on relevant landowner permission.</li> </ul>
<b>18.8 Environment Southland</b>	Areas of Significant Indigenous Biodiversity in Planning Maps	<p>The submitter generally supports the areas defined in the Planning Maps as Areas of Significant Indigenous Biodiversity.</p> <p>The submitter is concerned that some of the remaining wetland areas in the District have been omitted from the planning maps and are therefore at risk to vegetation clearance from development activities as the rules only apply to the areas mapped. The submitter considers all wetlands in the Southland region to be significant as less than 20% of their original</p>	<p>To amend planning maps in the district plan to include all indigenous vegetation that is less than 20% of the former extent remaining (threatened) including all naturally occurring wetland areas supporting an indigenous ecosystem;</p> <p>OR</p>

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		<p>extent remains today.</p> <p>The areas that the submitter suggests have been omitted from the planning maps include naturally occurring wetlands in the Awarua and Greenhills areas as well as smaller areas to the north east of Lake Murihiku.</p>	Provide protection for all naturally occurring wetland areas supporting an indigenous ecosystem within the Invercargill district from subdivision, use and development through a specific rule in the District Plan.
	<b>2.3.1 Issues</b>		
<b>77.1 Te Runaka o Waihopai and Te Runaka o Awarua</b>	Issues	Support	Retain
<b>88.27 Federated Farmers</b>	Issues	Oppose in part. The submitter believes that the emphasis should be on the threats from further inappropriate subdivision, land use change and development, and suggests that often such land use changes will result in enhancement of biodiversity or little or no adverse effect on biodiversity.	That the following amendment is made to Issue 1, with additions underlined: “Invercargill’s indigenous ecosystems have been reduced in diversity and extent over time and are under threat from further <u>inappropriate</u> subdivision, land use change and development”
<b>18.9 Environment Southland</b>	Issue 1	Support	Retain
	<b>2.3.2 Objectives</b>		
<b>88.28 Federated Farmers</b>	Objectives	<p>Oppose in part. The submitter is concerned with the wording in Objective 1 as it may not always be appropriate or necessary to maintain, restore or enhance indigenous vegetation and habitats if the effects of any activity are no more than minor or can be mitigated.</p> <p>The submitter suggest the use of the term ‘where appropriate’ should also be used for maintaining and restoring recognising that there will be instances where such maintenance or restoration will not always be possible.</p> <p>The submitter also considers that the appropriate emphasis here should be upon areas of significant indigenous vegetation and significant habitats of indigenous fauna. This more appropriately reflects the RMA priorities.</p>	Adopt Objective 2 as proposed; Make the following amendments to Objective 1: “ <u>Where appropriate, significant</u> indigenous vegetation and habitats with indigenous biodiversity values are maintained, restored to a healthy functioning state, <del>and where appropriate</del> <u>or</u> enhanced.”

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18.10 Environment Southland	Objective 1	Support	Retain
64.2 Department of Conservation	Objective 1	Support. The submitter considers the objective is consistent with Part 2 of the RMA and the Regional Policy Statement for Southland	Retain Objective 1
71.2 NZAS Ltd	Objective 1	Oppose in part. The submitter considers the Objective is too onerous and needs to be balanced with other considerations. Specifically the submitter consider that the objective needs to be amended to recognise capacity for appropriate subdivision, use and development to occur in areas of identified indigenous biodiversity	Amend Objective 1 as follows: "Indigenous vegetation and habitats with indigenous biodiversity values are <del>maintained</del> , <u>protected from inappropriate subdivision, use and development</u> and <u>where appropriate</u> restored to a healthy functioning state, and <del>where appropriate</del> enhanced."
77.2 Te Runaka o Waihopai and Te Runaka o Awarua	Objective 1	Support	Retain Objective 1
18.11 Environment Southland	Objective 2	Generally Support. The submitter would like to see the natural character of all indigenous vegetation and habitats with biodiversity values protected from inappropriate subdivision, use and development, not just wetlands, and rivers and their margins.	The natural character of indigenous vegetation and habitats with biodiversity values including wetlands, and rivers and their margins are protected from inappropriate subdivision, use and development.
64.3 Department of Conservation	Objective 2	Support. The submitter considers this objective gives recognition to the importance of s6a of the RMA	Retain Objective 2
77.3 Te Runaka o Waihopai and Te Runaka o Awarua	Objective 2	Support in part, subject to amendment to see reference to all indigenous vegetation and habitats	Retain Objective 2
<b>2.3.3 Policies</b>			
77.4 Te Runaka o Waihopai and Te Runaka o Awarua	Policies 1, 2, 3, 4, 5, 6, 7, 8	Support	Retain all
18.12 Environment Southland	Policy 1- Delineation	Support	Retain Policy 1
48.10 Forest & Bird Society	Policy 1 – Delineation	The submitter is concerned that the maps are the sole means of determining significant indigenous biodiversity and considers that the extent of significant indigenous biodiversity appears not to have been	Not stated.

