

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Hearing 21A: Significant Natural Areas

of the Proposed Waikato District Plan

STATEMENT OF EVIDENCE OF MARIE-LOUISE (MIFFY) FOLEY

For the Waikato Regional Council

DATED 29 October 2020

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1 Introduction

- 1.1 My name is Marie-Louise (Miffy) Foley. I am a Senior Policy Advisor in the Integration and Infrastructure Section at the Waikato Regional Council. I have been in this role since February 2019.
- 1.2 I hold the academic qualifications of a Bachelor of Sciences from the University of Waikato and a Graduate Diploma in Urban and Regional Planning from the University of New England in New South Wales (NSW), Australia. I am an intermediate Member of the New Zealand Planning Institute.
- 1.3 My role with Waikato Regional Council has been as a member of the Policy Implementation Team which involves working with the territorial authorities of the Waikato Region and with neighbouring regional councils to assist in the development of consistent integrated regional policy. I am also involved with Future Proof and a number of the Hamilton to Auckland Corridor Plan work streams. I represent Waikato Regional Council on the Future Proof Technical Implementation Group.
- 1.4 I have 15 years' experience working in the planning field. Prior to my role with Waikato Regional Council, I was employed as a policy and strategic planner in local government in NSW for over 13 years.
- 1.5 I confirm that I am familiar with the Code of Conduct for Expert Witnesses as set out in the Environment Court Practice Note 2014. I have read and agree to comply with the Code. Except where I state that I am relying upon the specified evidence or advice of another person, my evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2 Scope of Evidence

- 2.1 My evidence is given on behalf of Waikato Regional Council.
- 2.2 The submission made by Waikato Regional Council addressed a number of aspects of the proposed District Plan that relate to the significant natural area (SNA) provisions, both in support and opposition, and requested numerous amendments. These were to ensure that the proposed provisions are aligned with the Waikato Regional Policy Statement (RPS), particularly Chapter 11 Indigenous Biodiversity. Some of them also refer to the New Zealand Coastal Policy Statement 2010 (NZCPS). I was not involved in

the preparation of Waikato Regional Council's submission, dated 18 September 2018. However, I led the preparation of the further submission, dated 15 July 2019.

- 2.3 I have read the s42A report prepared by Ms Chibnall as well as the Significant Natural Areas Assessments report dated 17 October 2020 prepared by Mr Turner.
- 2.4 My evidence reinforces the Waikato Regional Council submission and reflects my professional opinions as a resource management policy advisor. I also rely on the evidence of Dr Deng. The focus of my evidence is on:
- Removal of SNAs that have not been ground truthed from map overlay;
 - Significant habitats of indigenous fauna,
 - Removal of Policy 3.2.2 Recognise and identify,
 - Inclusion of environmental compensation in Policy 3.2.3 Management hierarchy, and
 - Policy 3.2.6 Providing for vegetation clearance.

3 Summary of evidence

- 3.1 I do not support the s42A report recommendation to remove the majority of SNA from the planning maps and instead rely on the criteria for an SNA contained in Appendix 2 of the proposed plan due to the inaccuracy of the SNA mapping.
- 3.2 For much of the District's significant indigenous biodiversity this is maintaining the status quo approach which I do not believe gives effect to the RPS, particularly Section 11 of the RPS which seeks to address declining biodiversity through policies and implementation methods aimed at maintaining or enhance indigenous biodiversity.
- 3.3 As highlighted in Dr Deng's evidence, Mr Turner's report is not adequately robust or comprehensive to be used as the basis for a decision of this magnitude. Further, the plan is progressing through a comprehensive consultation process as per Schedule 1 of the Resource Management Act 1991 (RMA), in addition to the multiple opportunities for landowners to be involved in the lead up to the notification of the plan.
- 3.4 In my experience, plan mapping is a representation of reality rather than a confirmation of the exact location of an item or area on the ground. I note that recent approaches of District Plans notified under the NZ planning standards contain terms

and conditions to address this matter. The Panel could consider a similar approach here.

- 3.5 The implications of having a SNA inaccurately identified on a property are minor or could be mitigated to an extent by permitted activity standards. The notified version of Stage 1 was publicly notified on 18 July 2018 and from that date, the rules relating to SNA have had legal effect since Stage 1 was publicly notified on 18 July 2018. It would be useful for the Council to clarify how the notified rule framework has been working and if any issues with the identification of SNAs have been addressed through the consent process.
- 3.6 As outlined in Dr Deng's evidence, there are significant risks associated with not showing SNA sites on the planning map in terms of potential further loss of biodiversity across the District. Identifying SNAs on the plan maps provides a clear and certain way of addressing a matter of national importance under the RMA. Not mapping SNAs places a more onerous requirement on landowners who wish to clear or modify indigenous vegetation under permitted activity standards as each one will need to engage specialist ecological services to assess the vegetation which I do not believe would be efficient or effective in meeting Objectives 3.1.1 and 3.2.1 of the Plan of as per the s32 of the RMA.
- 3.7 Including the mapping in the proposed district plan is preferred as it:
- (a) ensures that the SNAs are 'identified' as per the RPS.
 - (b) is clearer and more targeted than the operative plan which hasn't necessarily protected SNAs.
 - (c) is more cost effective to fund targeted assessment than assess larger areas.
 - (d) removes uncertainty and unnecessary costs for those outside of mapped areas.
- 3.8 The Panel could consider a variation to the proposed district plan to allow for this refinement to be completed and then add the mapping to the plan at a later date. I understand that the NPS IB is currently 'pending approval' and likely to be released in April 2021 which would allow incorporation of NPS requirements at the same time.
- 3.9 Further, should the Panel retain the SNA mapping as requested, I request that they also provide a mechanism to manage areas that meet the WRPS 11A criteria and have not been identified and mapped in the Proposed Plan as per WRC submission point 81.20.

- 3.10 In relation to identified areas of significant habitat of indigenous fauna, there is the opportunity to include additional matters of control and matters of discretion to ensure that habitat that meets Criterion 3 is considered when activities are proposed that might impact that habitat. This is particularly relevant in relation to bat habitat given the known long tailed bat population within the Waikato District.
- 3.11 As with my position on the mapping, I request that *Policy 3.2.2 Recognise and identify* be retained but with amendments to address Ms Chibnall's concerns about cross-referencing to the RPS. This policy is giving effect to Policy 11.2 of the RPS which in turn addresses the requirements of s6(c) of the RMA to protect areas of significant indigenous vegetation and significant habitat of indigenous fauna in terrestrial, freshwater, coastal and marine environments.
- 3.12 Ms Chibnall has recommended an additional subclause to allow for environmental compensation but noted that it would be beneficial for WRC to provide comment on environmental compensation in light of RPS subclause 11.1.8 (b) Plan Development which states that local authorities should consider using other economic instruments to maintain or enhance indigenous biodiversity. The RPS does not mention environmental compensation but it could potentially be considered as an alternative economic instrument. I consider that more work should be undertaken to define clear limits to when and how it would be used.
- 3.13 As per WRC's original submission, I request that *Policy 3.2.6 Providing for vegetation clearance* is amended to recognise that only clearance with minor adverse effects on indigenous biodiversity will be enabled as a permitted activity, and that the policy is relocated under *Section 3.1 Indigenous Vegetation and Habitats* with the specific reference to SNA removed to recognise that it also applies to other indigenous vegetation.

