

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

AT CHRISTCHURCH

ENV – 2018 – CHC –

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of an appeal under clause 14(1) of the First
Schedule of the Act in relation to Decisions on the
proposed Dunedin City District Plan

BETWEEN

Director-General of Conservation

Appellant

AND

Dunedin City Council

Respondent

NOTICE OF APPEAL

Dated 19 December 2018

Department of Conservation

Planning Shared Service, Policy and Regulatory Services Group

Department of Conservation

Private Bag 4715

Christchurch 8011

Phone: 03 371 3700

Solicitor: P D Williams

To: The Registrar
 Environment Court/ Te Kooti Taiao o Aotearoa
 Justice & Emergency Services Precinct
 20 Lichfield Street
 Christchurch
 Postal address
 P O Box 2069
 Christchurch 8013, New Zealand

1. I, Lou Sanson, Director-General of Conservation (the Director-General) wish to appeal part of the Decisions of Dunedin City Council (the Decision) on the Proposed (proposed District Plan).
2. I made a submission and further submission on the proposed District Plan.¹
3. I am not a trade competitor for the purposes of section 308C or section 308CA of the Resource Management Act 1991 (the RMA).
4. I received notice of the Decision on or about 7 November 2018.
5. The Decision was made by the Dunedin City Council (the Council).
6. The parts of the Decision that I am appealing are:
 - 6.1. The Council's decision² on Policy 10.2.3.2 relating to preserving natural character in the coastal environment
 - 6.2. The Council's decisions on the following Rules dealing with vegetation clearance: Rule 10.3.2.A: paragraphs (a)(ii), (a)(v)(1) and (2); Rule 10.3.2.3: paragraph (d)(ii); and on Rule 10.3.2.A: paragraph (a)(xii).
7. The reasons for the appeal are set out in the attached Table 1.
8. I seek the following relief:
 - 8.1. In relation to the parts of the Decision appealed, the relief set out in the attached Table 1.
 - 8.2. Costs.

¹Submission 949 dated 24 November 2015, Further Submission 2379 dated 3 March 2016.

²OS949.16, Natural Environment Decision Report 20 at 3.7.6.6.1, paragraph 1752.

8.3. Such further and other relief as may be required to address the appeal.

9. I attach the following documents to this notice:

- a) a copy of my submission (Annexure A – Relevant Parts of the Director-General’s Submission).
- b) a copy of the relevant parts of the Decision (Annexure B – Relevant Decisions of Council).
- c) a list of names and addresses of persons to be served with a copy of this notice (Annexure C – Parties served with this notice)



Signature of Andy Roberts,
 Director Operations – Eastern South Island Region,
 pursuant to delegated authority from the Director-General of Conservation³

Dated 19 December 2018

Address for service of appellant:

Director General of Conservation

Planning Shared Service

Department of Conservation

Private Bag 4715

Christchurch 8011

³ A copy of the Instrument of Delegation may be inspected at the Director-General’s office at Conservation House Whare Kaupapa Atawhai, 18 - 32 Manners Street, Wellington 6011

Contact persons

Amelia Ching, RMA Planner – Planning Shared Services

Ph: (027) 627 7705

Email: aching@doc.govt.nz

Pene Williams, Senior Solicitor – Legal Services

Ph: (027) 408 3324

Email: pwilliams@doc.govt.nz

How to become party to proceedings

You may be a party to the appeal if,—

- (a) within 15 working days after the period for lodging a notice of appeal ends, you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (b) within 20 working days after the period for lodging a notice of appeal ends, you serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991. You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (*see* form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the relevant application (*or* submission) and (*or or*) the relevant decision (*or* part of the decision). These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Table 1: Points of Appeal for the Dunedin City Proposed District Plan Decision

Provision	What the Director-General sought in the submission	Council Decision relating to provision	Reasons for Appeal	Proposed relief sought
Policy 10.2.3.2	The Director-General's submission (OS949.16) considered that Policy 10.3.2.3 did not provide for the New Zealand Coastal Policy Statement 2010 (NZCPS) Policy 13 requirement to avoid adverse effects on Outstanding Natural Coastal Character (ONCC) and avoid significant adverse effects on ONCC.	"Reject" In relation to the 'policy test' part of the policies, we accept the Reporting Officer's evidence that by being effects-based, these are intended to provide clarity and certainty to Plan users as to what is expected in these overlay zones. We do consider that reframing policy tests around outcomes would fail to provide the clear activity-specific direction that the 2GP drafting protocol seeks to achieve".	The proposed policy provides a number of exceptions, meaning that adverse effects of farming, grazing, rural ancillary retail, rural tourism and rural research – small scale, working from home, restaurants or retail activities ancillary to sport and recreation, and standalone car parking and amateur radio configurations will not need to be avoided, even if they result in adverse effects on the ONCC. This is inconsistent with policy 13(1)(a) NZCPS.	Delete the exceptions from policy 10.2.3.2. <i>Avoid <u>indigenous vegetation clearance large scale, buildings and structures, rural activities</u> (except for farming, grazing, rural ancillary retail, rural tourism and rural research – small scale), residential activities (except for working from home), commercial activities (except for restaurants or retail activities ancillary to sport and recreation, and standalone car parking), industrial activities, and major facility activities, substations, and network utility structures - large scale (excluding amateur radio configurations), onsite energy generation, community scale energy generation, regional scale energy generation, energy resource investigation devices, and biomass generators standalone in the Outstanding Natural Coastal Character (ONCC) and High Natural Coastal Character (HNCC) overlay zones unless there are no material effects any adverse effects on the natural character values, as identified in Appendix A5, are insignificant.</i>
New Rule 10.3.2.A: paragraphs (a)(ii), (a)(v)(1) and (2)	The Director-General's submission (OS949.13 and OS949.14) considered that the rules which managed the clearance of indigenous	"Accept in Part" Changes to vegetation clearance and indigenous vegetation clearance assessment rules 10.4.3.2, 10.4.3.3,	While some of the amendments are appropriate, and the activity status for clearance within an ASBV is now a non-complying activity, some permitted activity standards are	the word 'erection' should be removed from Rule 10.3.2.A(a)(ii) and 10.3.2.3(d)(ii). <i>Rule 10.3.2.A(a):</i>