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		updated since 1999 grossly inadequate.	
<b>54.9 Otatara Landcare Group</b>	Policy 1 – Delineation	The submitter is concerned that the maps are the sole means of determining significant indigenous biodiversity and the extent of significant indigenous biodiversity appears not to have been updated since 1999.	
<b>64.4 Department of Conservation</b>	Policy 1 - Delineation	The submitter supports the policy, but does not believe all areas of significant indigenous biodiversity are included in the planning maps. The submitter considers that the Plan should provide a mechanism for protection of areas outside the mapped areas that contain or develop indigenous biodiversity values over time.	Retain Policy 1 and amend as follows: “To delineate on the District Planning Maps areas of significant indigenous biodiversity <u>using the criteria for identifying these areas detailed in the plan.</u> ”
<b>88.29 Federated Farmers</b>	Policy 1 - Delineation	Support.	Adopt Policy 1 as proposed.
<b>18.13 Environment Southland</b>	Policy 2 – Management of Effects	Support	Retain Policy 2
<b>64.5 Department of Conservation</b>	Policy 2 – Management of Effects	Support. The submitter considers the objective is consistent with Part 2 of the RMA and the Regional Policy Statement for Southland	Retain Policy 2
<b>71.3 NZAS Ltd</b>	Policy 2 – Management of Effects	Oppose in part.  While generally supporting the intention to protect biodiversity, the submitter considers that it is important that there is appropriate recognition of other potential developments.  The submitter also considers that not all indigenous biodiversity should be treated in the same way and as having the same value	Amend Policy 2 by including the word “inappropriate” before subdivision, land use and development AND Amend the explanation by deleting the final sentence.
<b>88.30 Federated Farmers</b>	Policy 2 – Management of Effects	Oppose in part. The submitter considers that the management of such effects should be limited to those areas of identified significant indigenous biodiversity and there should be no such requirement for protection at all costs.  The submitter is concerned that the use of the word ‘protect’ implies that	Make the following amendments to Policy 2: “To <u>encourage the appropriate protection and enhancement</u> <del>protect and enhance</del> of the ecological integrity and functioning of <u>significant</u> indigenous ecosystems and habitats with <u>significant</u> indigenous biodiversity values by avoiding, remedying or mitigating

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		<p>rules are necessary, and rules will result in these areas going from being considered assets which landowners are proud to protect and manage, to liabilities with yet more red-tape and bureaucracy attached to them. The submitter considers non-regulatory methods will ensure the greatest landowner buy-in.</p> <p>The submitter suggests there may be instances where the avoidance, remedy or mitigation of adverse effects on biodiversity is not possible and may involve normal farming activities such as earthworks, vegetation clearance, wetland drainage, significant stormwater runoff, stock grazing, waste management and disposal. The submitter would be concerned if where there may be an effect on an ecosystem supporting indigenous species, such a policy resulted in the regulation of farming activities. The literal interpretation of this is too large in scope.</p>	the adverse effects of <u>inappropriate</u> subdivision, land use and development.”
<b>18.14 Environment Southland</b>	Policy 3 - Otatara	Support	Retain Policy 3
<b>88.31 Federated Farmers</b>	Policy 3 - Otatara	Support in part. The submitter considers that the biodiversity obligations under the RMA do not mean protection at all costs a requirement to regulate protection of these areas. The submitter is concerned that the use of the wording ‘to protect and enhance’ implies that rules are necessary, and rules will result in these areas going from being considered assets which landowners are proud to protect and manage, to liabilities with yet more red-tape and bureaucracy attached to them. The submitter considers non-regulatory methods will ensure the greatest landowner buy-in.	Amend the policy to below wording or similar: “To <u>encourage appropriate protection and enhancement of</u> <del>Protect and enhance</del> areas of significant indigenous vegetation and significant habitats of indigenous fauna within the Otatara Zone recognising the nationally significant ecological and intrinsic values and the high amenity values of ancient sand dune landscape of that area.”
<b>18.15 Environment Southland</b>	Policy 4 -Planting	Support	Retain Policy 4

