

4 August 2023

Timaru District Council  
PO Box 522  
Timaru  
New Zealand  
Email: [pdp@timdc.govt.nz](mailto:pdp@timdc.govt.nz)

Attention: Planning Manager (Timaru Plan Review)

Timaru District Plan Review – Further Submission

Please find enclosed the further submission by the Director-General of Conservation *Tumuaki Ahurei* in respect of the proposed Timaru District Plan which was notified on 22 September 2022. The further submission identifies the Director-General's concerns and is made in respect of the Geraldine Department of Conservation District Office.

Please contact Liz Williams in the first instance if you wish to discuss any of the matters raised in this submission via [lwilliams@doc.govt.nz](mailto:lwilliams@doc.govt.nz) or on 027 2538586.

Yours sincerely,



Tony Preston  
Operations Manager *Pou Matarautaki*  
Geraldine District

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**Form 6: Further submission in support of, or in opposition to,  
submission on notified proposed policy statement or plan, change or  
variation**

*Pursuant to clause 8 of the First Schedule of the Resource Management Act 1991*

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**To:** Timaru District Council

**Name of submitter:** Penny Nelson, Director-General of Conservation (the **Director-General**)

1. This is a further submission in support of (or in opposition to) a submission on the Proposed Timaru District Plan
2. I cannot gain an advantage in trade competition through this submission
3. The specific provisions of the proposal that my submission relates, and the detailed decisions sought are set out in Attachment 1 to this further submission.
4. The **Director-General** represents relevant aspects of public interest and has interest in the proposal that is greater than the interest the general public.
5. I seek that the following decision from the Council:
  - a. That the particular provisions of the Proposed Plan that I support, as identified in Attachment 1, are retained;
  - b. That the amendments, additions and deletions to the Proposed Plan sought in Attachment 1 are made; and
  - c. Further or alternative relief to like effect to that sought in 5.a and 5.b above, including any consequential changes or changes required for consistency.
6. The decisions sought in this further submission are required to ensure that the proposed Timaru District Plan:
  - a. Gives effect to the New Zealand Coastal Policy Statement 2010, the National Policy Statement for Freshwater Management 2020, the

National Policy Statement for Indigenous Biodiversity and the Canterbury  
Regional Policy Statement 2013;

- b. Recognises and provides for the matters of national importance listed in section 6 of the Act and has particular regard to the other matters in section 7 of the Resource Management Act 1991 (RMA, the Act);
  - c. Promotes the sustainable management of natural and physical resources;  
and
  - d. The changes sought are necessary, appropriate and sound resource management practice.
7. I wish to be heard in support of my further submission and if others make a similar submission, I will consider presenting a joint case with them at a hearing.
8. A copy of this submission has been served on the original submitters.



Tony Preston

Operations Manager *Pou Matarautaki*  
Geraldine District  
Department of Conservation Te Papa Atawhai  
Acting pursuant to delegated authority on behalf of Penny Nelson, Director-General of  
Conservation

Date: 4 August 2023

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

**Address for service:**

Attn: Liz Williams, RMA Planner *Kaiwhakamahere Penapenarawa*

[lwilliams@doc.govt.nz](mailto:lwilliams@doc.govt.nz)