Provision	What the Director-General sought in the submission	Council Decision relating to provision	Reasons for Appeal	Proposed relief sought
Rule 10.3.2.3: paragraph (d)(ii) Rule 10.3.2.A: paragraph (a)(xii)	vegetation were overly complex and did not adequately provide for the protection of significant indigenous biodiversity. It also sought that any indigenous biodiversity which met the criteria for and Area of Significant Conservation Value (ASCV) should have protection, and should only be cleared in exceptional circumstances. Meaning that the rules would not manage the clearance of significant indigenous vegetation within an ASCV as a permitted activity.	10.4.3.4 and 10.4.3.5, to include general assessment guidance that considers whether vegetation or habitats that meet the criteria in Policy 2.2.3.1 are affected. While this does not provide the level of protection that the submitters requested, it is considered it gives partial relief to submissions requesting policy amendment and a new rule." NB: ASCV's have been renamed in the decision to Area of Significant Biodiversity Value (ASBV)).	inconsistent with the direction of s6(c). While the Director-General accepts that some vegetation clearance could occur to ensure the safe and efficient use and operation of existing activities, this should not extend to new activities such as fences. The clearance of indigenous vegetation for the construction of new fences has the potential to result in fragmentation of ecosystems, increased occurrence of pest species and degradation of significant values. The Director-General has concerns over the permitted activity status to remove Manuka vegetation which is infected by Manuka blight. This is because: it is unclear when manuka vegetation is considered to be 'adversely affected' and therefore able to be removed as a permitted activity; Manuka blight could be considered to be endemic to Manuka vegetation due to it being so widespread; Manuka has a 2017 threat classification of At risk: Declining and this permitted activity rule provides for further clearance of	<i>ii. clearance for the erection, maintenance or alteration of fences (including gates);</i> <i>Rule 10.3.3(d):</i> <i>ii. for the erection, maintenance or alteration of fences (including gates);</i> - Rule 10.3.2.A(a)(v)(1) should be deleted and Rule 10.3.2.A(a)(v)(2) amended accordingly. <i>Rule 10.3.2.A(a)(v):</i> 1. 2m in width in ASBVs, ONFs, ONCCs, HNCCs and NCCs; 2. 3m in width outside of ASBVs, ONFs, ONCCs, HNCCs and NCCs these areas; - Rule 10.3.2.A(a)(xii) should be deleted. <i>Rule 10.3.2.A(a):</i> xii. vegetation clearance of an area of Manuka that is adversely affected by Manuka Blight caused by Eriococcus orariensis (outside ASBVs, ONFs, ONCCs, HNCCs and NCCs only);

Provision	What the Director-General sought in the submission	Council Decision relating to provision	Reasons for Appeal	Proposed relief sought
			this threatened plant; and Manuka is an important part of forest recovery.	

Annexure A – Relevant Parts of the Director-General’s Submission

The Director-General’s Submission (24 November 2015)

Specific section/ objective/ policy/ rule this submission point relates to:	Position:	My Submission is that:	Decision sought from Council:
Section 10 – Natural Environment	Oppose in Part	General comments on areas of indigenous biodiversity. The provisions of the PDP related to managing the effects of the effects of vegetation clearance on biodiversity values require significant amendments as detailed below. This is to ensure that the PDP is focussed on managing the effects of vegetation clearance and not focussing on the effects of different activities on biodiversity values. Under section 31 of the RMA the City Council has a function controlling any actual or potential effects from land use for the purpose of maintaining indigenous biodiversity. In carrying out this function the City Council should also provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance. To ensure the Council’s function is provided for in the provisions of the PDP, the PDP should provide for the identification of areas of biodiversity considered to be ‘significant’ and provide for the protection of these areas from the adverse effects of land use activities. The PDP should manage the effects of all land use activities in the same manner as it is the effects resulting from the activities that are important and not the activities themselves.	Amend the policies and rules related to the clearance of indigenous vegetation as detailed below

Specific section/ objective/ policy/ rule this submission point relates to:	Position:	My Submission is that:	Decision sought from Council:
		Given this it is recommended that the rules are pared back to focus on the effects of land use and development activities on biodiversity, and so that they are not activity specific. The way the rules for vegetation clearance are written currently is overly complicated and does not focus on the effects of vegetation clearance generally.	
Section 10 – Natural Environment Rules at 10.3.2	Oppose	The indigenous vegetation rules under 10.3.2 Vegetation Clearance are opposed. The Rules that control activities that involve the clearance of indigenous vegetation are overly complex and do not adequately provide for the protection of significant indigenous biodiversity as a matter of national importance under section 6(c) of the RMA, or as required under Policy 11 of the New Zealand Coastal Policy Statement 2010. As is sought by the above amendments to the indigenous biodiversity policy suite the City's biodiversity would be better served by identification and protection of areas of indigenous biodiversity determined to be 'significant' and differentiating this from other areas of indigenous biodiversity. In areas determined to be an ASCV either scheduled in the PDP or determined through a specific ecological assessment of the site, vegetation should only be allowed to be cleared in exceptional circumstances.	Amend the Rules controlling the effects of land use on indigenous biodiversity, so that any vegetation clearance within an ASCV or any area determined to be an ASCV through a site specific ecological assessment is a non-complying activity. Amend the Rules so that any clearance of indigenous vegetation for any activity, above the permitted standard that is not an ASCV or UCMA is a discretionary activity. Delete Rules 10.3.2.1.f, 10.3.2.2.b.iii, 10.3.2.3.c.vii, 10.3.2.4.b.iv