4 Removal of the majority of SNA from the map overlay

- 4.1 Waikato Regional Council's submission point 81.101 supported the identification of significant indigenous biodiversity on the planning maps. Ms Chibnall rejects this point in s42A report for Hearing 21A and recommends:

- (a) Retaining the mapped SNA sites in the Planning Maps only where Council is certain of the extent and quality of the indigenous vegetation as a result of ground truthing;

- (b) Deleting all other SNA sites from the Planning Maps that have not been ground truthed;
- (c) Amending the SNA provisions to apply to every piece of indigenous vegetation that meets the criteria for an SNA contained in Appendix 2 or those areas mapped as such on the planning maps; and
- (d) Promulgating a series of plan changes specific to each geographical area as a subsequent process to reintroduce the full mapping concept back into the District Plan, and delete the application of the general SNA criteria from each geographical area through each plan change.

4.2 For much of the District's significant indigenous biodiversity this will have the effect of maintaining the status quo approach for an indeterminate period. As discussed in Issue 1.1 State of resources of the RPS, indigenous biodiversity is continuing to decline, mainly due to reducing health and extent of natural ecosystems. Section 11 of the RPS seeks to address this through policies and implementation methods which aim to maintain or enhance indigenous biodiversity. I do not believe that the approach proposed in the s42A report gives effect to the RPS.

4.3 As noted in the s42A report, WRC met with WDC staff on 10 September to discuss the SNA mapping in light of the concerns noted in the s42A report. The outcome of that meeting was that:

- (a) WRC's preference was to retain SNA on the planning maps and to amend the rule framework to refer to SNAs more generally. This would allow for an applicant to have an assessment of a mapped SNA to determine its boundaries should they wish to go beyond the permitted activity standards and do not believe it is an SNA.
- (b) While mapping all the SNAs was preferred, WRC considered that a modified Option 5 could work. This would involve mapping an agreed set of SNAs where confidence is higher (ground truthed SNA, SNAs identified as higher confidence in the WRC dataset such as Department of Conservation (DoC) estate) and identifying all other SNAs on a schedule which would then require an assessment to determine the spatial extent and values of the SNA at time of resource consent when the values may be at risk from development activity.

4.4 RPS Figure 11 (below) sets out the roles and responsibilities of regional council and district council's in relation significant indigenous vegetation and the process to be followed. I understand this is the process that has been followed for the SNA data as

mapped in the notified plan and this is set out in the WRC technical report *Significant natural areas of the Waikato District: terrestrial and wetland ecosystems*¹.

11B Significant indigenous biodiversity roles and responsibilities

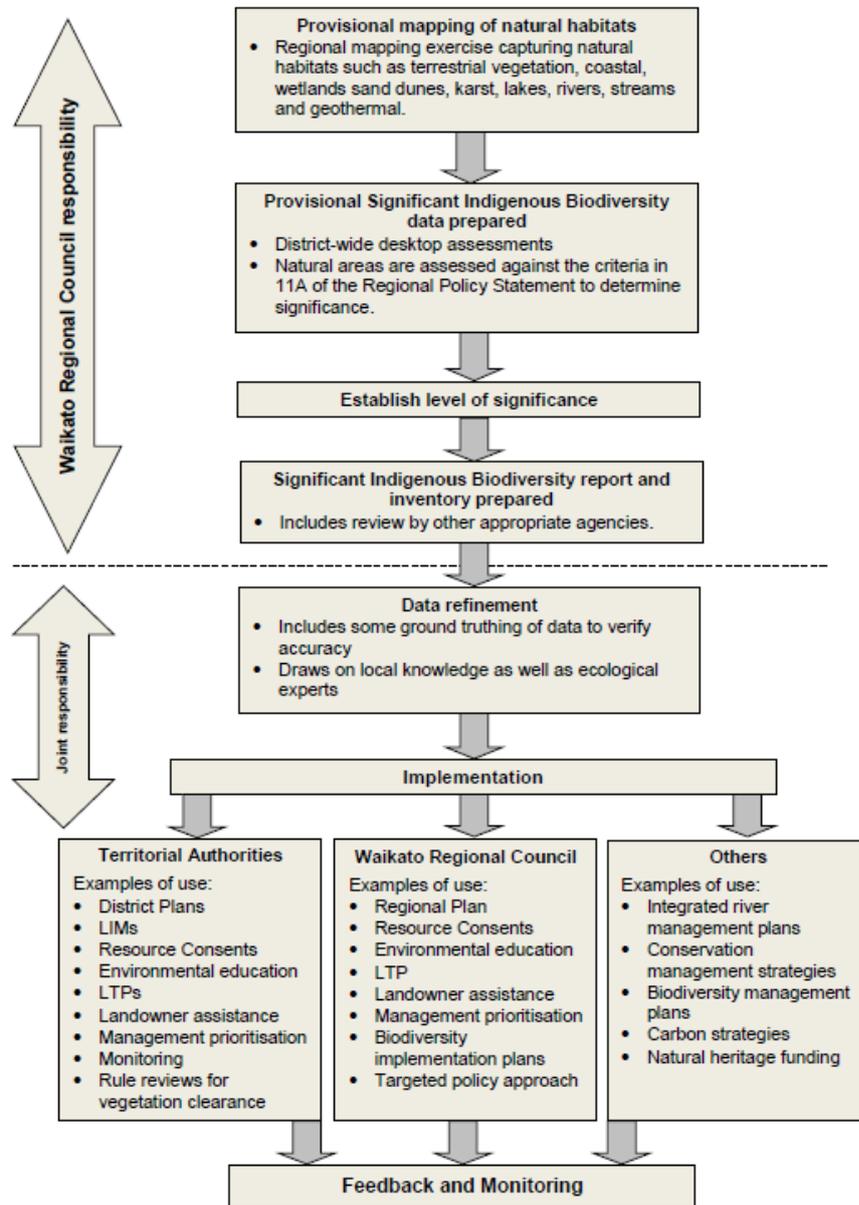


Figure 11: Significant indigenous biodiversity roles and responsibilities

4.5 Further, the plan is progressing through a comprehensive consultation process as per Schedule 1 of the Resource Management Act 1991 (RMA), in addition to the multiple opportunities for landowners to comment in the lead up to the notification of the plan

¹ Kessels and Associates, 2017. Significant Natural Areas of the Waikato District: Terrestrial and wetland ecosystems. Waikato Regional Council Technical Report 2017/36. Hamilton, Waikato Regional Council. <https://www.waikatoregion.govt.nz/assets/WRC/WRC-2019/TR201736.pdf>

as noted in Dr Deng's evidence² and the s32 report for biodiversity. The notified plan included 698 sites, comprising an area of 71,312 ha (16.4%) of the Waikato District, as significant natural areas.

4.6 As highlighted in Dr Deng's evidence³, Mr Turner's report is not adequately robust or comprehensive to be used as the basis for a decision of this magnitude. Site visits were undertaken of SNAs on 40 properties based on submissions received from landowners (some in relation to the same SNA e.g. neighbours with part of an SNA on both properties). Mr Turner notes that fewer than 25% of SNA boundaries surveyed remained as per the District Planning Maps following ground truth survey he conducted and seems to extrapolate this figure to apply to all SNAs as a basis to make his judgement that SNA data is too inaccurate to rely on. However, this cannot be taken to be a representative sample because these sites have been visited only because a landowner has raised concerns with the SNA mapping. We cannot know if the remaining landowners did not make a submission because they are comfortable or ambivalent with the SNA overlay or because they are unaware of the process. While Mr Turner⁴ has recommended changes to nearly half of the 40 sites visited, as noted in Dr Deng's evidence⁵, many of these changes are relatively small in relation to the SNA as whole and in terms of the district.