+64 27 253 8586

Department of Conservation *Te Papa Atawhai*



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Pye Group Limited, Dialan Dairy Ltd, Grantlea Dairy Ltd, South Park Farm Ltd, South Stream Dairy Ltd	35.3	SCHED 7 – Schedule of Significant Natural Areas	NEW	Considers the area identified on the map contains lizard habitat and kanuka and should be identified as a SNA to ensure biodiversity values are protected long-term. [Refer to original submission for full reasons].	Support	The D-G supports the inclusion of SNAs provided that they are supported by an ecological assessment using the criteria set out in APP5 and in line with Clause 3.8 and Appendix 1 of the National Policy Statement for Indigenous Biodiversity (NPS-IB).	Allow in part	Support submissions to include new SNA areas within the Schedule provided that an ecological assessment is undertaken by a suitably qualified ecologist and it identifies the area as significant habitat, meeting the Significant Natural Area criteria in APP5.
Pye Group Limited, Dialan Dairy Ltd, Grantlea Dairy Ltd, South Park Farm Ltd, South Stream Dairy Ltd	35.4	SNA overlay	NEW	Considers the area identified on the map contains lizard habitat and kanuka and should be identified as a SNA to ensure biodiversity values are protected long-term.	Support	The D-G supports the inclusion of SNAs provided that they are supported by an ecological assessment using the criteria set out in APP5 and in line with Clause 3.8 and Appendix 1 of the National Policy Statement for Indigenous Biodiversity (NPS-IB).	Allow in part	Support submissions to include new SNA areas within the Schedule provided that an ecological assessment is undertaken by a suitably qualified ecologist and it identifies the area as significant habitat, meeting the Significant Natural Area criteria in APP5.
Jet Boating New Zealand	48.11	ASW-Activities on the Surface of Water	NEW ASW-R11	Consider there are three additional rivers in the district that can be used for recreational jetboating, for small jetboats. [Refer original submission for full reason].	Oppose	The D-G considers that if the Te Ngawai, Te Moana and Waihi Rivers are to be included, then they should be assessed in terms of identifying areas that may be fish spawning areas and sections of those rivers that should be protected and the rules amended to provide for that protection.	Disallow in part	Decline submission point. Need to ensure that effects on threatened freshwater and bird species are avoided.
Jet Boating New Zealand	48.12	SCHED17-Schedule of River Protection Areas	NEW	Considers there are three additional rivers in the district that can be used for recreational jetboating, for small jetboats. [Refer original submission for full reason].	Oppose	The D-G considers that if the Te Ngawai, Te Moana and Waihi Rivers are included, then they should be assessed in terms of identifying areas that may be fish spawning areas and sections of those rivers that should be protected and the rules amended to provide for that protection.	Disallow in part	Decline submission point. Need to ensure that effects on threatened freshwater and bird species are avoided. There are no protection areas submitted.
Alpine Energy Limited	55.4	ECO-Ecosystems and Indigenous Biodiversity	ECO-P2	Submitter illustrates that 69 poles and 44 overhead conductors, and associated vehicle access tracks are located within the SNA's across Timaru (maps provided in original submission). Seeks that clearance of indigenous vegetation for the maintenance and repair of electricity distribution poles and lines, including maintenance of existing vehicle access tracks be a permitted activity. [Refer original submission for full reason].	Oppose	The proposed change does not meet the intention of ECO-01, ECO-P5 or EI-P2 to protect the values of significant indigenous vegetation. This is also inconsistent with the NPS-IB which requires that specified infrastructure must be managed in accordance with Clause 3.10(3) and (4) by applying the effects management hierarchy and is contrary to the Canterbury Regional Policy Statement.	Disallow	Decline submission point. A permitted threshold should be included to manage adverse effects on vegetation clearance and earthworks within SNAs.

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Alpine Energy Limited	55.5	ECO-Ecosystems and Indigenous Biodiversity	ECO-R1 & new rule PER-X	<p>It is unclear from the submission but it appears this point relates to ECO-R1. Submitter illustrates that 69 poles and 44 overhead conductors, and associated vehicle access tracks are located within the SNA's across Timaru (maps provided in original submission). Considers this rule ECO-R1.1 and rule ECO-R3, which permits clearance of indigenous vegetation by a road requiring authority and Transpower New Zealand, both result in the same environmental effects. Accordingly, the submitter, as an infrastructure provider, should be benefit from the same provisions to allow them the submitter to operate, maintain and repair the electricity distribution network for the health and wellbeing of the community.</p> <p>[Refer original submission for full reason].</p>	Oppose	<p>The proposed rule provides no certainty that values within an SNA will be protected and would not meet the intent of ECO-01, ECO-P5 or EI-P2. DOC understands small scale clearance may be required however has concerns regarding the absence of any thresholds. In line with the NPS-IB, the permitted activities within an SNA should occur within a much tighter threshold than outside of an SNA.</p>	Disallow in part	<p>Decline submission point. A permitted threshold should be included to manage adverse effects on vegetation clearance and earthworks within SNAs.</p> <p>The effects management hierarchy consistent with the NPS-IB should be applied to any development which does not meet limits set out in the rules.</p>
Port Blakely Limited	94.5	ECO-Ecosystems and Indigenous Biodiversity	ECO-P2	<p>Considers that the NES-PF provisions regarding this matter should prevail over the proposed district plan rules as there is no justification in the s.32 report in relation to the more stringent rules.</p> <p>[Refer original submission for full reason]</p>	Oppose	<p>The NES-PF regulations (regulation 6(2)(b)) state that a rule in a plan may be more stringent than the NES-PF regulations if the rule recognises and provides for the protection of significant natural areas. Significant natural areas have been identified in the proposed District Plan.</p> <p>The relief sought is inconsistent with the NPS-IB and the D-G's primary submission. It is also noted that Clause 3.14 of the NPS-IB requires that plantation forestry activities in any existing plantation forest on any SNA must be managed in a manner that maintains indigenous biodiversity in the SNA as far as practicable, while providing for plantation forestry activities to continue. Further that any part of an SNA within an area of an existing plantation forest that is planted, or is intended to be, replanted must be managed in the manner necessary to maintain the long-</p>	Disallow	Decline the submission.