Specific section/ objective/ policy/ rule this submission point relates to:	Position:	My Submission is that:	Decision sought from Council:
		Therefore there should be no permitted amount of vegetation clearance within these areas and any proposed clearance should be subject to a high test ensuring any adverse effects are avoided. The Rules should not have standards specific to certain activities as it is the effect of vegetation clearance that is important and not what the activity is that requires vegetation clearance. For land-use activities on land administered by the Department of Conservation, proposed Rules 10.3.2.1.f, 10.3.2.2.b.iii, 10.3.2.3.c.vii, 10.3.2.4.b.iv are not consistent with section 4(3) of the RMA, as they require the activity be “<i>provided for</i>” rather than that it be “<i>consistent with</i>” the relevant statutory management documents.	
Section 10 – Natural Environment Policies 10.2.3.2 – 10.2.3.5	Oppose in Part	Policies 10.2.3.2 – 10.2.3.5 do not adequately demonstrate how effect is given to the NZCPS Policy 13 (Preservation of natural character). The policies need to provide for the NZCPS requirement to avoid adverse effects on areas of outstanding natural character and avoid significant adverse effects on natural character in all other areas of the coastal environment.	Amend Policies 10.2.3.2 – 10.2.3.5 to give effect to NZCPS Policy 13.

Annexure B – The Relevant Decisions of Dunedin City Council

The Council Hearing Panel's Natural Environment Decision Report is available at:

<https://2gp.dunedin.govt.nz/2gp/documents/decisions/Natural%20Environment%20Decision%20Report.pdf>

Natural Environment – Decision of Hearings Panel – Relevant Extracts

Extracts from pages 312 – 314 of Decision Report

3.7.6.6 Submissions seeking amendments to policies 10.2.3.2, 10.2.3.3, 10.2.3.4, and 3.7.6.6 10.2.3.5 give effect to NZCPS Policy 13

1748. The *Department of Conservation* (OS949.16, OS949.17, OS949.18, OS949.19) requested that Policies 10.2.3.2, 10.2.3.3, 10.2.3.4, and 10.2.3.5 be amended to give effect to the NZCPS Policy 13, to avoid adverse effects on areas of outstanding natural character and avoid significant adverse effects on natural character in all other areas of the coastal environment. *Forest and Bird NZ* (FS2482.38, FS2482.39, FS2482.40, FS2482.41) supported each of these submission points.
1749. With respect to these submissions, the Reporting Officer expressed a view that the suite of policies under Objective 10.2.3, taken together, give effect to Policy 13 of the NZCPS. He explained that they are directive in respect of the activities that are anticipated in the coastal character overlay zones, as well as specifying the level of effects that will be tolerated in the different coastal character overlay zones. Rather than merely restating the RMA or the NZCPS, he considered that this policy set provides clarity and certainty to Plan users as to what is expected in these overlay zones. In particular, he was of the view that “no material effects”, used in Policy 10.2.3.2, corresponds with a very low tolerance of effects under the 2GP drafting protocol, which gives effect to NZCPS Policy 13 through stipulating the avoidance of adverse effects on natural character.
1750. In evidence at the hearing, Ms Nardia Yozin, called by the *Department of Conservation*, questioned whether the amendments to Policies 10.2.3.3 and 10.2.3.4 recommended by the Reporting Officer in his Section 42A Report were consistent with the NZCPS Policy 13 (including its requirement to consider effects on ecology as part of natural character) and Policy 11 (which seeks to avoid adverse effects on significant indigenous biodiversity). She stated that the NZCPS “clearly directs that the effects of activities, where they are significant on any values, or cause adverse effects on significant or outstanding values, are to be avoided”. She recommended the wording of both policies be amended to avoid adverse effects on outstanding or high natural character values, avoid significant adverse effects on natural character values, and avoid, remedy or mitigate other adverse effects.
1751. In his right of reply, the Reporting Officer restated his view that the policies as amended were consistent with the 2GP drafting protocol for restricted discretionary and discretionary activities. He noted that the effects test “no more than minor” reflects the RMA s104D non-complying ‘gateway’ test, and that this relates to the values in Appendix A5 (which equate to outstanding or high natural character values). He reflected on the *King Salmon* case²⁷ and the associated interpretation of “avoid”, noting it occurred after the adoption of the NZCPS. Whilst stating that he considered the “no more than minor” wording recommended for Policy 10.2.3.3 provided an adequately stringent test to meet the NZCPS requirement and that it was his preference, he accepted that even minor adverse effects may be unacceptable in an ONCC or HNCC if they relate to significant or outstanding values, given the directive nature of the NZCPS. He stated that the Panel had the option of reverting to the notified wording, and also verbally presented a third option, that being an amendment to focus the policy on outcomes (“natural character values...are maintained or enhanced”).

3.7.6.6.1 Decision and Reasons

1752. We reject the submissions of the *Department of Conservation* (OS949.16, OS949.17 and OS949.18) and accept the submission of the *Department of Conservation* (OS949.19).
1753. We accept the evidence of Ms Yozin that the NZCPS is directive in relation to avoidance of effects where they are significant on any values, or cause adverse effects on significant or outstanding values. We accept that policies relating to coastal character overlay zones must give effect to the NZCPS, irrespective of the type of activity they relate to, or the activity status of that activity.