4.7 In my experience, plan mapping is a representation of reality rather than a confirmation of the exact location of an item or area on the ground. I note that recent approaches of District Plans notified under the NZ planning standards contain terms and conditions to address this matter. The Proposed New Plymouth District Plan states that:

New Plymouth District Council has made every reasonable effort to provide complete and accurate information on the e-plan. However the Council does not guarantee ...That the planning map information gives the exact location of features when viewed on the ground.

4.8 Selwyn District Plan also contains the same condition in regard to planning maps. I consider that the Panel could adopt such an approach for this district plan.

² Evidence of Dr Deng, paragraph 3.3

³ Evidence of Dr Deng, paragraph 3.1 – 3.4

⁴ S42A Report – Appendix 3 – SNA Assessments

⁵ Evidence of Dr Deng, paragraph 3.2

- 4.9 A number of the amendments are to remove areas of grass or ‘garden environments’. In terms of implications of having a SNA incorrectly identified on a property, if the SNA overlay is over grass or exotic trees, then rules around indigenous vegetation clearing will not be triggered should they be seeking to remove exotic vegetation or pest plants.
- 4.10 Earthworks under the permitted activity standards maybe more limiting for landowners with an SNA incorrectly identified on their property. This could be mitigated to an extent by a permitted activity standard to allow for minor earthworks that do not involve removal or disturbance of indigenous vegetation.
- 4.11 As outlined in Dr Deng’s evidence⁶, there are risks associated with not showing SNA sites on the planning map in terms of potential further loss of biodiversity across the District. In my opinion, there are also implications for plan interpretation and administration. Overlays are generally used to impose targeted provisions to specific locations where values exist. This approach increases certainty as to who is affected by the additional provisions and who is not.
- 4.12 There is also internal inconsistency with how other overlays within the plan are dealt with. For example, overlays for natural character, landscape, and coastal environment are all identified on the planning maps. There is no logical planning reason not to do the same for biodiversity and SNAs.
- 4.13 There are also potential issues (cross-boundary and integrated management) associated with such an approach and the approach adopted by other TAs who have utilised the SNA data on plan maps with supporting objectives, policies and rules. Although the WRPS does not explicitly require SNAs to be mapped, there are numerous reasons that would support such an approach in terms of plan effectiveness.
- 4.14 Mapping biodiversity sites on the plan maps will provide:
- (a) internal plan consistency;
 - (b) improved cross-boundary and integrated management of biodiversity resources;
 - (c) increased certainty for landowners;
 - (d) reduced costs for activities outside of identified SNAs; and

⁶ Evidence of Dr Deng, paragraph 4.2

(e) improved plan interpretation and implementation.

- 4.15 The s42A report, while recommending an inside SNA vs. outside SNA approach to clearance rules, does not address how SNAs will be identified or confirmed and ground truthed for determining the rule pathway that applies. In my opinion, identifying the rule pathway and whether consent would be required is further blurred by Section 12. Section 12.5 of the Proposed District Plan advises “How to find out if a resource consent is needed” and notes that Step 2 is to confirm any notation, overlay or designation on the planning maps applies, then confirm the activity status by looking at the rules. This initial step, to see if the SNA “overlay” rules apply to a property, may be the only step taken by a landowner or applicant if they see no SNA sites on the plan maps applying to their property.
- 4.16 How will a landowner know that an “overlay” rule applies if there is not the relevant layer on the planning maps to raise a ‘red flag’? They will only know which category of permitted activity standards apply, or if consent is required, if they have the indigenous vegetation assessed against the criteria in Appendix Two which will require the expertise of an ecologist. A landowner is unlikely to be able to assess the indigenous vegetation on their property against the criteria as it requires specialist knowledge. As reiterated in the Environment Court’s third interim decision to appeals on Queenstown Lakes District Council’s Plan Change 19⁷ an activity’s status must be clear from the plan. In the absence of mapping, I believe that the district plan would require a general district-wide indigenous vegetation clearance rule with a very low threshold for permitted activities. This may be a valid alternative, but would represent a significant change in approach and higher regulatory burden.
- 4.17 As noted on the Waikato District Council’s website⁸, the notified version of Stage 1 was publicly notified on 18 July 2018 and from that date, proposed objectives and policies have legal effect as do the rules relating to SNA (shown coloured green in the notified plan). Given that these rules have been in place for more than a two year period, I would assume that council would have considered resource consent applications and made determinations on the proposed SNA rules. It would be useful for the Council to clarify

⁷ Environment Court Decision No. [2014] NZEnvC 93

⁸ <https://www.waikatodistrict.govt.nz/your-council/plans-policies-and-bylaws/plans/waikato-district-plan/district-plan-review/stage-1/notified-version>

how the notified rule framework has been working and if any issues with the identification of SNAs have been addressed through the consent process.

- 4.18 I do not believe that the approach proposed by Ms Chibnall will effectively protect areas of significant indigenous vegetation and significant habitats of indigenous fauna. Identifying SNAs on the plan maps provides a clear and certain way of addressing a matter of national importance under the RMA. Not mapping SNA places a more onerous requirement on landowners who wish to clear or modify indigenous vegetation under permitted activity standards as each one will need to engage specialist ecological services to assess the vegetation against Appendix 2 of the Plan in order to determine the applicable rule framework. I do not believe this would be efficient or effective in meeting Objectives 3.1.1 and 3.2.1 of the Plan of as per the s32 of the RMA.
- 4.19 While I appreciate the concerns of Ms Chibnall that the data is not completely accurate, not having been completely ground truthed, as outlined by Dr Deng⁹, WRC and WDC have been through a comprehensive, collaborative process to refine the data.
- 4.20 This situation in relation to use of the provisional data is not unique to WDC. The other territorial authorities (TAs) in the region have addressed this issue in various ways where the preferred approach across the rest of the region has been to seek landowner permission through the district plan review process to ground truth the data and make necessary amendments. For sites that could not be ground truthed, the provisional data is utilised in the district plan as the “trigger” for resource consent at some time in the future when the biodiversity values may be at risk from a change in land use activity.
- 4.21 Some TAs have refined their approach slightly, such as South Waikato District, where they focussed on the ground-truthing of SNA sites of low confidence (the technical data within the report has “levels of confidence” attached to each site). The majority of TAs within the region either have, or are working towards, mapping SNA’s and linking them to specific rules in their plan¹⁰. I understand that the anticipated National Policy Statement for Indigenous Biodiversity (NPS IB) will likely require this approach.

