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| DDPR_feedback_0166s | |
| Name | Sue Murray and David McFarlane Sue Murray and David McFarlane |
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| Response Date | Aug 18 22 |
| Notes | |
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| Q1 | Select the chapter you want to provide feedback on |
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| Q2 | In general, to what extent do you support the contents of this chapter? |
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| Q3 | Objective/Policy/Rule/Standard reference: |
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| Q4 | Feedback/Comments |
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| Q5 | Objective/Policy/Rule/Standard reference: |
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| Q6 | Feedback/Comments |
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| Q7 | Objective/Policy/Rule/Standard reference: |
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| Q8 | Feedback/Comments |
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| Q9 | Objective/Policy/Rule/Standard reference: |
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| Q10 | Feedback/Comments |
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| Q11 | supporting documents? |
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| Q12 | If you need more space, or have any other general comments, please leave them here |
| | Hi, Please find attached the Trust submission on the Draft District Plan. Kind regards - David David McFarlane Long Point Project Manager Yellow-eyed Penguin Trust - Te Tautiaki Hoiho PO Box 724, Dunedin 9054, New Zealand Mobile: +64 21 479 116 Office: +64 3 479 0011 www.yellow-eyedpenguin.org.nz |

Submission on Waitaki Draft District Plan Review

TO: Waitaki Draft District Plan Review
Waitaki District Council
Private Bag 50058,
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SUBMITTER DETAILS

Yellow-eyed Penguin Trust

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TRADE SUBMISSION

We could not gain an advantage in trade competition through this submission.

HEARINGS

We do not want to be heard in support of our submission.

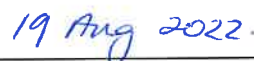
SUBMISSION DETAILS

Please see attached



Signature of submitter
(or person authorised to sign on behalf of submitter)

Date



The Trust

The Yellow-eyed Penguin Trust Te Tautiaki Hoiho was formed in 1987. It is based in Dunedin, but its focus is the entire range of the yellow-eyed penguin / hoiho from Banks Peninsula to the subantarctic Auckland and Campbell islands. The Trust owns and manages land for penguin breeding habitat at four key locations on the Otago Peninsula in Dunedin, one site in Clutha and one in Waitaki, and undertakes or supports conservation work at 40 plus other South Island sites, around Stewart Island, and on off-shore islands.

The Trust's work includes:

- **Hoiho monitoring** throughout the breeding cycle and moult periods for nest productivity, disease management, underweight or injured birds, and intervening when necessary.
- **Habitat restoration:** Conservation of yellow-eyed penguin breeding habitats, including planting, fencing, stock exclusion, and associated maintenance.
- **Predator control:** Bait and trap control of introduced predators such as stoats, ferrets, cats and possums.
- **Advocacy:** Promoting and advocating for the conservation of yellow-eyed penguins through submitting on planning documents and involvement in many committees and processes – including the 2020 release of Te Kaweka mō te Hoiho, a strategy to support the ecological and cultural health of hoiho in partnership with the Department of Conservation Te Papa Atawhai, Te Rūnanga o Ngāi Tahu, and Fisheries New Zealand Tini a Tangaroa.
- **Science advice:** The Trust employs a Conservation Science Advisor, Dr Trudi Webster, who is working on marine and terrestrial issues confronting yellow-eyed penguins.

Yellow-eyed penguins

The threatened yellow-eyed penguin is the one of rarest penguins in the world, and the largest of temperate-climate penguins at up to 600mm tall. Its scientific name (*Megadyptes antipodes*) refers to a large diver from the southern lands, and its Māori name *hoiho* or 'noise shouter' refers to its shrill cry.

The mainland population in recent decades has fluctuated between 400-600 breeding pairs. However, the last five breeding seasons have seen populations hit by a combination of issues, including disease, starvation and injuries. **The total number of breeding pairs on the mainland has now fallen to around 172 pairs, a decline of 70% since 2008.**

This now raises serious concerns about the species' ability to survive on the mainland and appropriate habitat protection and conservation support are vital to their future.

Further information on the Trust, the biology of the penguins, and the threats they face, is contained on the Trust's website www.yellow-eyedpenguin.org.nz.