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<b>64.5 Department of Conservation</b>	Policy 4 - Planting	Support. The submitter considers that it is important that the integrity of areas of significant indigenous biodiversity is maintained by using appropriate locally sourced plant stock	Retain Policy 4
<b>88.32 Federated Farmers</b>	Policies 4 and 5	Support.	Adopt the policies as proposed.
<b>18.16 Environment Southland</b>	Policy 5 – Biodiversity initiatives	Support	Retain Policy 5
<b>48.11 Forest &amp; Bird Society</b>	Policy 5 – Biodiversity initiatives	The submitter suggests an additional initiative should include (D) Indigenous Species.	Add the following as an initiative: (D) Indigenous species.
<b>54.10 Otatara Landcare Group</b>	Policy 5 – Biodiversity initiatives	The submitter suggests an additional initiative should include (D) Indigenous Species.	Add the following as an initiative: (D) Indigenous species.
<b>18.17 Environment Southland</b>	Policy 6 – Other Agencies	The submitter would like to see a more collaborative decision making framework to managing indigenous biodiversity and a co-ordinated approach in accordance with Policy Bio.2 of the PSRPS 2012.	Ensure consistency with the PSRPS 2012.
<b>88.33 Federated Farmers</b>	Policies 6, 7, 8 and 9	Support. The submitter considers it appropriate for Council to co-ordinate the management of areas of significant indigenous biodiversity where these abut areas with similar ecological values in the jurisdiction of other agencies, and that Council adheres to, and promotes the use of other relevant legislation – including the Biosecurity Act 1994 and the Conservation Act 1987.	Adopt the policies as proposed.
<b>18.18 Environment Southland</b>	Policy 7 – Information Collection	Support	Retain
<b>65.3 ICC Environmental and Planning</b>	Policy 7 – Information Collection	Typo	Amend “pest” to “pests”



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<b>Services</b>			
<b>18.19 Environment Southland</b>	Policy 8 – Other Legislation	Support	Retain
<b>65.4 ICC Environmental and Planning Services</b>	Policy 8– Other Legislation	Typo. The submitter notes reference to the incorrect date for the Biosecurity Act	Biosecurity Act <del>1994</del> <u>1993</u>
<b>65.5 ICC Environmental and Planning Services</b>	Policy 8– Other Legislation	The submitter notes that other legislation that may enable protection of the values of biodiversity may not always be more effective and efficient that the methods available under the RMA.	Amend Policy 8 wording to read “in a manner that <u>can be</u> more effective and more efficient”
<b>18.20 Environment Southland</b>	Policy 9 – Tangata whenua	Support in part. The submitter suggests there is incorrect reference to diversity instead of biodiversity.	Retain with the following amendment: “(A) Tangata whenua values and interests to be incorporated into the management of biodiversity.”
<b>65.6 ICC Environmental and Planning Services</b>	Policy 9– Tangata whenua	Typo. The submitter suggests there is an incorrect reference to diversity instead of biodiversity.	Retain with the following amendment: “(A) Tangata whenua values and interests to be incorporated into the management of biodiversity.”
<b>77.5 Te Runaka o Waihopai and Te Runaka o Awarua</b>	Policy 9– Tangata whenua	Support	Amend reference to diversity to <u>biodiversity</u>
<b>77.6 Te Runaka o Waihopai and Te Runaka o Awarua</b>	Policy 10	Support	Retain
<b>18.21 Environment Southland</b>	New Policy	The submitter notes that Rule 3.1.4 outlines a number of matters for consideration by applications under Rules 3.1.2 & 3.1.3, including the requirement to address “Any proposals to compensate for or offset loss of indigenous biodiversity.....”  The submitter states that biodiversity offsets can promote a “no net loss” and a “net gain” approach, and this is provided for in the PSRPS 2012.	That a new provision/s be inserted into the District Plan, that requires consideration of the use of biodiversity offsets in accordance with Policy BIO.8 of the PSRPS 2012 to support the provision in Rule 3.1.4.