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						term populations of any Threatened or At Risk (declining) species present in the area. A permitted threshold would need to be included to manage adverse effects on vegetation clearance within SNAs in accordance with the NPS-IB.		
Port Blakely Limited	94.6	ECO-Ecosystems and Indigenous Biodiversity	ECO-P5	Considers that the NES-PF provisions regarding this matter should prevail over the proposed district plan rules as there is no justification in the s.32 report in relation to the more stringent rules. [Refer original submission for full reason]	Oppose	As above	Disallow	Decline the submission.
Port Blakely Limited	94.7	ECO-Ecosystems and Indigenous Biodiversity	ECO-R1, ECO-R2, ECO-R3 New RULE PER-6	ECO-R1 imposes stricter standards than the NES-PF in relation to the clearance of indigenous in areas considered sensitive, such as water bodies, areas above 900m asl and steep slopes. The district authorities do have jurisdiction to impose stricter rules which give effect to an objective giving effect to the NPSFM (see reg 6(1)(a) NES-PF).	Oppose	The NES-PF regulations (6(2)(b)) state that a rule in a plan may be more stringent than the NES-PF regulations if the rule recognises and provides for the protection of significant natural areas. The changes sought by the submitter would not be consistent with ECO-01 or Part 2(6)(c) of the RMA .  Significant natural areas have been identified in the proposed District Plan the protection of which falls as matters of national importance under the RMA. The D-G seeks rules that are more stringent recognising the significance of these areas.	Disallow	Decline the submission.
Port Blakely Limited & Zolve Environmental & Rooney Holdings Limited & GJH Rooney	94.8 & 164.2 & 174.33 & 191.33	ECO-Ecosystems and Indigenous Biodiversity	ECO-R4 Clearance of trees in the Long Tailed Bat Protection Area.	Considers the criteria does not align with expert advice and known long-tailed bat behaviours and bat habitat. Also the requirement for a 'Specialist assessment by a suitably qualified ecologist which may only be carried out during October to April when bats are not hibernating' is extremely restrictive and we believe will have an adverse effect on public engagement. Concerned this rule doesn't align with what was agreed between DoC and the protection group.  Oppose ECO-R4. The rules means that minor	Oppose	DOC should not be referred to in the list of discretionary matters or be listed in the Plan as part of the permitted activity process.	Disallow	Decline the submission. The rule could be amended to allow for a permitted activity rule that requires a written statement to confirm a suitably qualified ecologists finding on the presence of long-tailed bats.