Specific Submission Details

Ecosystems & Indigenous Biodiversity - Natural Environment Values (p.284)

Submission: The Trust supports the comment in the Introduction (p.284) about the enduring values found even in highly modified ecosystems.

The experience of the Trust at our Tavora Reserve, near Palmerston is of a very degraded ecosystem that is being progressively restored, with extensive restoration planting, as well as weed and predator control. The discovery of several specimens of *Aciphylla*

subflabellata (At risk declining) at Tavora around 15 years ago, and at near sea level, (normal altitudinal range is above 300m) show how small treasures can somehow survive even after 100 years of agricultural development.

ECO-01 / ECO-02 / ECO-03 While supporting the general sentiments expressed by these objectives it is necessary given the biodiversity crisis facing New Zealand that the pendulum swings back in favour of not only biodiversity protection, but enhancement. Whilst we support the identification and protection of SNAs, we appreciate the problems associated with this given the difficulty faced by the council in identifying such areas on private land and outright opposition from landowners.

The Trust is unable to offer many solutions to this somewhat intractable issue, but perhaps a central government led initiative, in tandem with territorial authorities is required. In the meantime the Trust is aware that the QE2 Trust works with some territorial authorities, (in return for funding to increase their capacity) and negotiates QE2 covenants. This may be a more palatable option for some landowners.

Decisions sought:

1. Continue with the SNA programme and engage with the QE2 Trust to promote and identify SNAs, work with landowners, and negotiate QE2 covenants.

Ecosystems & Indigenous Biodiversity – ECO-P8 Impacts of climate change on resilience of ecosystems (p.289)

Submission:

The identification of the challenge from climate change is well made, as is the need to become more resilient where at all possible. On the coast where the Trust focuses its conservation work, the effect of climate change induced sea level rise, erosion and changing growing conditions are becoming more apparent year by year.

It is likely given the modelling that key landforms (eg beaches / wetlands) and their biodiversity values at locations such as Tavora will be lost in coming decades to sea level rise. It is important that areas with these significant biodiversity communities are allowed to migrate inland and are not hemmed in by subdivision and infrastructure.

While the Trust appreciates the comment about taking into account the future impacts of climate change “when selecting species for mitigation or biodiversity offset proposals” this does raise a significant issue. The Trust has long followed the principle of eco-sourcing seed and or plants based on the Ecological Region (ER) / Ecological District (ED) framework. This restricts for example planting species or indeed using plant material (seeds /cuttings) from outside the district. While there is currently a debate around this issue, it is the understanding of the Trust that most New Zealand botanists / plant ecologists still favour adherence to eco-sourcing related to the ER/ED framework.

Decisions sought:

1. Identify critical coastal areas for biodiversity and consider the issue of “coastal squeeze” in relation to future sub-division consenting and other infrastructure, so as to protect areas where habitats may be located in the future.

2. Source expert advice as to whether the ER / ED framework is fit for purpose in light of the future impacts of climate change.

NATC – Natural Character (p.299)

Submission: The use of herbicides and pesticides are important tools in conservation and any restriction to their use in riparian and other environments must be considered carefully.

Decisions sought:

1. Add to NATC-P1 an objective along the lines of: "Enable the following on riparian margins: 7 Appropriate and selective use of use of herbicides and pesticides to control invasive weeds and pest animals".

NFL – Natural Features & Landscapes (p.308)

Submission: The Trust is concerned by the sentiment expressed in the introduction (p.308) that significantly changes the pre-existing landscape and natural features classification. (See also our comments under "Mapping").

Tavora / Bobby's Head, as well as being a prominent headland jutting into the ocean, also has significant biodiversity and ecological values.

This is exactly the kind of natural landscape feature that needs objectives, policies and rules to protect it.

Decisions sought:

1. Map Tavora / Bobby's Head as an "Outstanding Natural Feature and Landscape"

NFL – Natural Features & Landscapes – Controlled Activities – NFL-R9 (p.319)

Submission: The Trust has seen many occasions in which plantation forestry both shelters and provides a corridor for pest animals into sensitive ecological areas. Most notably in the North Otago area, was the forestry planting at Shag Point. Wild pigs that were otherwise at low numbers and probably only occasional visitors became a threat to nesting hoiho, requiring DOC to erect a fence and undertake control operations to prevent or at least reduce pig access.