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	<b>2.3.4 Methods of Implementation</b>		
<b>64.7 Department of Conservation</b>	General	Support. The submitter supports these provisions as it considers the methods will assist the Council in achieving its responsibilities under s6 and 31 of the RMA	Retain the Methods of Implementation 2.3.4
<b>77.7 Te Runaka o Waihopai and Te Runaka o Awarua</b>	Methods 1 - 9	Support	Retain
<b>88.34 Federated Farmers</b>	Methods 1 – 9	Support in part. The submitter is concerned that Method 1 is inconsistent with Policy 1 and will add confusion to landowners and be difficult to manage. The submitter does not believe delineation should extend to all areas of indigenous biodiversity, only those identified as being significant.  The submitter considers that non-regulatory methods are more appropriate in this area than any overly regulatory approach and on that basis Methods 3 to 9 are supported.	<ul style="list-style-type: none"> <li>Amend Method 1 as follows: “Delineation on the District Planning Maps of areas of <u>significant</u> indigenous biodiversity”</li> <li>Adopt other methods as proposed</li> </ul>
<b>18.22 Environment Southland</b>	Method 1	Support	Retain
<b>48.12 Forest &amp; Bird Society</b>	Method 1	The submitter does not believe Planning Maps should be the sole method of determining significance.	Not stated.
<b>54.11 Otatara Landcare Group</b>	Method 1	The submitter does not believe Planning Maps should be the sole method of determining significance.	Not stated.
<b>18.23 Environment Southland</b>	Method 2	Support	Retain
<b>48.13 Forest &amp; Bird Society</b>	Method 2	Support	Not stated.
<b>54.12 Otatara Landcare Group</b>	Method 2	Support	Not stated.
<b>18.24</b>	Method 3	Support	Retain

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<b>Environment Southland</b>			
<b>18.25 Environment Southland</b>	Method 4	Support	Retain
<b>18.26 Environment Southland</b>	Method 5	Support	Retain
<b>18.27 Environment Southland</b>	Method 6	Support	Retain
<b>18.28 Environment Southland</b>	Method 7	Support	Retain
<b>65.7 ICC Environmental and Planning Services</b>	Method 7	Oppose. The submitter considers that the preparation of guidelines is referred to in Method 3. This is repeated unnecessarily in Method 7	Delete Method 7
<b>18.29 Environment Southland</b>	Method 8	Support	Retain
<b>18.30 Environment Southland</b>	Method 9	Support	Retain
<b>SECTION 3.1 RULES</b>			
<b>48.6 Forest &amp; Bird Society</b>	General	The submitter strongly supports the adoption of district wide biodiversity rules and considers that the non-regulatory approach of the Operative District Plan to areas of significant biodiversity outside of Otatara failed dismally and resulted in the destruction of extensive areas of indigenous vegetation and habitats of indigenous species.	Not stated.
<b>54.13 Otatara Landcare Group</b>	General	The submitter is generally supportive of this section but is opposed to the rules only applying to areas shown on the Planning Maps.	Not stated.