1754. We note (as discussed in Section 3.3 of the Section 42A Report) that the pORPS-dv is also directive in relation to avoidance of adverse effects on the values that contribute to the outstanding natural character of an area, and in relation to avoidance of significant adverse effects on the values that contribute to the high natural character of an area (Policy 3.2.9 and Policy 3.2.10). Both the NZCPS and the pORPS-dv state that other effects should be avoided, remedied or mitigated.
1755. As discussed in the Plan Overview Decision Report, we accept that under the 2GP drafting protocol, the 'action word' at the front end of the policy and the 'policy test' at the end of the policy perform different functions.
1756. We generally accept the Reporting Officer's evidence regarding the "action word" at the beginning of the policies, and therefore reject the submissions of the *Department of Conservation* insofar as it sought amendment to these. The protocol draws a link between the action word and the activity status of the activities listed in the policy. "Avoid" is used where the policy relates to non-complying activities. "Only allow" is used in relation to discretionary or restricted discretionary activities, and policies that commence with "Avoid" and are not qualified with a policy test are associated with a prohibited activity status. We accept that all four policies are consistent with the 2GP drafting protocol insofar as the 'action word' is concerned. We accept that the policies take this approach in order to be directive in respect of the activities that are anticipated in the coastal character overlay zones. We consider that it is in the interests of Plan clarity for policy wording to adhere to the 2GP drafting protocol, so long as the overall policy framework fulfils the intent of the NZCPS.
1757. In relation to the 'policy test' part of the policies, we accept the Reporting Officer's evidence that by being effects-based, these are intended to provide clarity and certainty to Plan users as to what is expected in these overlay zones. We do consider that reframing policy tests around outcomes would fail to provide the clear activity-specific direction that the 2GP drafting protocol seeks to achieve. We do however accept the *Department of Conservation's* submission that the 'policy test' specifying the level of effects that will be tolerated is inconsistent with the NZCPS in the case of Policy 10.2.3.5. We now discuss each policy in turn.
1758. In relation to Policy 10.2.3.2 (which relates to non-complying activities in ONCCs and HNCCs), we accept the Reporting Officer's evidence that the strict "no material effects" policy test corresponds with a very low tolerance of effects under the 2GP drafting protocol, and is therefore in line with the intent of the NZCPS. We consider this remains the case with the policy test amended to "insignificant" (as outlined in the Plan Overview Decision Report), as the tests hold equivalent status under the 2GP drafting protocol. We therefore do not consider an amendment is necessary to achieve the outcome sought by the *Department of Conservation* (OS949.16), nor do we support the amendments promoted by Ms Yozin at the hearing, as they are not in line with the 2GP drafting protocol, and as stated above we consider it beneficial for policy wording to adhere to the 2GP drafting protocol, as long as the overall policy framework fulfils the intent of the NZCPS.

...

Extracts from pages 58 – 69 of Decision Report

3.3.1.3 Submissions seeking to treat all areas that meet the criteria as ASCVs

...

198. *Department of Conservation* (OS949.13) also sought to amend Rule 10.3 (outlining the activity status of various activities) so that any vegetation clearance within an ASCV or any area determined to be an ASCV through a site specific ecological assessment is a non-complying activity. They considered that without this the 2GP does not provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as required by section 6(c) of the RMA. In the *Department of Conservation's* view, any proposed clearance should be subject to a high test ensuring any adverse effects are avoided.

...

201. In relation to *DOC's* request to apply non-complying activity status to vegetation clearance in "any area determined to be an ASCV through a site specific ecological assessment", Mr Bathgate considered tagging an activity status rule to an ecological assessment that has not yet taken place would be *ultra vires* (s42A Report, Section 5.12.1, p.514).
202. However, Mr Bathgate did agree that in order to meet the requirements of s6(c) of the RMA, any application that involves the clearance of indigenous vegetation or vegetation that may

contain habitats of indigenous fauna should consider the potential significance of the area affected (s42A Report, Section 5.13.2, p560). He recommended changes to vegetation clearance and indigenous vegetation clearance assessment rules 10.4.3.2, 10.4.3.3, 10.4.3.4 and 10.4.3.5, to include general assessment guidance that considers whether vegetation or habitats that meet the criteria in Policy 2.2.3.1 are affected¹¹.

203. Mr Bathgate acknowledged that while this was not providing the level of protection that the submitters requested, he considered it gave partial relief to submissions requesting policy amendment and a new rule (s42A Report, Section 5.2.3, p70).

...

3.3.1.3.1 *Decision and reasons*

229. We note that, as part of our decision set out in section 3.6.1.6, we have amended the term Area of Significant Conservation Value (ASCV) to Area of Significant Biodiversity Value (ASBV). We use the latter term below.
230. We accept in part the submissions of *Forest and Bird NZ*, (OS958.8, OS958.9, OS958.74, OS958.79, OS958.20, OS958.111), *STOP* (OS900.9, OS900.10, OS900.157, OS900.142) and the *Department of Conservation* (OS949.3, OS949.13) insofar as they sought to amend the 2GP to provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna where they are identified through assessments of effects on biodiversity associated with resource consent processes.
231. We note the aspect of the submission of *Forest and Bird NZ* (OS958.111) relating to the maintenance of indigenous biodiversity more generally, is discussed in section 3.6.1.7.
232. As discussed elsewhere, we agree that the higher order policy framework (including s6(c) of the RMA, and the pORPS-dv) supports a management regime that protects areas of significant indigenous vegetation and significant habitats of indigenous fauna. In the context of evidence of the extent of historic loss of biodiversity, we accept there is a strong case for protection of remaining values.
233. We accept the contention of *Federated Farmers of New Zealand* that a work programme outside of the 2GP will assist landowners to better understand Plan provisions and values on their properties (and indeed, as outlined elsewhere, we recommend this approach). We accept that finalisation of 2GP provisions, coupled with this work programme, may result in an increased rate of scheduling. However, we consider the very low rate of scheduling of private land flowing from Council's 2008-2015 outreach process, evidence that relying on scheduling alone to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna under protection is unlikely to meet the requirements of s6(c) of the RMA.
234. We accept the Reporting Officer's evidence that policies relating to the protection of areas of significant indigenous vegetation and the significant habitats of indigenous fauna are more appropriate within Section 10 Natural Environment than in Section 16 Rural Zones. We do not, however, agree with the Reporting Officer's assessment that a policy relating to the protection of significant indigenous vegetation and the significant habitats of indigenous fauna would detract from Plan clarity or duplicate existing provisions, as there is no existing policy to guide assessment of effects on these areas where they are not scheduled as ASBVs.
235. We do consider that a policy framework is required to guide the assessment of effects on significant areas of indigenous vegetation and the significant habitats of indigenous fauna, where these are not scheduled ASBVs, to achieve Objective 10.2.1 (incorporating amendments, as outlined in section 3.6.2), and to align with other higher order policy direction.
236. While we do not support the replacement of Policy 10.2.1.2 with the amended policy promoted by *STOP* (OS900.142) and *Forest and Bird NZ* (OS958.20), or that promoted by *Department of Conservation* (OS949.3) (because we consider Policy 10.2.1.2 provides a policy framework for the assessment of the effects of activities on the values of ASBVs), we agree that it is necessary (to meet the requirements of s6(c) of the RMA, and to be consistent with the pORPS-dv) to add a new Policy 10.2.1.X, to provide a policy framework to assess effects associated with activities in areas of significant indigenous vegetation and the significant habitats of indigenous fauna, where these are outside of ASBVs. Our decision aligns the Policy

10.2.1.X policy test with that for Policy 10.2.1.2 (discussed in section 3.3.3), as set out at the end of this section.

