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Response Date	Aug 26 22
Notes	
Q1	Select the chapter you want to provide feedback on
Q2	In general, to what extent do you support the contents of this chapter?
Q3	Objective/Policy/Rule/Standard reference:
Q4	Feedback/Comments
Q5	Objective/Policy/Rule/Standard reference:
Q6	Feedback/Comments
Q7	Objective/Policy/Rule/Standard reference:
Q8	Feedback/Comments
Q9	Objective/Policy/Rule/Standard reference:
Q10	Feedback/Comments
Q11	supporting documents?
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Q12	If you need more space, or have any other general comments, please leave them here

26 August 2022

Draft District Plan Feedback  
Waitaki District Council  
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### Draft District Plan Feedback

Please find attached comments from the Department of Conservation (DOC) in respect of the Draft Waitaki District Plan.

The comments cover aspects of the draft plan changes where DOC has an interest. In particular the comments are guided by DOC's functions as a significant land manager and administrator of public conservation land, responsibilities for managing natural heritage under the Conservation Act 1987, responsibilities regarding the implementation of the New Zealand Coastal Policy Statement 2010, and interest in implementation of Te Mana o te Taiao Aotearoa New Zealand Biodiversity Strategy 2020.

Given the nature of the process these comments are generally at a high level rather than detailed drafting, and there may be further or different comments once the final version is notified. I also note that we are currently involved in the review of the MacKenzie District Plan, so will be keen to see the two plans align where appropriate.

I would like to recognise the positive and proactive approach that your staff and consultants have taken in working with DOC as the draft plan was prepared. It is pleasing to see that many of those earlier comments have been incorporated into this version. I hope you find these further comments to be constructive and helpful, and DOC looks forward to continuing to work collaboratively with Council through the process.

Please contact Murray Brass in the first instance if you wish to discuss any of the matters raised in the attached comments, at [mbrass@doc.govt.nz](mailto:mbrass@doc.govt.nz) or on 027 213 3592.

Yours sincerely



Karina Morrow  
Operations Manager, Manahuna  
Department of Conservation

## **Introduction and General Provisions**

- Support recognition of NZCPS and other national direction
- Support inclusion of Mana Whenua section

## **Definitions**

- Kettle hole: Although this term is referred to in the definition of wetland, which is appropriate, it may be helpful to define kettle hole as “Depression, often bowl-shaped and usually without surface drainage, formed among glacial deposits at a time of glacial retreat”.
- Plantation forestry: As raised in discussions about the Otago RPS, need to ensure that definitions and plan provisions adequately capture permanent forestry including carbon forests.
- Wilding pine: although the definition itself is constrained by the NES-PF definition, we suggest adding an explanatory note for the sake of clarity that within the Waitaki District species which have been identified as meeting the definition include *Pinus contorta* (lodgepole pine), *Pinus nigra* (Corsican pine), *Larix decidua* (European larch), *Pseudotsuga menziesii* (Douglas fir or Oregon), and *Pinus ponderosa* (ponderosa pine). It could also be helpful to refer to the Otago Regional Pest Management Plan.

## **Strategic Directions**

- SD-NE-01: At this high level, the strategic direction should include enhancement of the natural environment, not just protection. The wording is ambiguous, and could be read as limiting the provision to only those elements which “strongly contribute...”, which would be inconsistent with the Act and national direction. Suggest including enhancement, and clarifying that the natural environment is to be protected and enhance because it “strongly contributes...”
- Support strategic directions for Ōamaru Harbour and Dark Skies.

## **Energy**

- ENG-P5: Support requirement to avoid significant adverse effects on SNAs
- ENG-P6.4 b): Support requirement to minimise adverse effects on ecology, but it needs to be clear that this is not limited to effects on “terrestrial ecology and avifauna” as effects on aquatic or coastal ecology may also be relevant. Reference to the “community affected” should be shifted elsewhere, as measures which benefit the community would be a separate consideration to ecological offsetting or compensation.
- ENG-P8.7 b) Support recognition of new technology, but same comments apply here as for ENG-P6.4 b).
- ENG-P9: Support provision for offsetting and compensation. The offsetting criteria in ECO-P2 only apply within SNA, is the intention that NPS-IB or RPS criteria apply elsewhere? What criteria will apply to environmental compensation?
- ENG(WPS)-O2: Support protection for overlays within the Waitaki Power Scheme.
- ENG(WPS)-P5: Support protection for overlays which could be affected by future development of the Waitaki Power Scheme.