Decisions sought:

1. An additional "Matter of Control' is needed, such as :."Consideration of the adverse effects of plantation forestry on indigenous fauna"

Public access (p.324) & Subdivision (p.329)

Submission: While the potentially damaging effects of public access on indigenous biodiversity is recognised in PA02 the policies PA-P1 to PA-P3 are generally very encouraging to maintaining and enhancing public access, arguably at the potential cost of biodiversity.

E.g.:

PA-P1 – PA -P2 “Protect, maintain and enhance public access by: requiring the creation of esplanade reserves and strips in accordance with the Subdivision Chapter, with priority given along the waterways listed in PA-SCHED1 – Priority Areas for Public Access and Esplanade Strips, and lakes larger than 8 hectares.”

Furthermore under PA-P3 “When considering any application for resource consents, have regard to any adverse effects of the proposed activity on public access routes and access points.”

Under PA-SCHED1-Priority Areas for Public Access & Esplanade Strips (p.327) two areas are listed that have or have had in recent times, nesting yellow-eyed penguins, notably adjacent to the mouths of the Waianakarua River and Waihemo/Shag River.

The rules that apply with respect to public access to and along rivers, streams, wetlands and the CMA – Coastal Marine Area are found in the SUB – Subdivision Chapter (p.329).

Under Objective 5 (p.330) it states:

“SUB-O5 Esplanade reserves and strips. Esplanade reserves and strips contribute to the maintenance, enhancement and protection of ecological, recreational and amenity values, public access and hazard management.”

And then under Policy 9 (p.333):

SUB-P9 Esplanade reserves and strips – priority waterbodies and the coast. Require the creation of esplanade reserves or strips when subdividing land adjoining the priority waterbodies listed in PA-SCHED1 – Priority areas for public access and esplanade strips, and the coast and waterbodies over 3m in width, except where the subdivision is for a boundary adjustment or is for a network utility.

We believe that esplanade reserves and strips may in fact not contribute to the protection let alone enhancement of ecological values and could well in certain situations be positively detrimental. It is our view that where significant biodiversity values are present that could be negatively affected by the creation of esplanade reserves or strips, then precautions should be taken.

In the case of esplanade reserves, where they are vested with the Waitaki District Council, this should involve the writing of a bespoke management plan, linked to the council reserves management policy. Such a plan would enable the esplanade reserve to be managed in a certain manner to safeguard biodiversity.

With regard to esplanade strips, where ownership stays with the landowner, an easement or covenant should be negotiated with the purpose of managing the area for conservation purposes, potentially with no public access. Esplanade strips also have the advantage of mobility, being designed to move with changes due to erosion of a coast for example, which is a valuable feature in the face of climate change driven effects.

Decisions sought:

1. Amend SUB-P9 policy in the Subdivision Chapter (p.329) as follows: “Where significant biodiversity values are negatively impacted by the creation of esplanade reserves and / or strips then the impacts are managed through bespoke management plans and / or easements and covenants, including the option of restricting or excluding public access”.

APP3 - Criteria for evaluating the significance of indigenous vegetation and habitats of indigenous fauna (p.708) & SCHED6 Significant Natural Areas (p.914)

Submission: The criteria used to evaluate ecological significance are heavily skewed towards indigenous vegetation as if this works as a proxy for indigenous fauna. In some cases, including hoiho and probably other native species such as lizards, this does not necessarily work. Yellow-eyed penguins can and have nested in what by many standards are weedy sites, including gorse, with only low indigenous vegetation values, that would arguably not be picked up by the significance criteria.

The fact that indigenous fauna can be resilient and adaptable and utilise habitats of marginal vegetation significance must be taken into account in the significance criteria.

This is not to say that an attempt hasn't been made to recognise indigenous fauna; for example in Ecological Context c) “an area that is important for indigenous fauna...” ...”

Reading through the list of SNAs in SCHED6, Tavora (Bobby's Head) has inexplicably been omitted, despite the presence of hoiho, other indigenous fauna species, coastal cliff vegetation, treelands, an ORC Regionally Significant Wetland and an ongoing and extensive restoration planting programme.