⁹ Evidence of Dr Deng, paragraph 3.3 – 3.5

¹⁰ Hauraki District Council, Waipa District Council, Hamilton City Council, Rotorua Lakes District Council, and South Waikato District Council include SNA mapping in their district plans. Waitomo District Council and Taupo District Council are in the process of updating and including SNA mapping through their district plan

- 4.22 My recommended approach, informed by the technical evidence of Dr Deng, is to retain the SNA map overlay in the proposed district plan and to amend the rule framework to refer to SNAs more generally. This then allows for an applicant to have an assessment of the mapped SNA to determine its boundaries should they wish to go beyond the permitted activity standards and do not believe it is an SNA.
- 4.23 This could be achieved by defining SNAs as those areas mapped on the planning maps (which could be called potential SNAs as per Wāipa District Council's approach) or those areas that meet one or more of the criteria in Appendix 2 of the Plan, as assessed by a qualified ecologist, and deleting reference to 'identified significant natural areas'.
- 4.24 WRC would also continue to work with WDC and their expert Mr Turner to refine the SNA dataset to help inform when an assessment may be necessary and any assessments undertaken will help refine WRC's data set.
- 4.25 The Panel could also consider a variation to the proposed district plan to allow for this refinement to be completed and then the mapping added to the plan at a later date. I understand that the NPS IB is currently 'pending approval' and likely to be released in April 2021. This is preferable to a rolling series of plan changes as there is no certainty as to if and when these plan changes would occur, and if the variation were to commence post April 2021, it would allow for a single approach to give effect to both the RPS and the NPS IB which would be an efficient use of resources.
- 4.26 Including the mapping in the proposed district plan is preferred as it:
1. ensures that the SNAs are 'identified' as per the RPS.
 2. is clearer and more targeted than the operative plan which hasn't necessarily prevented removal of SNAs.
 3. is more cost effective to fund targeted assessment than assess larger areas.
 4. removes uncertainty and unnecessary costs for those outside of mapped areas.
- 4.27 WDC could continue to assist with funding for ecological assessments when required as was the position under the operative district plan. I understand that Waitomo

review process. Matamata Piako District Council is yet to review their SNA provisions as part of a rolling district plan review. Thames Coromandel District Council's decision to not map SNAs in urban areas is the subject of a current appeal to the Environmental Court.

District Council have found positive outcomes from engaging with landowners and ecologists when getting assessments undertaken.

4.28 Further, submission point 81.20 requested that the Proposed District Plan be amended to provide a mechanism to manage areas that meet the WRPS 11A criteria and have not been identified and mapped in the Proposed Plan. This has been accepted by Ms Chibnall given her recommended approach will mean that all indigenous vegetation will need assessing against the criteria in Appendix 2 (taken from WRPS 11A criteria). Should the Panel retain the SNA mapping as requested, I request that they also consider this submission point. This will allow for areas that meet the criteria of an SNA but were unknown until an activity is proposed to still be considered. This will ensure that all areas of significance under 6c of the RMA are captured.

4.29 I have mapped out the different approaches for managing SNA through the proposed Plan in Appendix One. These are:

- I. As notified,
- II. S42A report
- III. WRC preferred approach

5 Significant habitats of indigenous fauna

5.1 WRC's submission point 81.28 requested that the proposed plan be amended to consider activities that may impact on the significant habitats of indigenous fauna that have been identified and mapped in the planning maps.

5.2 Ms Chibnall expresses the view¹¹ that the if vegetation is exotic it is likely not to qualify as a SNA and suggests that this issue is a regional/national issue. I disagree that exotic vegetation that is habitat for threatened species does not qualify as an SNA as RPS Criteria 3¹² is:

vegetation or habitat that is currently habitat for indigenous species or associations of indigenous species that are:

- *classed as threatened or at risk, or*
- ***endemic to the Waikato region, or***

¹¹ S42A Hearing Report - Hearing 21A - Natural Environments - Part 2 Rules, paragraph 634.

¹² Waikato Regional Policy Statement - Table 11-1: Criteria for determining significance of indigenous biodiversity

- *at the limit of their natural range*

- 5.3 I am of the opinion that there is the opportunity to include additional matters of control and matters of discretion, within and outside of SNA, in the rule chapters to ensure that habitat that meets Criterion 3 is considered when activities are proposed that might impact that habitat. This is particularly relevant in relation to bat habitat given the known long-tailed bat¹³ population within the Waikato District, particularly throughout the Tamahere gullies as noted in Mr Turner's report¹⁴.
- 5.4 As per the 'Explanation' in RPS for Implementation method 11.2.4 - The intention is for areas of significant indigenous vegetation and significant habitat of indigenous fauna to be identified either at a regional scale by Waikato Regional Council (significant natural areas project), or as a consequence of managing activities through regional and district plans (Method 11.2.2). It is important that regional and district plan provisions provide for the identification of additional areas, including those not identified in Method 11.2.1 which are difficult to detect at the regional scale due to limitations in technology.
- 5.5 However, I do note in relation to responsibility for mapping and protection of fauna species that WRC's submission on the NPS IB in relation to highly mobile fauna was as follows:

The Council acknowledges that resource management plans have a role in managing impacts on highly mobile fauna, through habitat protection. However, we do not agree with local authorities being given the role of survey, sourcing and disseminating data, or protection of species per se. This would present a significant transfer of roles from DoC to councils and places species conservation in an RMA framework. Councils do not have expertise, information or capacity to undertake this role. The management of highly mobile fauna is more effectively implemented by central government, perhaps alongside review of species protection legislation such as the Wildlife Act.

¹³ Listed as being 'Threatened - nationally critical' by DoC. (Nationally Critical: most severely threatened, facing an immediate high risk of extinction)

¹⁴ S42A Report – Appendix 3 – SNA Assessments

6 Removal of Policy 3.2.2 Recognise and identify

- 6.1 In line with the discussion above regarding the planning maps, WRC's submission point 81.99 also requested retention of Policy 3.2.2 which supports the mapping of SNA:

3.2.2 Policy - Identify and Recognise Significant Natural Areas

(a) Identify significant indigenous vegetation and habitats of indigenous fauna in accordance with the Waikato Regional Policy Statement and identify as Significant Natural Areas.

(b) Recognise and protect Significant Natural Areas by ensuring the characteristics that contribute to their significance are not adversely affected.

- 6.2 Ms Chibnall has recommended deleting this policy in its entirety on the basis that this policy is redundant in light of her recommended approach to the identification of SNAs. She further notes that she has concerns with cross-referencing to the Regional Policy Statement. I do agree with this concern as a matter of principle but not for her stated reason that the Regional Council are commencing a review of the Regional Policy Statement and it will undoubtedly change.
- 6.3 It should be noted that while the RPS may need to be reviewed in relation to recent national direction, and to incorporate the upcoming Future Proof Strategy review, the WRC has no plans at present to undertake any review of the criteria for significance in Section 11A of the RPS. The updated criteria have only been in place since 2016 when the RPS became operative. While I am aware that the anticipated NPS IB may in time require WRC to enact some changes to the RPS for consistency, we will not know whether this is the case until the NPS-IB is released. WRC made submissions to the draft NPS-IB noting that the WRPS criteria for significance substantially conformed with the draft NPS-IB criteria.
- 6.4 As with my position on the mapping, I request that this policy be retained but with amendments to address Ms Chibnall's concerns about cross-referencing to the RPS. This policy is giving effect to Policy 11.2 of the RPS which in turn addresses the requirements of s6(c) of the RMA to protect areas of significant indigenous vegetation and significant habitat of indigenous fauna in terrestrial, freshwater, coastal and marine environments:

Policy 11.2 Protect significant indigenous vegetation and significant habitats of indigenous fauna

Significant indigenous vegetation and the significant habitats of indigenous fauna shall be protected by ensuring the characteristics that contribute to its significance are not adversely affected to the extent that the significance of the vegetation or habitat is reduced.