## **Infrastructure**

- The Objectives do not recognise the need to manage the effects of infrastructure. Suggest including equivalent objectives to ENG-02 and ENG-03.

- INF-P19: Support restrictions on new and upgraded infrastructure within the Coastal Environment, consistent with NZCPS.
- INF-P20: Support restrictions on new and upgraded infrastructure within ONFLs and SNAs.
- INF-R7: Support permitted activity status for walkways, cycleways and shared paths subject to conditions. In terms of Conservation land, this rule should apply to all “Public Conservation Land” not just reserves (eg marginal strips, stewardship land). The restriction to “nominated contractor or agent” will be too narrow in some cases, so should also allow for third parties operating under an agreement.

### **Activities on Surface of Water**

- ASW-P7: Motorised vessels in particular can impact on native fish and birds, including nesting, so need to reference them here or have a clear link to NE provisions.
- ASW-R1: Support Wairepo Arm and Lelland Ponds being excluded from the permitted activity. In previous comments we noted we were considering whether restrictions on Lake Middleton should be included, we now consider that it should be added to the exclusions.
- For consistency between districts suggest that both the Dobson and Hopkins River should also be excluded from the permitted activity for motorised and powered vessels.
- Support activity status where ASW-R1 is not complied with being non-complying, as such activities should not be contemplated by the plan.
- Suggest adding reference to DOC braided river code [Conservation of braided river birds, South Canterbury \(doc.govt.nz\)](#)

### **Coastal Environment**

- Generally support the proposed objectives and policies as giving effect to NZCPS
- CE-R1 and CE-R2: Do these need to be clarified to ensure that they do not apply to existing pasture and crops?
- CE-R8 to CE-R10: support these restrictions on activities which are inappropriate in the coastal environment.
- Vehicles accessing beaches is a significant issue for indigenous vegetation and wildlife in some locations (e.g. Bushy Beach). We encourage Council to recognise the issues in this chapter, and consider controls either here or through bylaws.

### **Earthworks**

- Support the overall approach, including restrictions for sensitive locations and the application of rules to all zones.

### **Papakāika**

- Support including specific provision for Papakāika in the plan, subject to feedback from mana whenua.

### **Historic and Cultural Values**

- Generally support the proposed approaches, including the positive provisions to support ongoing use of heritage items and to support mahika kai activities.

## **Ecosystems and Indigenous Biodiversity**

- We note that since most of the work on this section was done, the Government has now released an exposure draft NPS-IB. Where there are definitions, provisions and criteria in the draft Waitaki District Plan which are potentially affected by the NPS-IB, we encourage Council to align its drafting with the exposure draft as much as possible. This is partly to reduce the risk of 're-work' being required when the NPS-IB is gazetted, but also simply in recognition that the exposure draft represents the current national best thinking on how to deal with indigenous biodiversity in the RMA context.
- Generally support the proposed objectives as giving effect to s6 and higher order documents.
- ECO-P1: Support identification of SNAs both through the plan and 'on merits' through consent processes.
- ECO-P2: Support this policy, including that it applies to SNAs identified through the consent process. Note that for this to be effective, effects on biodiversity needs to be included in the matters of control/discretion for CON and RDIS activities which could affect SNA values.
- ECO-P3: Suggest a subclause be added to Clause 2 to provide for indigenous vegetation clearance within an SNA where it is required as part of maintenance or restoration of indigenous vegetation or habitats of indigenous fauna.
- ECO-P5: Support this policy, as it appropriately recognises the value of indigenous biodiversity outside areas that would qualify as SNAs.
- ECO-P6: Support this policy, but suggest that Clause 2 could apply to pest plants generally, not just wilding conifers.
- ECO-R1: These permitted activities for indigenous vegetation clearance and the associated Standards are a critical part of the plan from DOC's point of view. Although we generally support provision for existing activities and small amounts of clearance in certain circumstances, we have concerns that the draft provisions could lead to undue loss and fragmentation of indigenous vegetation. We will consider this matter further prior to the formal submission process, and would be happy to discuss this further directly with Council.
- ECO-R1 PER-8: Support this exemption, but it should refer to "mahika kai activities" so that the relevant definition applies.
- ECO-R2 PER-2: Suggest reducing the clearance distance outside areas covered in PER-1 to 0.5m recognising the high values of SNAs.
- ECO-R2 PER-3: This should refer to "mahika kai activities" as above.
- ECO-R2: Recommend adding a further PER-4 to apply where the vegetation clearance is required as part of maintenance or restoration of indigenous vegetation or habitats of indigenous fauna.
- ECO-R3: Recommend adding a further PER-4 to apply "or" where the earthworks are required as part of maintenance or restoration of indigenous vegetation or habitats of indigenous fauna.
- ECO-S4: In addition to the listed sensitive habitats we recommend this be expanded (or covered in a separate Standard) for rare and threatened habitats (as listed in Table 3 of Holdaway et al., 2012; Conservation Biology 26:4), with examples relevant to the district including ephemeral wetlands, dunes, calcareous boulder fields, cliffs, scarps, coastal turfs), with no vegetation clearance of any size allowed as a permitted activity.
- Appendix 2: While we support the inclusion of this appendix and the sites it contains, it misses many known significant sites in the MacKenzie Basin, Macraes, hill county, rivers and lowland habitat, etc. As with ECO-R1 above, we will consider this matter further prior to the formal submission process, and would be happy to discuss this further directly with Council.