237. To guide implementation of this policy, our decision also amends most Section 10 assessment rules associated with restricted discretionary activities or performance standard contraventions for which effects on biodiversity values and/or natural character values is a matter of discretion, Rule 10.6.2.1 (All discretionary activities that are linked to Section 10.6) and Rule 10.7.2.1 (All non-complying activities that are linked to Section 10.7) by adding a link to Policy 10.2.1.X, along with assessment guidance clarifying that:
- in assessing whether an activity meets Policy 10.2.1.X, Council will consider whether the area affected meets one or more of the criteria set out in Policy 2.2.3.1, and
 - the Council will generally only consider activities to have no practicable alternative locations where an assessment that meets the requirements set out in new Rule 10.8.4 (discussed in section 3.7.7 below) demonstrates that the proposed site, including any proposed mitigation measures, is the option that has the least impact on biodiversity values, while meeting the operational needs of the activity.
238. We note the addition of assessment guidance relating to the criteria set out in Policy 2.2.3.1 was recommended by the Reporting Officer for rules associated with vegetation clearance. However, noting that land use, development and city-wide activities other than vegetation clearance can also affect the values of areas that meet significance criteria, our decision applies assessment guidance to most instances in which effects on biodiversity values and natural character values are assessed, leaving out only the assessment rules associated with activities for which any effects on natural character values are very unlikely to relate to biodiversity.
239. We also consider there is a need for amendments to the strategic directions policy framework to set up this method, and to guide assessment of effects on areas of significant vegetation and the significant habitats of indigenous species outside of ASBVs.
240. To achieve this, we consider it clearer to split Policy 2.2.3.1 into two, with new Policy 2.2.3.X setting up the two methods that the 2GP (as amended) employs to protect the values of areas of significant vegetation and the significant habitats of indigenous species, and Policy 2.2.3.1 outlining the criteria used to identify areas as significant.
241. We consider the word “Protect” appropriate in relation to Policy 2.2.3.X, as the higher order policy framework (including s6(c) of the RMA, and the pORPS-dv) mandates protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. We also consider this amendment also addresses the question of clarity around use of the word “identify” raised by Dr Thorsen. We do not consider the addition of the words “through resource consent processes” appropriate in this policy, accepting the Reporting Officer’s evidence that scheduling of ASBVs requires a plan change. However, we consider new clause (b) (“assessment rules which require the consideration of significance as part of the assessment of effects on biodiversity values”) describes the role of the new assessment guidance as a method in the Plan (refer also to section 3.6.1.6 for a discussion of amendments relating to “biodiversity values”).
242. Turning to concerns of further submitters, we acknowledge that some of these amendments amount to additional regulation of activities in areas of significant indigenous vegetation and the significant habitats of indigenous species. However, we consider the Plan provisions, as amended, strike an appropriate balance between the protection of significant indigenous vegetation and significant habitats of indigenous fauna, and the imposition of resource consent requirements on landowners, particularly farmers. We accept the *Federated Farmers of New Zealand* contention that the most efficient and effective approach to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna is for these areas to be scheduled in the Plan, but in the absence of a comprehensive schedule of ASBVs there is a need for rules that recognise and provide for the protection of significant values outside of these areas, in line with s6(c) of the RMA. As discussed in section 3.4, we have expanded the types of vegetation clearance that can be undertaken as a permitted activity, as we consider specific exemptions to be the best way of ensuring the framework is efficient as well as effective.

243. In relation to the concerns of *Oceana Gold (New Zealand) Limited*, as outlined in section 3.5, we accept the need to provide a framework for biodiversity offsetting and environmental compensation in the 2GP. We note that new Policy 10.2.1.X provides an alternative policy test referencing biodiversity offsetting provisions for activities that are unable to meet the default test of “no net loss and preferably a net gain in the biodiversity values of the area” (whether due to locational constraints or for any other reason). Any biodiversity offsets or environmental compensation offered up as part of an application will be taken into account as positive effects under s104 of the RMA, and will be assessed against new Policy 2.2.3.5 and Policy 2.2.3.6. We consider this constitutes allowance for appropriate compensatory measures.
244. In terms of the other issues raised by Dr Thorsen:
- We accept the evidence of Dr Thorsen that some areas scheduled as ASBVs may not meet the new significance criteria outlined in Policy 2.2.3.1 (noting the example of *Penguin Place Limited* discussed in section 3.3.5.5). However, we also accept the evidence of the Reporting Officer that the intention of the ASBV method is to schedule areas that meet significance criteria in line with s6(c) of the RMA. We discuss reviewing the boundaries of existing ASBVs as part of a future work programme in section 3.3.5.5.
 - We accept that “biodiversity” and “conservation” have different meanings. As outlined in section 3.6.1.6, we have amended all instances of “Areas of Significant Conservation Value” to “Areas of Significant Biodiversity Value”, in response to the submission of *Forest and Bird NZ* (OS958.60). We do not consider it appropriate to amend “Areas of Significant Conservation Value” to “Protected Areas” as we consider “Areas of Significant Biodiversity Value” better describes the values of interest, and as there were no submissions seeking such an amendment.
 - We agree with the Reporting Officer’s assessment that changing two instances of “habitats” to singular usage (the first instance in the introductory clause, now part of both new Policy 2.2.3.X and Policy 2.2.3.1, and the second instance in clause (b) of Policy 2.2.3.X) provides greater clarity.
245. Therefore, in response to the submissions of *STOP* (OS900.9, OS900.10, OS900.157, OS900.142) and *Forest and Bird NZ* (OS958.8, OS958.9, OS958.74, OS958.20, OS958.79, OS958.111) and *Department of Conservation* (OS949.3, OS949.13) we have made the following amendments:
- Amended Policy 2.2.3.1 as follows, including by splitting the policy to create new Policy 2.2.3.X and amending the start of Policy 2.2.3.1:
- Policy 2.2.3.X**
- Protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, including by:
- promoting the protection of these in a schedule as Areas of Significant Biodiversity Value (ASBVs), QEII covenants, and/or other legal covenants; and
 - assessment rules which require the consideration of significance as part of the assessment of effects on biodiversity values. {NatEnv 900.9 and 958.8}
- Policy 2.2.3.1**
- “Identify as areas of significant indigenous vegetation and/or as significant habitats of indigenous fauna ~~and promote the protection of these as Scheduled Areas of Significant Conservation Value (ASCVs) and/or through QEII covenants. Identify,~~ {NatEnv 900.9 and 958.8} areas which have all or a number meet one or more {NatEnv 900.9 and 958.8} of the following criteria...”
- Added new Policy 10.2.1.X as follows (noting that clauses b and c are discussed in detail in section 3.5 below):