- 6.5 The reference to ‘the characteristics that contribute to its significance’ becomes important in assessing resource consents to ensure that those characteristics are specifically considered through the management hierarchy to make sure they are not compromised. As per the ‘Explanation’ for this policy in the RPS,

The policy and methods recognise that protection of these areas requires that the areas and the characteristics that deem them to be significant are identified, that identification should be carried out in a consistent manner across the region, and that protection will be achieved through both regulatory and non-regulatory methods. Protection of significant sites need not prevent their use where activities will not materially compromise the characteristics or values which deemed the site significant.

7 Inclusion of environmental compensation in Policy 3.2.3 Management hierarchy

- 7.1 WRC’s submission point 81.102 requested amendments to Policy 3.2.3 to better give effect to the RPS. Ms Chibnall has accepted this submission. She also accepted in part the submission points from Meridian Energy Limited (580.13) and Genesis Energy Limited (924.8) requesting inclusion of ‘environmental compensation’ as an option, and recommended an additional subclause to allow for environmental compensation as follows:

(v) If offsetting of any significant residual adverse effects in accordance with Policy 3.2.4. are not feasible then economic compensation may be considered.

- 7.2 Ms Chibnall noted¹⁵ that it would be beneficial for WRC to provide comment on environmental compensation in light of RPS subclause 11.1.8 (b) Plan Development

¹⁵ Section 42A Hearing Report – Hearing 21A Natural Environments page 58

which states that local authorities should consider using other economic instruments to maintain or enhance indigenous biodiversity.

- 7.3 In this regard, the RPS (in Implementation methods 11.1.3 and 11.2.2) provides for biodiversity offsetting within a hierarchy of avoidance, remediation and mitigation and applied to residual adverse effects that cannot be avoided, remedied or mitigated. It does this in slightly different ways for non-significant biodiversity (11.1.3 a) ii)) and significant biodiversity (11.2.2 d) but it does not mention compensation in either provision. In my opinion, if an activity cannot avoid, remedy, mitigate and offsetting is not feasible then the activity should not be consented. Compensation could potentially be considered as an alternative economic instrument but I consider that more work should be undertaken to define clear limits to when and how it would be used to ensure that the overall RPS *Objective 3.19 Ecological integrity and indigenous biodiversity* and relevant policies would be met. This matter was considered at some length by the Biodiversity Collaborative Group¹⁶, The Biodiversity Collaborative Group was a stakeholder-led group that was established by the Minister for the Environment to develop national level policy for indigenous biodiversity. They recommended an approach to compensation that may be applicable. I note that the administration of such a system and ensuring obligations are met and monitored would be a significant additional administrative cost. There has been no commentary or s32AA assessment on whether the Council has the capacity or capability to do this, and how it would work.

8 Policy 3.2.6 Providing for vegetation clearance

- 8.1 Both WRC's submission points 81.251 and 81.252 requested that *Policy 3.2.6 Providing for vegetation clearance* be retained. Submission 81.251 further requested "*Amend Policy 3.2.6 Providing for vegetation clearance* to recognise that only clearance with minor adverse effects in relation to the maintenance or protection of indigenous biodiversity will be enabled as a permitted activity"
- 8.2 This point has been rejected by Ms Chibnall on the basis that RPS Implementation method 11.2.2 (g) states that district plans, excluding activities pursuant to 11.1.4, are to have regard to the functional necessity of activities being in or near SNA where no reasonably practicable alternative location exists, and that this indicates that it is

¹⁶ Report of the Biodiversity Collective Group, 2018
http://www.biodiversitynz.org/uploads/1/0/7/9/107923093/final_online_-_biodiversity_group_report_1_oct_4pm.pdf

expected that there may, on occasion, be adverse effects that are more than minor and that the rules as notified in the PDP relate to those activities and have a functional need as provided for by 11.2.2 (g).

8.3 RPS Implementation method 11.2.2 Protect areas of significant indigenous vegetation and significant habitats of indigenous fauna states that:

Regional and district plans shall

- a) protect areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- b) require that activities avoid the loss or degradation of areas of significant indigenous vegetation and significant habitats of indigenous fauna in preference to remediation or mitigation;*
- c) require that any unavoidable adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are remedied or mitigated;*
- d) where any adverse effects are unable to be avoided, remedied or mitigated in accordance with (b) and (c), more than minor residual adverse effects shall be offset to achieve no net loss; and*
- e) ensure that remediation, mitigation or offsetting as a first priority relates to the indigenous biodiversity that has been lost or degraded (whether by on-site or offsite methods). Methods may include the following:*
 - i) replace like-for-like habitats or ecosystems (including being of at least equivalent size or ecological value);*
 - ii) involve the re-creation of habitat;*
 - iii) develop or enhance areas of alternative habitat supporting similar ecology/significance; or*
 - iv) involve the legal and physical protection of existing habitat;*
- f) recognise that remediation, mitigation and offsetting may not be appropriate where the indigenous biodiversity is rare, at risk, threatened or irreplaceable; and*
- g) have regard to the functional necessity of activities being located in or near areas of significant indigenous vegetation and significant habitats of indigenous fauna where no reasonably practicable alternative location exists.*

8.4 After researching the background to this subclause, I am of the view that this clause should be considered in the same way that the NZ Coastal Policy Statement¹⁷ ‘activities that have a functional need to be located in the coastal marine area’ should be considered i.e. activities with a functional need to be in the CMA are those that can only occur in the marine environment. In this context, it would be activities that can only occur in or near the SNA. It therefore has a limited scope. Further, the explanation in the RPS for this implementation method states:

When applying Method 11.2.2, the expectation is that proposals should reasonably demonstrate that no net loss has been achieved using methodology that is appropriate and commensurate to the scale and intensity of the adverse effects. The application of biodiversity offsetting will be determined on a case by case basis through the decision making processes.

8.5 Method 11.2.2(g) requires that plans shall have regard to the necessity for certain activities to locate in areas of significant indigenous biodiversity where the presence of another resource leads to a functional need for the activity to locate there. Clause (g) does not provide activities with an exemption from the other clauses within Method 11.2.2, it is another matter to be considered through the decision-making process as appropriate.

8.6 In my opinion, the language of the clause also gives an indication that subclause 11.2.2(g) is somewhat subservient to the other subclauses. It uses ‘have regard’ which is less directive than ‘protect’, ‘require’ and ‘ensure’. On this basis, contrary to Ms Chibnall, I do not believe that subclause 11.2.2(g) raises expectations that there will be occasions where more than minor adverse effects would be acceptable. Further, I do not consider that 11.2.2(g) in anyway serves to override the avoid, remedy, mitigate and offset hierarchy established through 11.2.2 (b) to (e).

8.7 As per WRC’s original submission, I request that *Policy 3.2.6 Providing for vegetation clearance* is to recognise that only clearance with minor adverse effects in relation to the maintenance or protection of indigenous biodiversity will be enabled as a permitted activity.

8.8 Submission point 81.251 further requested “Amend or relocate Policy 3.2.6 Providing for vegetation clearance so that it is clear that it applies to both SNA’s and indigenous

¹⁷ Policy 6: Activities in the coastal environment

biodiversity outside of Significant Natural Areas”. Ms Chibnall rejects this submission point on the basis that policies in the Rural Zone adequately address clearing outside of an SNA. However, there are no policies in Chapter 5: Rural Environment relating to vegetation clearance or its effects on indigenous biodiversity.

8.9 Policy 3.2.6 sets the direction around the types of clearance that is provided for through permitted activity standards. The proposed plan also includes permitted activity standards for clearing of indigenous vegetation outside of SNA which should be captured by this policy.