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				clearance of some trees would not be a permitted activity. Considers landowners should be encouraged to work with the Department of Conservation to protect existing bat habitat without the need for the additional regulatory requirement of needing a resource consent. [Refer original submission for full reason				
Royal Forest and Bird Protection Society	156.3	SNAs	General	Considers the Council's SNA program is one to take pride in. But also concerned that the current list of SNA is incomplete and some SNAs have been identified by desktop only and still need to be ground trothed. Consider continuing with a district wide survey to ensure that all the District's SNAs are included. Concerned that the vegetation clearance rules are not adequate to protect SNA and to maintain indigenous biodiversity. The policy and rule framework should provide mechanism to continue to identify, map and protect SNAs.	Support	Supports these amendments to the extent that they are consistent with the relief sought by the D-G and the mapping of improved pasture.	Allow	Support this submission point.
Royal Forest and Bird Protection Society	156.6	Plantation Forestry	General	Considers the PDP approach to Plantation Forestry (NES PF) is uncertain with respect to the protection of SNAs and Outstanding Natural Features and Landscapes (ONF/ONL). Also considers dealing with the effects of exotic carbon forestry is not clear in the plan.	Support	The D-G supports the intention of this submission to provide plan clarity around how plantation forestry is provided for whilst protecting SNAs, ONF and ONLs.	Allow in part	Amend the plan to introduce provisions for plantation forestry and vegetation clearance which is consistent with the NPS-IB.
Royal Forest and Bird Protection Society	156.14	Definitions And ECO-R4	Domestic Garden	The submitter notes that the words 'domestic garden' are used in the PDP and could have very many different meanings which could ultimately result in unintended consequences or effects for bat habitat.	Support	To provide clarity around what is considered to be a 'domestic garden' and the permitted activity for tree clearance within the Bat Protection Overlay Area to ensure that there are no unintended consequences or effects on bat habitat for the permitted activity of tree clearance within the Bat Protection Overlay Area.	Allow	Support this submission point and add a definition as follows:  <u>Domestic Garden</u> <u>Does not include shelterbelts.</u>
Royal Forest and Bird Protection Society	156.20	Definitions	Improved Pasture	Considers the definition is problematic because much of the New Zealand agricultural landscape has been deliberately modified in some way with exotic pasture species. This is particularly relevant to the high country where	Support	The D-G agrees that to give certainty to the plan provisions, definitions should be improved. More clarity around improved pasture and permitted activities for vegetation clearance should be provided	Allow	Support this submission point.



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				top dressing and over sowing has modified large areas of indigenous vegetation for livestock grazing. For certainty, improved pasture should be fully converted pasture where indigenous vegetation has been fully removed and that is mapped.		which is consistent with the NPS-IB.		
Royal Forest and Bird Protection Society	156.20	Planning Maps	New	Considers that Improved pasture (fully converted pasture) should be mapped and understands that maps of NZ agricultural land is available. These will still need to be ground truthed in the district.	Support	The D-G agrees that the plan should provide certainty and clarity around what provisions apply for improved pasture, indigenous vegetation clearance in relation to SNAs and sensitive environments.	Allow	Support this submission point.
Royal Forest and Bird Protection Society	156.39	SD-Strategic Directions	SD-03 Climate Change	Considers the objective should ensure that native species can be enabled to adapt to climate change by ensuring that there is room for native species to retreat if necessary. Additionally considers that the strategic direction could be strengthened by setting out how the Plan will have regard to the emissions reduction plan and the national adaptation plan.	Support	The Proposed District Plan (PDP) needs to align with the NPS-IB Clause 3.6 to promote the resilience of indigenous biodiversity to climate change.	Allow	Amend SD-03 Climate change so that it enables indigenous species to adapt to climate change by either: 1. Amend clause (ii) OR 2. Add another clause.  And any consequential changes.
Transpower New Zealand Limited	159.36	EI-Energy and Infrastructure NEW	EI-P2	Considers the Policy fails to reflect the nuanced approach to the management of adverse effects set out in NPSET Policies 7, 8 and 9, and the relevant considerations in NPSET Policies 3, 4 and 5. The submitter notes it is more efficient and effective to include a standalone policy on the effects of the National Grid.  [Refer original submission for full reason]	Support in part	The new proposed Policy EI-PX is in line with the requirements of the NPSET and NZCPS. However, it is considered necessary to amend the proposed policy to consider other significant natural areas that are not yet mapped but may be assessed as such. It is also important to consider, where it is not practicable to avoid adverse effects on the values of the area, offsetting for residual adverse effects on indigenous biological diversity.	Allow in part	To amend the policy as follows and any consequential amendments:  <u>Policy EI-PX</u> <u>Managing adverse effects of the National Grid Provide for the operation, maintenance, repair, replacement, upgrade and development of the National Grid where any adverse effects are appropriately managed by:</u> <u>1. enabling the ongoing operation, maintenance, repair, replacement and minor upgrading of existing National Grid assets; 2. when providing for new, or upgrades that are more than minor to, National Grid:</u> <u>a. In urban environments, avoid adverse effects of the National Grid on town centres, areas of high recreation value and existing sensitive activities;</u> <u>b. in the coastal environment, recognising that there will be areas where avoidance of adverse effects is required to protect the special values and characteristics of those areas;</u>