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<b>88.73 Federated Farmers</b>	General	The submitter opposes rules on biodiversity and considers Council can best manage biodiversity issues via a voluntary strategy based on education, good-practice promotion and partnership with owners. However, the submitter supports Council restricting rules in this area to identified (and mapped) areas of significant indigenous biodiversity.	That Council ensure rules within 3.1 are only applied to identified mapped areas of significant indigenous biodiversity.
<b>18.90 Environment Southland</b>	Areas of Significant Indigenous Biodiversity in Planning Maps	<p>The submitter generally supports the areas defined in the Planning Maps as Areas of Significant Indigenous Biodiversity.</p> <p>The submitter is concerned that some of the remaining wetland areas in the District have been omitted from the planning maps and are therefore at risk to vegetation clearance from development activities as the rules only apply to the areas mapped. The submitter considers all wetlands in the Southland region to be significant as less than 20% of their original extent remains today.</p> <p>The areas that the submitter suggests have been omitted from the planning maps include naturally occurring wetlands in the Awarua and Greenhills areas as well as smaller areas to the north east of Lake Murihiku.</p>	<p>To amend planning maps in the district plan to include all indigenous vegetation that is less than 20% of the former extent remaining (threatened) including all naturally occurring wetland areas supporting an indigenous ecosystem;</p> <p>or</p> <p>Provide protection for all naturally occurring wetland areas supporting an indigenous ecosystem within the Invercargill district from subdivision, use and development through a specific rule in the District Plan.</p>
<b>48.2 Forest &amp; Bird Society</b>	Areas of Significant Indigenous Biodiversity in Planning Maps	<p>The submitter believes that not all of the significant natural features in the district have been adequately defined on the Planning Maps. In particular, the greatest deficiencies in the mapping of significant vegetation are:</p> <ul style="list-style-type: none"> <li>- Wetlands in the south of the ICC district;</li> <li>- Forests in Otatara and Omaui-Greenhills areas (stands of regenerating forest are frequently not included)</li> <li>- The margins of estuaries (including New River Estuary, Mokomoko Inlet, Awarua Bay and Bluff Harbour)</li> <li>- Coastal vegetation (including sand dunes, gravel beaches, coastal turf vegetation and others)</li> <li>- Tiwai Peninsula (some areas of significant indigenous biodiversity are not mapped including areas within the Smelter</li> </ul>	Not stated.

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		Sub-Area).	
<b>48.3 Forest &amp; Bird Society</b>	Areas of Significant Indigenous Biodiversity in Planning Maps	The submitter considers that none of the four national biodiversity priorities referred to in Rule 3.1.4(A) are adequately defined on the Planning Maps and therefore the national priorities will not be adequately implemented.	Not stated.
<b>48.4 Forest &amp; Bird Society</b>	Areas of Significant Indigenous Biodiversity in Planning Maps	The submitter is concerned that the Planning maps are set in time and not flexible enough to take account of new information when it becomes available, including regenerating areas, or changes in public opinion and expectations. The submitter considers that the use of Planning maps as the sole indicator of significant vegetation results in other deficiencies.	Not stated.
<b>48.5 Forest &amp; Bird Society</b>	Areas of Significant Indigenous Biodiversity in Planning Maps	The submitter is concerned by what is considered 'significant' to be included on the Planning maps and believes that even regenerating vegetation provides significant habitat for indigenous species. The submitter believes that all remaining habitat should be included and that the consent process is the appropriate mechanism to judge the significance and the conditions to be set for the activity.	Not stated.
<b>54.2 Otago Landcare Group</b>	Areas of Significant Indigenous Biodiversity in Planning Maps	<p>The submitter believes that not all of the significant natural features in the district have been adequately defined on the Planning Maps. In particular, the greatest deficiencies in the mapping of significant vegetation are:</p> <ul style="list-style-type: none"> <li>- Wetlands in the south of the ICC district;</li> <li>- Forests in Otago and Otago-Greenhills areas (stands of regenerating forest are frequently not included)</li> <li>- The margins of estuaries (including New River Estuary, Mokomoko Inlet, Awarua Bay and Bluff Harbour)</li> <li>- Coastal vegetation (including sand dunes, gravel beaches, coastal turf vegetation and others)</li> <li>- Otago Peninsula (some areas of significant indigenous biodiversity are not mapped including areas within the Smelter Sub-Area).</li> </ul>	Not stated.
<b>54.3 Otago Landcare Group</b>	Areas of Significant Indigenous	The submitter considers that none of the four national biodiversity priorities referred to in Rule 3.1.4(A) are adequately defined on the Planning Maps and therefore the national priorities will not be	Not stated.