8.10 I suggest moving this policy under *Section 3.1 Indigenous Vegetation and Habitats* and removing the specific reference to SNA.

9 Other submission points

9.1 WRC made a number of other submission points in relation to the SNA which are address in the Section 42A report. I support a number of the recommendations made in the Section 42A Report – see Appendix Two.

10 Conclusion

10.1 I am supportive of a number of the recommendations made in the SNA Section 42A report but have significant concerns with the proposed approach to the mapping of SNA.

10.2 I request an approach which retains the SNAs on the planning maps as follows:

- (a) Retain the SNA map overlay in the proposed district plan, and
- (b) amend the rule framework to refer to SNAs more generally. This then allows for an applicant to have an assessment of the mapped SNA to determine its boundaries should they seek to develop beyond the permitted activity standards and do not believe it is an SNA.

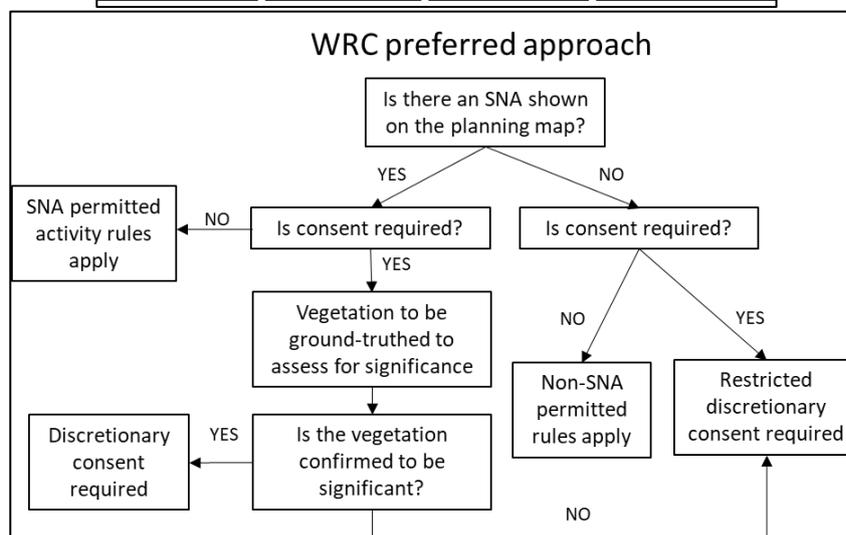
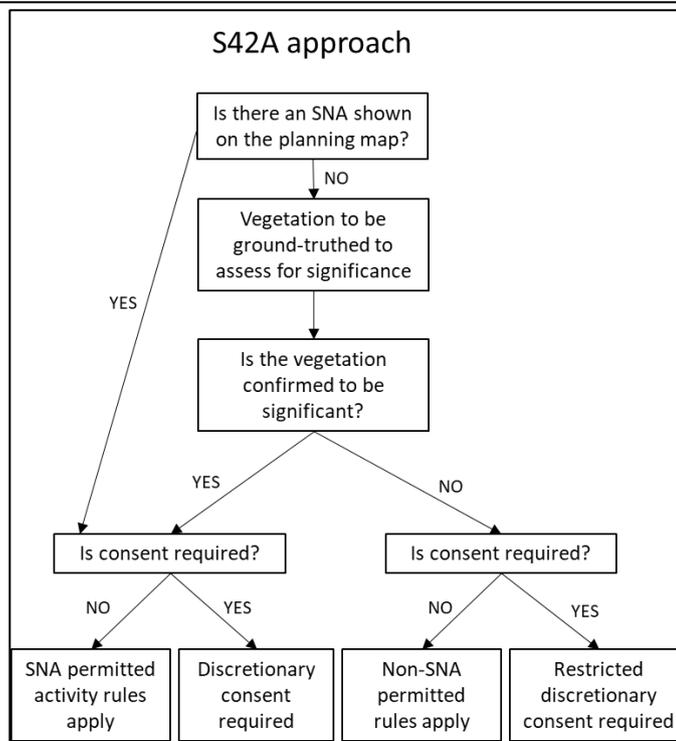
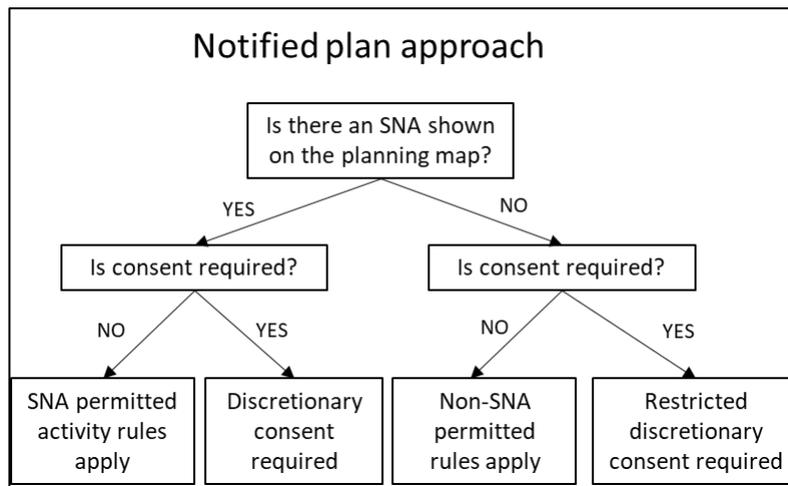
10.3 I also request a small number of other changes to better implement regional direction as outlined in this evidence.

Miffy Foley

29 October 2020

APPENDIX ONE

SNA approaches



APPENDIX TWO

The table below outlines the WRC submission points and further submission points where the s42A recommendations are supported.

Submission Point	Recommendation
81.21	Accepted WRC requested addition of advice notes drawing attention to the provisions of the Waikato Pest Management Plan, particularly for earthworks and fill activities.
81.23	Accepted in part WRC requested addition of issues, objectives, policies and rules to address the spread of Kauri Dieback Disease.
81.27	Accepted WRC requested the retention of mapping of the coastal environment and consider a section that sets out the approach to the coastal environment.
81.29	Accepted WRC requested amendment to Rule 22.2.8 P1(a)(ii) and P2(a)(ii) Indigenous vegetation clearance outside a Significant Natural Area to exclude clearance in wetlands.
81.30	Accepted WRC requested an additional clause to Rule 22.2.8 P1(a)(vii) and P3(a) Indigenous vegetation clearance outside a Significant Natural Area as follows: There is no alternative development area on the site outside of the area of indigenous vegetation clearance.
81.32	Accepted in part WRC requested retention of Rule 22.2.8 RD1 Indigenous vegetation clearance outside a Significant Natural Area for where the permitted thresholds become a restricted discretionary activity.
81.33	Accepted in part WRC requested an additional assessment criteria to Rule 22.2.8 RD1 Indigenous vegetation clearance outside a Significant Natural Area as follows: the extent to which adverse effects have been avoided, remedied, mitigated or offset.
81.34	Accepted WRC requested amendment to Rule 23.2.9 P1(a)(ii) and P2(a)(ii) Indigenous vegetation clearance outside a Significant Natural Area to exclude clearance in wetlands.
81.35	Accepted WRC requested an additional clause to Rule 23.2.9 P1(a)(vii) and P3(a) Indigenous vegetation clearance outside a Significant Natural Area as follows: There is no alternative development area on the site outside of the area of indigenous vegetation clearance.
81.37	Accepted in part WRC requested retention of Rule 23.2.9 RD1 Indigenous vegetation clearance outside a Significant Natural Area with the permitted thresholds becoming a restricted discretionary activity.
81.38	Accepted in part WRC requested an additional assessment criteria to Rule 23.2.9 RD1 Indigenous vegetation clearance outside a Significant Natural Area as follows: the extent to which adverse effects have been avoided, remedied, mitigated or offset.