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								<p><i>c. where (a) and (b) do not apply, seek to avoid adverse effects on the characteristics and values of the following:</i></p> <ul style="list-style-type: none"> <li><i>i. significant natural areas listed in SCHED7 or areas of significant indigenous vegetation and significant habitats of indigenous fauna,</i></li> <li><i>ii. outstanding natural features and landscapes listed in SCHED8 and SCHED9,</i></li> <li><i>iii. High Naturalness Waterbodies Areas,</i></li> <li><i>iv. areas of high or outstanding natural character,</i></li> <li><i>v. historic heritage sites listed in SCHED3-4,</i></li> <li><i>vi. sites and areas of significance to Kāti Huirapa listed in SCHED6,</i></li> <li><i>vii. visual amenity landscapes listed in SCHED10, and</i></li> </ul> <p><i>3. where it is not practicable to avoid, adverse effects on the characteristics and values of the areas listed in (2), remedy or mitigate adverse effects having regard to:</i></p> <ul style="list-style-type: none"> <li><i>a. the operational needs or functional needs of the National Grid and the extent to which those requirements constrain measures to avoid, remedy or mitigate adverse effects;</i></li> <li><i>b. the extent to which significant adverse effects are avoided;</i></li> <li><i>c. the extent to which any adverse effects have been avoided, remedied or mitigated by route, site and method selection;</i></li> <li><i>d. for upgrades, the extent to which existing adverse effects have been reduced as part of any substantial upgrade;</i></li> <li><i>e. the extent to which adverse effects on urban amenity have been minimised; and</i></li> <li><i>f. offsetting for residual adverse effects on indigenous biological diversity.</i></li> </ul> <p><i>4. outside of the areas listed in (2), avoiding, remedying, or mitigating other adverse effects, having regard to the matters in (3)</i></p> <p><i>5. In the event of conflict between clause (2) (c) and Policy SASM-P5, SASM-P6, SASM-P7 or SASMP8, clause 2(c) prevails.</i></p> <p><i>6. In the event of conflict between clause 2(c) and Policy NATC-P4 or NATC-P6 clause 2(c) prevails.</i></p>

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Fulton Hogan Limited	170.22	ECO-Ecosystems and Indigenous Biodiversity	Rules – New	Considers a new rule be added to the plan to recognise the policy direction provided by the exposure draft of the National Policy Statement for Indigenous Biodiversity and to provide for quarrying activities.	Oppose	<p>Whilst the D-G recognises that the NPS-IB provides for activities that contribute to NZ's economic wellbeing, the clause relating to aggregate extraction is specific to that which provides for significant national or regional public benefit that could not otherwise be achieved using resources within NZ. It is also noted that any adverse effects on an SNA that occur as a result of the exceptions must be managed by applying the effects management hierarchy. This is not reflected in the proposed rule.</p> <p>Any significant adverse effects on Indigenous biodiversity outside of SNAs must also be managed by applying the effects management hierarchy. It is also not clear whether the rule is for activities within the SNA overlay and/or within the other sensitive areas listed.</p>	Disallow	Decline submission point.
Rooney Holdings Limited, GJH Rooney, Rooney Group Limited, Rooney Farms Limited, Rooney Earthmoving Limited, Timaru Developments Limited	174.5, 191.5, 249.5, 250.5, 251.5 & 252.5	General	New	Considers land-based gravel extraction is important to continuity of supply and consistency of gravel quality. Request the proposed plan to introduce a gravel extraction overlay across land where existing land-based gravel extraction and clean fill deposition occurs. Such a layer should recognise and provide for this activity as well as protecting the sites from encroachment of sensitive activities in a way that the proposed plan has recognised and protected primary production	Oppose	The D-G does not support the creation of a new Gravel Extraction Overlay and consequential amendments. This is not considered necessary with other provisions of the plan managing gravel extraction. The D-G would be concerned if gravel extraction was permitted in areas in or near to SNAs or other sensitive areas such as habitats of threatened or at risk species. Gravel extraction in the beds of lakes and rivers will also require Regional Council approval.	Disallow	Decline the submission point.
Federated Farmers	182.104	ECO-Ecosystems and Indigenous Biodiversity	Policy - New	<p>Supports the priority to Significant Natural Areas in Rules ECOP1, ECO-P2, and ECO-P5. Also supportive of many of the suggested non-regulatory tools but here are concerns that the policies do not provide for existing activities to continue.</p> <p>[Refer to original submission for full reason]</p>	Oppose	<p>The policy proposed is inconsistent with the NPS-IB as it does not relate to the protection or maintenance of indigenous biodiversity.</p> <p>It is noted that the NPS-IB requires local authorities to consider the management of 'established activities' that are in, or affect, an SNA (clause 3.15) and must enable</p>	Disallow	Decline the submission point.