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	Biodiversity in Planning Maps	adequately implemented.	
<b>54.4 Otatara Landcare Group</b>	Areas of Significant Indigenous Biodiversity in Planning Maps	The submitter is concerned that the Planning maps are set in time and not flexible enough to take account of new information when it becomes available, including regenerating areas, or changes in public opinion and expectations. The submitter considers that the use of Planning maps as the sole indicator of significant vegetation results in other deficiencies.	Not stated.
<b>54.5 Otatara Landcare Group</b>	Areas of Significant Indigenous Biodiversity in Planning Maps	The submitter is concerned by what is considered 'significant' to be included on the Planning maps and believes that even regenerating vegetation provides significant habitat for indigenous species. The submitter believes that all remaining habitat should be included and that the consent process is the appropriate mechanism to judge the significance and the conditions to be set for the activity.	Not stated.
<b>64.8 Department of Conservation</b>	Areas of Significant Indigenous Biodiversity in Planning Maps	Support in part.  The submitter is concerned that there are areas of significant indigenous biodiversity that are not shown on the planning maps. The submitter also considers that the Plan does not provide for areas that over the lifetime of the plan may develop as areas of significant indigenous biodiversity, and that these areas will not be given the required protection.	Amend the wording under the Biodiversity heading as follows: "This rule applies to areas of significant indigenous biodiversity identified in the planning maps, <u>and to areas identified in future studies and through resource consent processes.</u> "
<b>18.91 Environment Southland</b>	3.1.1	Support	Retain 3.1.1
<b>64.9 Department of Conservation</b>	3.1.1	Support. The submitter recognises that some trimming of indigenous vegetation is required where it occurs adjacent to existing infrastructure and utilities, and for the purpose of clearing accessways to enable movement of vehicles.	Retain 3.1.1
<b>71.49 NZAS Ltd</b>	3.1.1	Support in part. The submitter seeks an addition to enable the trimming of vegetation that may impact on the safe operation of the smelter	Amend 3.1.1 as follows: "It is a permitted activity to: ... <u>(X) Trim or remove vegetation that may impact on the safe operation of the Tiwai Point aluminium smelter.</u> "

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87.38 Transpower NZ Ltd	3.1.1	Support in part. The submitter considers that the removal as well as the trimming of indigenous vegetation should be permitted where this is required for the safe operation and maintenance of the National Grid and to remove any potential fire hazard, whereby vegetation grows too close to the conductors (wires) of the National Grid lines.	(i) Add a new point to Rule 3.1.1 (F) as follows. <u>“(F) Trim or remove vegetation where required for the safe operation or maintenance of the National Grid or to remove a potential fire risk.”</u>  (ii) And any consequential amendments.
88.74 Federated Farmers	3.1.1	Support in part. The submitter also considers it appropriate and necessary to provide for trimming, removal and maintenance of such vegetation around existing tracks and fences.	Adopt the permitted activity rule proposed with the following amendment (or similar): <u>“(F) Trim, prune or remove indigenous vegetation to maintain existing tracks and fencing”</u>
91.15 PowerNet Ltd	3.1.1	Support in part. The submitter considers that Rule 3.1.1 should be amended to allow the trimming, felling and removal of vegetation where it is required to maintain the operational efficiency of existing network utilities	Amend 3.1.1 by adding the following: <u>“...(F) The trimming, felling and removal of vegetation and non-notable trees to retain the operational efficiency of existing network utilities.</u> <u>(G) The trimming and removal of branches likely to compromise the operational efficiency of overhead wires or utility networks...”</u>
103.62 Invercargill Airport Ltd	3.1.1	Support. The submitter considers it appropriate to be able to remove vegetation where it is necessary to achieve compliance with the Airport’s obstacle limitation surfaces	Retain
64.10 Department of Conservation	3.1.2	Oppose. The submitter considers that the activities covered by this rule should be non-complying not discretionary.  The submitter is concerned that there is no definition of “access way” and that the scope of this provision is therefore open to interpretation	Delete Rule 3.1.2
87.39 Transpower NZ Ltd	3.1.2	Support in part. The submitter states that they would not support a non-complying activity status for the removal of vegetation in areas of significant indigenous biodiversity, deeming this to be too restrictive	(i) Amend Rule 3.1.2 as follows:  It is a discretionary activity to:

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		<p>given the locational requirements and importance of the National Grid.</p> <p>The submitter also notes that the rule refers to 'utility services' which is not a term that is defined in the Proposed Plan and suggests that the term 'infrastructure' is used.</p>	<p>“(A) Construct any access way or road.</p> <p>(B) Construct <del>utility services</del> <u>infrastructure</u> in a manner that will require the trimming, removal or changes to any indigenous vegetation or parts thereof, including any branches or roots, within the drip line of that vegetation.”</p> <p>(ii) And any consequential amendments.</p>
<p><b>91.16 PowerNet Ltd</b></p>	<p>3.1.2</p>	<p>Oppose. The submitter considers that the trimming, felling and removal of vegetation and non-notable trees is vital to the operation of the lines and network facilities. Such activities should be provided for as permitted activities as sought in the relief relating to Rule 3.1.1 above.</p> <p>The submitter considers that a resource consent requirement should only be triggered if the biological viability of the vegetation would be compromised by the construction of a new utility service and that the activity status for such an application should be “<i>Controlled</i>” rather than “<i>Discretionary</i>”.</p> <p>Further, the submitter notes that “<i>Utility Services</i>” are not defined under the Proposed Plan. Rule 3.1.2 should be amended to refer to “<i>infrastructure</i>” which is defined, or a definition for “<i>Utility Services</i>” is inserted into the Plan.</p>	<p>Amend Rule 3.1.2 as follows:</p> <p>3.1.2 It is a <del>discretionary controlled</del> activity to:</p> <p>(A) Construct any access way or road.</p> <p>(B) Construct <u>new</u> utility services in a manner that will <u>compromise the biological viability of indigenous vegetation.</u> <del>require the trimming, removal or changes to any indigenous vegetation or parts thereof, including any branches or roots, within the drip line of that vegetation.</del></p> <p>AND/OR</p> <p>Insert new controlled activity Rule specifically relating to network utility services.</p> <p>“<i>Utility Services</i>” are not defined under the Proposed Plan. Rule 3.1.2 should be amended to refer to “<i>Infrastructure</i>” which is defined, or a definition for “<i>Utility Services</i>” is inserted into the Plan.</p>



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<b>64.11 Department of Conservation</b>	3.1.3	Support.  Although the submitter supports its inclusion, the submitter questions the need to include buildings with a footprint greater than 10m <sup>2</sup> as it is likely that any associated removal of vegetation or earthworks would be covered elsewhere in the rule.	Retain Rule 3.1.3
<b>65.90 ICC Environmental and Planning Services</b>	3.1.3	Support in part. The submitter is concerned that the definition of earthworks, which is otherwise non-complying, excludes cultivation of land and that there is a risk that this could enable the cultivation, and potential drainage of wetlands.	Amend the definition of earthworks to include “the cultivation of farmland more than 10m from an area of identified significant biodiversity”.
<b>87.40 Transpower NZ Ltd</b>	3.1.3	Oppose in part. The submitter believes that the requirement to protect indigenous vegetation must be balanced with the need to provide an essential service to the community, and a non-complying activity status is overly restrictive when and a discretionary status would allow the Council to consider any relevant matters. Therefore, the submitter seeks that the erection of a building/structure associated with the National Grid is considered as a Discretionary Activity under Rule 3.1.2.  The submitter also considers that the non-complying activity status does not provide for the operation, maintenance, upgrading or development of the National Grid as required by the NPSET, and seeks confirmation that the removal of indigenous vegetation for maintenance activities is provided for under Rule 3.1.1 and the construction of a new line associated with the National Grid is considered as a Discretionary Activity under Rule 3.1.2.	(i) Amend Rule 3.1.3 as follows: “It is a non-complying activity to: (A) Remove any live indigenous vegetation, or alter such vegetation in a manner that destroys the biological viability of that vegetation, except where permitted under Rule 3.1.1 <u>and 3.1.2</u> above. (B) Erect any building or other structure with a footprint greater than 10 square metres in area. (C) Plant exotic woodlots and commercial forestry. (D) Carry out earthworks ( <u>other than associated with the National Grid</u> ) within any area of significant indigenous biodiversity or within 10 metres of it.”  (ii) And any consequential amendments.
<b>88.75 Federated Farmers</b>	3.1.3	Oppose in part. The submitter considers there is capacity for the rule to enable additional farming activities to be carried out with a more appropriate activity status. The submitter considers that Rule 3.1.3(A) is against the permissive presumption of Section 9 of the RMA, under which the use of land is presumed to be permitted unless it is restricted by a rule in a plan, and opposes the default to Non-complying status for	<ul style="list-style-type: none"> <li>• Reduce the activity status to ‘discretionary’ or ‘restricted discretionary</li> <li>• That Council delete Rule 3.1.3(D) OR specifically provide for activities that are appropriate – such as the planting of perimeter fencing (to keep stock off the area in question) or the planting of native trees.</li> </ul>