Submission Point	Recommendation
81.41	Accepted WRC requested retention of Rule 16.2.8 D1 Indigenous vegetation clearance inside a Significant Natural Area.
81.42	Accepted WRC requested retention of Rule 22.2.7 D1 Indigenous vegetation clearance inside a Significant Natural Area.
81.43	Accepted WRC requested retention of Rule 23.2.8 D1 Indigenous vegetation clearance inside a Significant Natural Area.
81.44	Accepted WRC requested retention of Rule 24.2.8 D1 Indigenous vegetation clearance inside a Significant Natural Area.
81.45	Accepted WRC requested retention of Retain Rule 28.2.8 D1 Indigenous vegetation clearance inside a Significant Natural Area.
81.46	Accepted in part WRC requested retention of Rule 16.2.8 P2 Indigenous vegetation clearance inside a Significant Natural Area, except for the amendments sought below AND Amend Rule 16.2.8 P2 Indigenous vegetation clearance inside a Significant Natural Area to exclude clearance of mManuka and Kkanuka in wetlands and the coastal environment from this rule.
81.48	Accepted WRC requested deletion of P6 of Rule 16.2.8 Indigenous vegetation clearance inside a Significant Natural Area.
81.49	Accepted in part WRC requested retention of Rule 22.2.7 P2 Indigenous vegetation clearance inside a Significant Natural Area, except for the amendments sought below AND Amend Rule 22.2.7 P2 Indigenous vegetation clearance inside a Significant Natural Area to exclude clearance of Manuka and Kanuka in wetlands and the coastal environment from this rule.
81.51	Accepted WRC requested deletion of P6 of Rule 22.2.7 Indigenous vegetation clearance inside a Significant Natural Area.
81.52	Accepted in part WRC requested retention of Rule 23.2.8 P2 Indigenous vegetation clearance inside a Significant Natural Area, except for the amendments sought below AND Amend Rule 23.2.8 P2 Indigenous vegetation clearance inside a Significant Natural Area to exclude clearance of Manuka and Kanuka in wetlands and the coastal environment from this rule.
81.54	Accepted WRC requested deletion of P6 of Rule 23.2.8 Indigenous vegetation clearance inside a Significant Natural Area.
81.55	Accepted in part WRC requested retention of Rule 28.2.8 P2 Indigenous vegetation clearance inside a Significant Natural Area, except for the amendments sought below AND Amend Rule 28.2.8 P2 Indigenous vegetation clearance inside a Significant Natural Area to exclude clearance of Manuka and Kanuka in wetlands and the coastal environment from this rule.
81.57	Accepted

Submission Point	Recommendation
	WRC requested deletion of P6 of Rule 28.2.8 Indigenous vegetation clearance inside a Significant Natural Area.
81.58	Accepted WRC requested retention of provisions for sustainable clearance of regenerating Manuka or Kanuka for domestic firewood purposes or for arts or crafts in any chapters not covered in previous submission points, and except for the amendments sought below. AND Amend provisions to exclude clearance of Manuka and Kanuka in wetlands and the coastal environment from this rule (Indigenous vegetation clearance inside a Significant Natural Area) any other area of the Proposed Plan where similar provisions apply.
81.60	Accepted in part WRC requested amendment of Rule 16.2.8 P3 Indigenous vegetation clearance inside a Significant Natural Area by giving it restricted discretionary activity status. AND/OR Amend to provide tighter thresholds/ activity status in the Coastal Environment
81.61	Accepted in part WRC requested amendment of Rule 22.2.7 P3 Indigenous vegetation clearance inside a Significant Natural Area by giving it restricted discretionary activity status. AND/OR Amend to provide tighter thresholds/ activity status in the Coastal Environment.
81.63	Accepted WRC requested amendment of Rule 23.2.8 P3 Indigenous vegetation clearance inside a Significant Natural Area by giving it restricted discretionary activity status. AND/OR Amend to provide tighter thresholds/ activity status in the Coastal Environment.
81.64	Accepted WRC requested amendment of Rule 24.2.8 P3 Indigenous vegetation clearance inside a Significant Natural Area by giving it restricted discretionary activity status. AND/OR Amend to provide tighter thresholds/ activity status in the Coastal Environment.
81.65	Accepted WRC requested amendment of Rule 28.2.8 P3 Indigenous vegetation clearance inside a Significant Natural Area by giving it restricted discretionary activity status. AND/OR Amend to provide tighter thresholds/ activity status in the Coastal Environment
81.66	Accepted WRC requested amendment of provisions for Indigenous vegetation clearance inside a Significant Natural Area (P3) by giving it restricted discretionary activity status. AND/OR Amend provisions to provide tighter thresholds/ activity status in the Coastal Environment.
81.67	Accepted in part WRC requested retention of Rule 16.2.8 P4 Indigenous vegetation clearance inside a Significant Natural Area, except for the amendments sought below AND Amend Rule 16.2.8 P4 Indigenous vegetation clearance inside a Significant Natural Area to a restricted discretionary activity. AND/OR Amend Rule 16.2.8 P4 Indigenous vegetation clearance inside a Significant Natural Area to assign a lower threshold than clearance off indigenous vegetation outside of SNA for the same activity. AND/OR Amend Rule 16.2.8 P4 Indigenous vegetation clearance inside a Significant Natural Area to provide an overall cap on