Policy 10.2.1.X

Avoid adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna or, if avoidance is not practicable, ensure that: {NatEnv 900.142}

- a. there is no net loss and preferably a net gain in the biodiversity values of the area; or {NatEnv 900.142}
- b. where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.5; or {NatEnv 949.29}
- c. where a biodiversity offset is not practicable, environmental compensation is proposed in accordance with Policy 2.2.3.6. {NatEnv 1088.15}

- As a consequential change, added new Policy 10.2.1.X under 'Relevant objectives and policies' to assessment rules 10.4.3.1, 10.4.3.2, 10.4.3.4, 10.4.3.5, 10.4.3.10, 10.4.3.11, 10.4.4.6, 10.5.2.1, 10.5.2.B, 10.5.2.C, 10.5.2.3, 10.5.2.4, 10.5.2.5, 10.5.2.10, 10.6.2.1 and 10.7.2.1.
- Added 'General assessment guidance' to assessment rules 10.4.3.1, 10.4.3.2, 10.4.3.4, 10.4.3.5, 10.4.3.10, 10.5.A.1, 10.6.2.1 and 10.7.2.1 as follows:

In assessing whether an activity meets Policy 10.2.1.X, Council will consider whether the area affected meets one or more of the criteria set out in Policy 2.2.3.1. {NatEnv 900.9 and 958.8}

- Added 'General assessment guidance' to assessment rule 10.5.A.1 as follows:
 - iii. For those activities for which effects on the natural character of the coast is a matter of discretion, Council will consider the natural character values that have been identified in Appendix A5, which include biodiversity values among others. These values may not be comprehensive, as they are not based on site-specific assessments. Therefore, a more detailed assessment may be required, under Policy 10.2.1.X, to determine the effects of activities on areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- Added 'General assessment guidance' to assessment rules 10.4.3.2, 10.4.3.4, 10.4.3.5, 10.5.A.1, 10.6.2.1 and 10.7.2.1 as follows:

With respect to Policy 10.2.1.X, Council will generally only consider activities to have no practicable alternative locations where an assessment that meets the requirements set out in Rule 10.8.4 demonstrates that the proposed site, including any proposed mitigation measures, is the option that has the least impact on biodiversity values, while meeting the operational needs of the activity. {NatEnv 900.142 and others}
- Added new Special Information Requirement Rule 10.8.4, to set out the information requirements for an assessment of alternative locations with respect to effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna {NatEnv 900.142 and others} (note that the addition of this rule is also discussed in section 3.7.5.2, because the rule also relates to assessments of alternative locations with respect to effects on the identified values of a landscape or coastal character overlay zone, and is referred to in provisions relating to overlays)

- 246. We concur with the Reporting Officer's assessment that other changes to the 2GP will also better achieve the protection of significant indigenous vegetation and the significant habitats of indigenous fauna outside of ASBVs, relative to the operative Plan. These include amendments to vegetation clearance provisions, most notably to manage indigenous vegetation clearance where threatened fauna species are present, which are discussed in section 3.4.
- 247. We consider the amendments outlined above also constitute acceptance in part of the submission of *Forest and Bird NZ* (OS958.57), which sought to add a specific objective and policies to give effect to the NZCPS, including Policy 11, and the submissions of *Forest and Bird NZ* (OS958.20, OS958.22, OS958.61) and *STOP* (OS900.43, OS900.8), which sought manage effects on the values of Important Bird Areas.
- 248. We consider the addition of the 'General assessment guidance' which considers the criteria in Policy 2.2.3.1 also constitutes acceptance in part of the submissions of *STOP* (OS900.77, OS900.79, OS900.134, OS900.159, OS900.160, OS900.161, OS900.162), *Forest and Bird NZ*

(OS958.80, OS958.81, OS958.82, OS958.83, OS958.85, OS958.86, OS958.89) which sought to reference Policy 2.2.3.1, amongst other objectives and policies, from a range of assessment rules.

Extracts from pages 101 – 105 of Decision Report

3.3.4.3 Request to change the activity status of Indigenous Vegetation Clearance in ASCVs

...

439. *Department of Conservation* (OS949.13) sought to amend Rule 10.3 so that any vegetation clearance within an ASCV is a non-complying activity. They considered the 2GP should not allow for the clearance of indigenous vegetation within ASCVs as a permitted activity, and should only allow for clearance within ASCVs in exceptional circumstances, suggesting that without this the 2GP does not provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as required by section 6(c) of the RMA. In the *Department of Conservation's* view, any proposed clearance should be subject to a high test ensuring any adverse effects are avoided.