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						established activities provided that it meets set criteria. If the activity does not meet this criteria, then the activity must be managed to avoid adverse effects on an SNA and by applying the effects management hierarchy.		
Canterbury Regional Council	183.107	CE – Coastal Environment	General	Considers there appear to be a number of gaps in relation to the provisions for activities in the coastal environment, for example, implementation of Policy 11 relating to indigenous biological diversity. It is recommended that the chapter is reviewed in light of the NZCPS to ensure that it gives effect to all of the requirements of it. It is relevant to note that at the time of the development of the CRPS, it was not drafted to give effect to the NZCPS, which was notified part way through the development of the CRPS.	Support	The D-G agrees that the Coastal Environment chapter must be consistent with all of the NZCPS including Policy 11.	Allow	Support submission point.
Canterbury Regional Council	183.110	CE-Coastal Environment	General	Considers it is unclear how the provisions provide for the "bottom line" provisions in the NZCPS Policies 11, 13 and 15, which require an approach of "no adverse effects" on certain significant resources. This includes infrastructure, and the framework of the chapter provides a very permissive framework.	Support	The D-G agrees that the provisions in the NZCPS Policies 11, 13 and 15, require an approach of 'not adverse effects' on certain significant resources.	Allow	Ensure that appropriate rules are included, including for infrastructure, to ensure that "no adverse effects" are created in relation to those resources addressed in Policies 11(a), 13(1)(a) and 15(a) of the NZCPS. In relation to the secondary parts of those policies, ensure that the policy framework provides for "no significant adverse effects"
Canterbury Regional Council	183.169	SCHED7-Schedule of SNAs	SCHED7	Acknowledge the effort that TDC has made in identifying SNAs and congratulates them for doing this. Inclusion of this Schedule is consistent with supporting CRPS Objectives 9.2.1 & 9.2.3 and Policy 9.3.1. However, not all SNAs that fit the criteria in Appendix 5 have been identified. There should be some recognition that the listed sites will be added to over time.	Support	The D-G agrees that there should be recognition that the listed sites will be added to over time. This is consistent with the NPS-IB. This is consistent with the D-Gs original submission to include a process within the Plan for the identification of new SNAs. The D-G also seeks that there are provisions in the plan to support the identification of new SNAs and application of the relevant rules.	Allow	Retain SCHED7 and add a sentence to make it clear that this is not a definitive list. If an area meets the criteria in APP5, it should be treated as an SNA. More sites will be added as they are identified. And any consequential amendments.
GJH Rooney	191.32	ECO-Ecosystems and Indigenous Systems	ECO-R1 NEW PER-X	The submitter supports the rule but considers another provision should be added to provide for the clearance for indigenous vegetation within the SNA overlay where the clearance is supported by QEII National Trust or the Department of Conservation.	Oppose	The D-G does not consider it necessary to include 'consultation with DOC' as part of a permitted standard. This is inconsistent with the requirements of the NPS-IB.	Disallow	Decline submission point. Do not include a new permitted standard for clearance of indigenous vegetation where the clearance is supported by DOC or QEII trust.