Submission Point	Recommendation
	clearance as a permitted activity. AND/OR Amend to clarify the location and extent of areas that might be subject to this rule in order to determine if it is likely to have a significant effect on indigenous biodiversity. AND/OR Amend to provide tighter thresholds/ activity status in the Coastal Environment.
81.68	Accepted in part WRC requested retention of Rule 22.2.7 Indigenous vegetation clearance inside a Significant Natural Area, except for the amendments sought below AND Amend Rule 22.2.7 P4 Indigenous vegetation clearance inside a Significant Natural Area to a restricted discretionary activity. AND/OR Amend Rule 22.2.7 P4 Indigenous vegetation clearance inside a Significant Natural Area to assign a lower threshold than clearance off indigenous vegetation outside of SNA for the same activity. AND/OR Amend Rule 22.2.7 P4 Indigenous vegetation clearance inside a Significant Natural Area to provide an overall cap on clearance as a permitted activity. AND/OR Amend to clarify the location and extent of areas that might be subject to this rule in order to determine if it is likely to have a significant effect on indigenous biodiversity. AND/OR Amend to provide tighter thresholds/ activity status in the Coastal Environment.
81.69	Accepted in part WRC requested retention of Rule 23.2.8 Indigenous vegetation clearance inside a Significant Natural Area, except for the amendments sought below. AND Amend Rule 23.2.8 P4 Indigenous vegetation clearance inside a Significant Natural Area to a restricted discretionary activity. AND/OR Amend Rule 23.2.8 P4 Indigenous vegetation clearance inside a Significant Natural Area to assign a lower threshold than clearance off indigenous vegetation outside of SNA for the same activity. AND/OR Amend Rule 23.2.8 P4 Indigenous vegetation clearance inside a Significant Natural Area to provide an overall cap on clearance as a permitted activity. AND/OR Amend to clarify the location and extent of areas that might be subject to this rule in order to determine if it is likely to have a significant effect on indigenous biodiversity. AND/OR Amend to provide tighter thresholds/ activity status in the Coastal Environment
81.70	Accepted in part WRC requested retention of Rule 24.2.8 Indigenous vegetation clearance inside a Significant Natural Area, except for the amendments sought below AND Amend Rule 24.2.8 P4 Indigenous vegetation clearance inside a Significant Natural Area to a restricted discretionary activity. AND/OR Amend Rule 24.2.8 P4 Indigenous vegetation clearance inside a Significant Natural Area to assign a lower threshold than clearance off indigenous vegetation outside Proposed Waikato District Plan Natural Environments - Indigenous Vegetation and Habitats Section 42A Hearing Report of SNA for the same activity. AND/OR Amend Rule 24.2.8 P4 Indigenous vegetation clearance inside a Significant Natural Area to provide an overall cap on clearance as a permitted activity. AND/OR Amend to clarify the location and extent of areas that might be subject to this rule in order to determine if it is likely to have a significant effect on indigenous biodiversity. AND/OR Amend to provide tighter thresholds/ activity status in the Coastal Environment
81.71	Accepted in part WRC requested retention of Rule 28.2.8 Indigenous vegetation clearance inside a Significant Natural Area, except for the amendments sought below AND Amend Rule 28.2.8 P4 Indigenous vegetation clearance inside a Significant Natural Area to a restricted discretionary activity. AND/OR Amend Rule 28.2.8 P4 Indigenous

Submission Point	Recommendation
	vegetation clearance inside a Significant Natural Area to assign a lower threshold than clearance off indigenous vegetation outside of SNA for the same activity. AND/OR Amend Rule 28.2.8 P4 Indigenous vegetation clearance inside a Significant Natural Area to provide an overall cap on clearance as a permitted activity. AND/OR Amend to clarify the location and extent of areas that might be subject to this rule in order to determine if it is likely to have a significant effect on indigenous biodiversity. AND/OR Amend to provide tighter thresholds/ activity status in the Coastal Environment
81.72	Accepted in part WRC requested amendment of provisions for Indigenous vegetation clearance inside a Significant Natural Area (P4) in any chapters not covered in previous submissions to a restricted discretionary activity. AND/OR Amend provisions for Indigenous vegetation clearance inside a Significant Natural Area (P4) to assign a lower threshold than clearance off indigenous vegetation outside of SNA for the same activity. AND/OR Amend provisions for Indigenous vegetation clearance inside a Significant Natural Area (P4) to provide an overall cap on clearance as a permitted activity. AND/OR Amend to clarify the location and extent of areas that might be subject to this rule in order to determine if it is likely to have a significant effect on indigenous biodiversity. AND/OR Amend provisions to provide tighter thresholds/ activity status in the Coastal Environment
81.92	Accepted WRC requested amendment of Chapter 3.1 Indigenous Vegetation and Habitats to provide for the opportunity to offset non-significant biodiversity
81.93	Accepted WRC requested amendment of Objective 3.1.1 Biodiversity and ecosystems to clearly state that the outcome that is being worked towards is to achieve no net loss.
81.94	Accepted WRC requested amendment of Chapter 3.1 Indigenous Vegetation and Habitats to provide a mitigation hierarchy for indigenous biodiversity outside of an Significant Natural Area.
81.95	Accepted WRC requested amendment of Section 3.2 Significant Natural Areas to ensure that policies related to indigenous biodiversity outside of Significant Natural Area are not under section 3.2 Significant Natural Areas,
81.96	Accepted WRC requested amendment of Amend Section 3.1 Indigenous Vegetation and Habitats to ensure that policies related to indigenous biodiversity outside of Significant Natural Area are not under section 3.2 Significant Natural Areas
81.98	Accepted in part WRC requested retention of Objective 3.2.1 Significant Natural Areas
81.149	Accepted WRC requested amendment of Policy 3.2.4 Biodiversity Offsetting to require offsetting of more than minor residual adverse effects on Significant Natural Areas
81.187	Accepted WRC requested amendment of Appendix 6 (2) (1) Biodiversity Offsetting as follows: Restoration, enhancement and protection actions offered by an applicant will only be considered a biodiversity offset where they are used to offset compensate for the anticipated reasonably-measurable residual effects of activities that are

Submission Point	Recommendation
	anticipated will remain after appropriate avoidance, remediation and mitigation measures actions have been applied occurred in accordance with Policy 3.2.3.
81.188	Accepted WRC requested amendment of Appendix 6 Biodiversity Offsetting to take into account the forthcoming national guidance for local government on biodiversity offsetting, Biodiversity Offsetting under the Resource Management Act; A guidance document.
81.196	Accepted in part WRC requested retention of Rule 24.2.8 Indigenous vegetation clearance inside a Significant Natural Area, except for the amendments sought below AND Amend Rule 24.2.8 P2 Indigenous vegetation clearance inside a Significant Natural Area to exclude clearance of Manuka and Kanuka in wetlands and the coastal environment from this rule.
81.198	Accepted WRC requested deletion of P6 of Rule 24.2.8 Indigenous vegetation clearance inside a Significant Natural Area
81.239	Accepted WRC requested addition to Chapter 13 a new definition for 'Biodiversity offset' as follows: Biodiversity offset A measureable conservation outcome resulting from actions designed to compensate for residual, adverse biodiversity effects arising from activities after appropriate avoidance, remediation, and mitigation measures have been applied. The goal of a biodiversity offset is to achieve a no-net-loss, and preferably a net-gain, of indigenous biodiversity values
81.250	Accepted WRC requested retention of Policy 3.2.5 Biodiversity in the coastal environment.
81.253	Accepted WRC requested retention of Policy 3.2.8 Incentivise subdivision
FS1277.146	Accepted WRC opposed Jean Tregidga's request to amend Rule 22.2.7 P3(a)(ii) Indigenous vegetation clearance inside a Significant Natural Area, by increasing the allowable limit of indigenous vegetation clearance to 8000m ² to provide for building, access, parking and 59 Proposed Waikato District Plan Natural Environments - Indigenous Vegetation and Habitats Section 42A Hearing Report manoeuvring as follows:(ii) The total indigenous vegetation clearance does not exceed 250m ² 8000m ² .
FS1277.146	Accepted WRC opposed NZTA's request to amend Policy 3.2.5(a) Biodiversity in the coastal environment as follows: Avoid the adverse effects of subdivision use and development within Significant Natural Areas of the coastal environment (except where there is a need for regionally significant infrastructure to be located in the coastal environment) on: ..
FS1277.147	Accepted WRC opposed submission from NZTA to add new sub-clauses to Policy 3.2.6(a) Providing for vegetation clearance as follows: (v) operating maintaining or upgrading existing infrastructure (vi) the construction and operation of new regionally significant infrastructure where there is a need for that infrastructure to be located within the Significant Natural Area 79 Proposed Waikato District Plan 21A – Natural Environments 1 Section 42A Hearing Report
FS1277.154	Accepted

Submission Point	Recommendation
	WRC opposed submission from Havelock Village Limited [862.28] seeking an amendment to Policy 3.2 to provide greater flexibility and enable development subject to mitigation or offsetting