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		removal or alteration of vegetation not provided for within Rule 3.1.1.	
<b>88.76 Federated Farmers</b>	3.1.4	Support in part. The submitter considers there are strong environmental value considerations provided for alongside provision for consideration of amenity, social, cultural and recreational values, but there is no consideration as to the necessity of the activity to the functioning of the land involved, or any economic considerations to the landholder or community in general. The submitter believes there is a need to address the benefit of proposed activities to the business of farming as part of the consent consideration criteria to provide a more balanced view.	Adopt additional consideration criteria to acknowledge the economic impact of the proposed activity, and its necessity to the business of the existing landholding.
<b>77.6 Te Runaka o Waihopai and Te Runaka o Awarua</b>	3.1.4 L	The submitter suggests that this should be reworded	Amend 3.1.4L as follows: <u>“The value of the affected land to tangata whenua and the effects of the action on cultural values, including lands, water, sites, wahi tapu and wahi taonga”</u>
<b>64.12 Department of Conservation</b>	3.1.4 and 3.1.5	Support. The submitter considers the list of matters to be considered and the requirement for an ecological assessment will provide adequate consideration of the adverse effects of land use activities on indigenous biodiversity	Retain 3.1.4 and 3.1.5
<b>18.92 Environment Southland</b>	3.1.5	Support	Retain 3.1.5
<b>48.14 Forest &amp; Bird Society</b>	3.1.5	Support. The submitter considers that ecological assessments need to be undertaken by suitably qualified or skilled people and if this cannot be demonstrated the application should be publically notified.	Not stated.
<b>54.14 Otatara Landcare Group</b>	3.1.5	Support. The submitter considers that ecological assessments need to be undertaken by suitably qualified or skilled people and if this cannot be demonstrated the application should be publically notified.	Not stated.
<b>87.41 Transpower NZ Ltd</b>	3.1.5	Oppose in part. The submitter states that given that Rule 3.1.2 provides for the construction of roads and infrastructure, it is assumed that it will not apply to vegetation removed during maintenance and for safety	That Rule 3.1.5 be retained as notified and that the trimming of vegetation for operational or maintenance purposes around the National Grid is a permitted

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		reasons, which is provided for under Rule 3.1.1, and If this is the case, Transpower supports Rule 3.1.5 as it will only apply to the development of new National Grid transmission lines and towers.	activity under Rule 3.1.1.
<b>88.77 Federated Farmers</b>	3.1.5	Oppose in part. The submitter considers there may be instances where a minor activity is proposed that falls within a rule requiring a consent application, and an ecological assessment will not be necessary or appropriate in every case. This should be acknowledged within the rule.	Amend the rule to ensure that ecological assessments are only required when appropriate and necessary to the activity proposed. Suggested wording changes may be: “Where an application for resource consent is required under Rule 3.1.2 and 3.1.3 above the application <del>shall include</del> <u>may require</u> an ecological assessment commensurate with the scale of the proposed activity...”