It seems even more of an anomaly when Stony Creek (SNA 289) just to the north and treelands along Goodwood Settlement Road (SNA297-298) and Ireland Road (SNA296) are all mapped as Significant Natural Areas. **See also comments under Mapping: Significant Natural Areas.**

Decisions sought:

1. Re-work the significance criteria to take into account that the habitats of indigenous fauna may be of otherwise low significance in terms of indigenous vegetation value but retain important faunal values.
2. Assess Tavora Reserve (Bobby's Head) for inclusion as an SNA.

Schedule7: Schedule of Outstanding Natural Features (p.1067)

Submission: It seems odd that Tavora (Bobby's Head) is not classified as an Outstanding Natural Feature, based on natural science, perceptual and associative values when other similar features are, e.g: Katiki Point / Shag Point / Pleasant River Estuary.

Decisions sought:

1. Assess Tavora (Bobby's Head) as an Outstanding Natural Feature

Mapping

Submission: The Trust does not understand the rationale behind the mapping overlays downgrading of the coastal area that includes Tavora / Bobby's Head Reserve. In the Operative District Plan, Tavora is in a zone classed as a "Significant Coastal Landscape", while in the Draft District Plan Review, it is called a "Coastal Area of Degraded Natural Character".

The intention of this change is unclear, but it implies that the coastal area is of less value and it would enjoy less protection.

The coastal area that is mapped in this way does include existing areas of significant native biodiversity or "natural character". In the case of Tavora / Bobby's Head, the wetland area at the southern end is designated as a Regionally Significant Wetland by the Otago Regional Council and the Trust is continuing a 30 year restoration programme of riparian and hillside plantings adjacent to the wetland.

In other words – the natural character is being restored and it does not help to have such a blanket and negative designation. Longer term Tavora Reserve will effectively re-establish the link between the coastal margin and the significant DOC Goodwood Scenic Reserve.

The Trust strongly opposes this reclassification and supports the retention of the zoning description "Significant Coastal Landscape".

Tavora also seems to have missed out in the Operative District Plan on additional mapping that has been done for adjacent areas such as Tumai and Shag Point. This seems inconsistent and should be rectified.

Decisions sought:

3. Discard the zoning "Coastal Area of Degraded Natural Character" and either retain "Significant Coastal Landscape" or classify it as an "Outstanding Nature Feature and Landscape".
4. Add an overlay, similar to those in the current Operative District Plan for Tumai Spit and Shag Point, that identify the natural values at Tavora.

Mapping : Significant Natural Feature - SNF004

Submission: It appears that the whole of the Trust Reserve at Tavora / Bobby's Head (Lot 1 DP 787) has a Natural Environment Value coding of SNF004, except for the northern most section (Lot 1 DP22990) which has no SNF coding.

Is this a mistake in the mapping?

On closer inspection of the mapping layers, a small portion of Tavora Reserve, known to the Trust as the "ngaio paddock" and immediately adjacent to the DOC Goodwood Reserve is shaded so as to be part of the same mapping as the DOC Reserve. However both the shaded sections and unshaded are still SNF0004.

These comments probably become redundant if / when Bobby's Head /Tavora is classified as an Outstanding Natural Feature or if the classification "Significant Coastal Landscape" is retained.

Decisions sought:

1. Explain the reasoning behind the coding and make it clear which parts of Tavora Reserve are mapped as SNF004. A portion or the whole reserve?

Mapping : Significant Natural Areas

Submission: The Trust does not understand the failure to map any SNAs at Tavora. As already mentioned there is an ORC designated Regionally Significant Wetland and it is likely there are other areas, such as cliff top vegetation that may also qualify. Please note that it is important that SNA designations do not hinder conservation activities. The Trust has already had the experience of rules connected with the ORC Regionally Significant Wetland designation restricting the use of herbicides and pesticides that are essential conservation tools.

Decisions sought:

1. Carry out mapping of potential SNAs at Tavora Reserve.
2. Ensure that rules associated with SNAs do not compromise or restrict essential conservation work that use herbicides or pesticides.