440. *Oceana Gold (New Zealand) Limited* (FS2439.29) opposed *Department of Conservation* (OS949.13) because they believed the amendment would be "too restrictive for locationally constrained activities such as mining."

...

443. The Reporting Officer noted that indigenous vegetation clearance is a restricted discretionary in ASCVs, as well as being subject to the performance standards on vegetation clearance set out in Rule 10.3.2. Proposed indigenous vegetation clearance in ASCVs is assessed against Policy 10.2.1.4. Under this policy, the activity is only allowed where the biodiversity values of the area of indigenous vegetation are maintained or enhanced. Rule 10.5.2.7 also states that potential circumstances that may support a consent application include the following:

"iv. Development activities are associated with conservation.

v. Measures are proposed to protect or enhance the biodiversity values of the area of significant conservation."

444. The Reporting Officer considered the restricted discretionary activity status for indigenous vegetation clearance appropriate because it provides protection to areas with very high biodiversity value. The Reporting Officer did not recommend permitting indigenous vegetation clearance in ASCVs because the potential adverse effects on indigenous vegetation and the habitats of indigenous fauna are too great to manage under Rule 10.3.2 (vegetation performance clearance standards) and it was appropriate that a restricted discretionary resource consent be required.

445. In the Reporting Officer's view, these provisions provide sufficient protection for the biodiversity values of ASCVs from the potential effects of indigenous vegetation clearance. The Reporting Officer did not consider that non-complying activity status is appropriate in this case, because clearance of indigenous vegetation in one part of an ASCV may be consistent with the maintenance or enhancement of the biodiversity values of the ASCV as a whole, if either or both of the circumstances set out in Rule 10.5.2.7 apply. In addition, the area of vegetation clearance, the species of vegetation being cleared, and the presence of indigenous fauna in the affected area, will influence the magnitude of any adverse effect.

446. In evidence at the hearing, Ms Nardia Yozin, planner for the *Department of Conservation*, contended that non-complying activity status is necessary to afford appropriate protection to ASCV values, but that, in addition to permitting conservation activities, some maintenance activities should also be permitted (para 6.18). She referred to Section 9 of the evidence of Mr Brian Rance, Technical Advisor – Ecology for the *Department of Conservation*, who stated that there had been "huge loss" of biodiversity in Dunedin, and that "land use intensification is resulting in ongoing loss and modification of indigenous ecosystems".

447. Ms Yozin considered it was necessary for Council to take a "direct and strong approach to address this loss in order to achieve the purpose of the RMA and its functions under the RMA", and that a non-complying activity status would achieve this (para 6.19-6.20). She considered (para 6.21-6.23) that non-complying activity status was more appropriate for activities where effects could be great, and explained that she considered an assessment against s104D of the RMA would assist in achieving the overall direction of the 2GP, and the objectives and policies of higher order policy documents.

...

3.3.4.3.1 Decision and reasons

450. We note that, as part of our decision set out in section 3.6.1.6, we have amended the term Area of Significant Conservation Value (ASCV) to Area of Significant Biodiversity Value (ASBV). We use the latter term below.
451. We accept in part the submissions of *Department of Conservation* (OS949.13), *STOP* (OS900.136) and *Forest and Bird NZ* (OS958.107 and OS958.91) to amend the activity status of Indigenous Vegetation Clearance in ASBVs to non-complying.
452. As discussed elsewhere in this Decision Report, we note that the protection of areas of significant indigenous vegetation and the significant habitats of indigenous fauna should be recognised and provided for as a matter of national importance. We note also that both the operative RPS and pORPS-dv contain policies relating to significant indigenous vegetation and significant habitats of indigenous fauna, seeking to “maintain and enhance” and “identify”/“protect and enhance” these areas respectively. We accept that this higher order policy framework supports a management regime that protects significant indigenous vegetation and the significant habitats of indigenous fauna.
453. We also discussed in section 3.3.1.1 of this Decision Report our acceptance of the evidence of Mr Rance, that Dunedin is ecologically diverse and home to a number of species that meet significance criteria. We accept that there has been significant loss of indigenous vegetation in Dunedin, and that this resulted in rarity of many species. We note that Mr Rance’s assertion that land use intensification is resulting in ongoing loss, while not supported with data, was not challenged by any other expert evidence. In light of the evidence of historic loss of biodiversity, we consider that there is a strong case for protection of remaining values.
454. We accept, as submitted by *STOP* and *Forest and Bird NZ*, that Indigenous Vegetation Clearance has the potential to adversely affect biodiversity values of ASBVs and undermine protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Given this, we do not consider it appropriate to permit indigenous vegetation clearance in ASBVs, as sought by *Timothy George Morris* (OS951.46) and *Timothy Morris (on behalf of RG and SM Morris Family Trust)* (OS1054.46) and therefore reject these submissions.
455. We note that, in decisions outlined elsewhere, some types of indigenous vegetation clearance activities are permitted in ASBVs, as Indigenous Vegetation Clearance – Small Scale (subject to certain performance standards):
- clearance that is part of conservation activity involving vegetation clearance and replacement with indigenous species;
 - clearance for the erection, maintenance or alteration of fences (including gates);
 - clearance for the maintenance (but not extension) of existing network utilities, irrigation infrastructure, tracks, drains, structures, roads or fire breaks;
 - clearance for the construction of tracks up to 2m in width (associated with permitted activities only);
 - clearance that is consistent with or provided for as part of a conservation management strategy, conservation management plan, reserve management plan or covenant established under the Conservation Act 1987 or any other Act specified in the First Schedule of the Conservation Act 1987;
 - clearance that is required to remove material infected by unwanted organisms as declared by Ministry for Primary Industries’ Chief Technical Officer, or to respond to an emergency declared by the Minister for Primary Industries under the Biosecurity Act 1993;
 - clearance of a pest plant listed in Appendix 10B;
 - vegetation clearance incidental to existing forestry activity where the clearance involves an understorey of indigenous vegetation, or is for the maintenance of forestry access or firebreaks;
 - clearance that is necessary to maintain the flow of water free from obstruction or for natural hazard mitigation activities;
 - clearance that is incidental to the harvesting or maintenance of trees as part of forestry, provided that all vegetation that is felled within 10m of a water body must be felled

away from the water body, and that the forestry is conducted in accordance with recognised industry environmental codes of practice; and

- vegetation clearance of stands of matagouri dominant shrubland that contain no matagouri individuals greater than 1.5 m tall and that contain no more than one other non-matagouri indigenous shrub species.