### **Natural Character**

- Subject to National Planning Standard requirements, would it be more useful to include reference to riparian margins in the title of this chapter, given that is all it applies to now.
- NATC-P2: This policy seems unnecessarily complex and uncertain. Clause 1 refers to functional and operational need without any test of whether the underlying activity is appropriate in a riparian margin, while clause 2 relies on a definition of essential structure which is used nowhere else in the plan. It would be clearer and more certain to combine these into one clause and specify the activities / structures it applies to.
- NATC-P5: support provision for restoration and enhancement.
- NATC-R1: Suggest adding Department of Conservation to PER-2, given that a lot of riparian margins are Public Conservation Land.
- NATC-R2: Should also provide for vegetation clearance where it is required as part of maintenance or restoration of indigenous vegetation or habitats of indigenous fauna.
- NATC-R2 and NATC-R4: Do these need to be clarified to ensure that they do not apply to existing pasture and crops?

### **Natural Features and Landscapes**

- It would be helpful to note in the introduction that NFL specific to the Coastal Environment is dealt with in the CE chapter.
- Support the 'two tier' approach, to recognise locally important NFL / 'amenity landscapes' and deal with them separately to ONFs and ONLs.
- NFL-O2 and NFL-P9: Support these provisions in terms of wilding conifers, but note that there are other pest plants which are also an issue terms of landscape values (e.g. Rowan, Elder, Silver Birch, Elderberry, Crack/Grey Willow).
- NFL-R1 to NFL-E4: The matters of discretion for these rules include reference to appropriate planting. We would encourage use of indigenous species, as these are most likely to be appropriate in the setting.
- NFL-P3 and NFL-P4: The rule headings refer to inappropriate activities, but the rules themselves in effect determine what is appropriate. It could be clearer (without risking '*King Salmon*' interpretation issues) if the headings referred to "Avoiding inappropriate..."

### **Public Access**

- Generally support these provisions, but note that there are circumstances where access needs to be prohibited or restricted in order to protect indigenous vegetation or habitats of indigenous fauna.

### **General Rural Zone**

- The Objectives and Policies have been considerably slimmed down from the previous draft we commented on, to concentrate on rural production and character. Given that, it would be important to include reference in the Introduction to the chapters which also apply to the General Rural Zone and deal with issues not covered in this chapter (e.g. NFL, ECO, CE).
- GRUZ-R1: Support at least discretionary status for farming goats, thar, chamois or fitch. However, there are other legal restrictions on farming thar or fitch which could effectively make farming them impossible, and we consider that further consideration is needed of the provisions throughout the plan for these animals and wallabies to avoid unnecessary risk to indigenous biodiversity.
- GRUZ-R2: PER -5: We support the restriction on exotic tree planting within areas of Otago Skink and Grand Skink habitat. We do note that there are also other threatened lizard

species found within the Waitaki District (lakes Skinks, scree skink etc) – while mapped overlays are not available for them, we would encourage Council to ensure that they are adequately protected through other provisions in the plan.

- GRUZ-R15: We support restrictions on carbon forestry as drafted.
- Conservation activities are not specifically provided for as a permitted activity in this zone, unlike the Open Space and Sport and Active Recreation Zones. Given that much conservation activity occurs within the General Rural Zone, it would improve certainty and consistency to include a specific permitted activity.

### **Designations**

- DOC staff are dealing directly with Council to confirm designation requirements.