456. We consider that the range of scenarios listed above constitute a fairly comprehensive list of situations in which clearance may occur without compromising the values of an ASBV. We were persuaded by the evidence of Mr Rance and Ms Yozin that, to protect the values of the ASBV and to give effect to higher order policy direction, any proposed clearance that does not meet the Indigenous Vegetation Clearance - Small Scale performance standard should not be anticipated by the 2GP, but rather should be subject to the rigour of the s104D test. We note this is also consistent with our decisions, outlined elsewhere, to add Policy 2.2.3.X and amend Objective 10.2.1 to reflect protection of areas of significant vegetation and the significant habitats of indigenous fauna.
457. In terms of concerns expressed by *Oceana Gold (New Zealand) Limited* about the impact of a non-complying activity status on activities such as mining, we consider these are addressed by our decision to introduce a clear framework for biodiversity offsets and environmental compensation (outlined in section 3.5), including an alternative policy test in Policy 10.2.1.Y (which relates to all non-complying activities in ASBVs, including Indigenous Vegetation Clearance). We consider this policy test provides a pathway for activities (like mining) that may be unable to meet the (amended) test of “no net loss and preferably a net gain” on the biodiversity values of the ASBV, because there are no practicable alternative locations.
458. We also note, as discussed elsewhere, that additional types of indigenous vegetation clearance are permitted as Indigenous Vegetation Clearance – Small Scale outside of ASBVs.
459. In response to the submissions of the *Department of Conservation* (OS949.13), *STOP* (OS900.136) and *Forest and Bird NZ* (OS958.107 and OS958.91), we have therefore:
- amended the activity status of Indigenous Vegetation Clearance – Large Scale to non-complying in the Rural and Recreation activity status tables
 - included Indigenous Vegetation Clearance – Large Scale in Policy 10.2.1.Y
 - added Indigenous Vegetation Clearance – Large Scale in ASBVs to assessment rules 16.12.4 and 20.12.4, and removed it from Rule 16.10.5.5, Rule 20.10.5.7 and Rule 10.5.2.7 (including the reference to Policy 10.2.1.4).

Extracts from pages 173 – 174 of Decision Report

3.4.6.4 Submissions seeking discretionary activity status for Indigenous Vegetation Clearance above permitted standards in areas outside of ASCVs and UCMA

888. The *Department of Conservation* (OS949.14) sought that provisions be amended so that indigenous vegetation clearance that did not comply with relevant performance standards, and was located in an area that is not an ASCV or a UCMA, was a discretionary activity. The submitter did not give a specific reason for this request, but they generally oppose the indigenous vegetation rules, consider them overly complex, and seek more identification and scheduling of areas of indigenous vegetation deemed to be significant.
889. The Reporting Officer, Mr Bathgate, did not consider the activity status for a contravention of the vegetation clearance standards should be a discretionary activity. He noted that the matters of discretion for any contravention of these standards included an assessment of the effects on biodiversity and, where in coastal or riparian margins, effects on natural character values of riparian margins and the coast. He also noted his separate recommendation (see discussion in section 3.10.4.4 of this decision) that assessment guidance be added to the assessment of all rural zones development performance standard contraventions to consider the positive effects of an activity in terms of supporting farming or conservation activity. He considered that, with this change, there would be adequate scope to assess any application for vegetation clearance without the need to amend the activity status to discretionary (s42A Report, section 5.8.4).
890. At the hearing, the *Department of Conservation* called Ms Yozin (planning expert), who reiterated the submitter’s request that any indigenous vegetation clearance that does not comply with the standards in rules

10.3.2-10.3.4 be a discretionary activity. *Ms Yozin* considered that matters of discretion for restricted discretionary assessment were too broad and unclear, and provided little direction to applications.

891. In response, Mr Bathgate considered that amending the activity status to discretionary would not provide greater clarity to applicants, as there would be less guidance on assessment matters and no limitation on matters that could be assessed. He considered that it is clear from the assessment rules (including the policies that they reference) that they are concerned with the effects of activities on biodiversity values. He did not consider that in general the indigenous vegetation clearance assessment matters should be narrowed any further as this may be too limiting on the assessment of applications. However, he noted that assessment rules 10.4 and 10.5 specify “effects on biodiversity” as a matter of discretion, and considered that this would be better worded as “effects on indigenous biodiversity” which would provide more clarity on what was being assessed and give partial relief to this submission (Revised Recommendations Summary pp.5-6).

3.4.6.4.1 *Decision and reasons*

892. We reject the submission of *Department of Conservation* (OS949.14). We do not consider that Indigenous Vegetation Clearance above the permitted standard (in an area that is not an ASCV or a UCMA) should be discretionary (rather than restricted discretionary). We accept the Reporting Officer's recommendations that amending the activity status to discretionary would not provide greater clarity to applicants, given that there would then be more limited guidance on assessment matters, and no limitation on matters that could be assessed.
893. We agree with the Reporting Officer's assessment that the assessment matters should not be further narrowed, but as discussed in section 3.6.1.6, we have amended assessment rules 10.4 and 10.5 to refer to “effects on biodiversity values”, and provided a definition of “biodiversity values”, so as to clarify that assessment is concerned with effects on the intrinsic values, and value to the community, of indigenous biota, and indigenous or mixed habitats and ecosystems that support indigenous biota (including effects on the health of the indigenous or mixed habitats and ecosystems that support indigenous biota, as well as effects on the indigenous biota themselves). We consider this provides greater clarity than amending the “effects on biodiversity” matter of discretion to “effects on indigenous biodiversity” as recommended by the Reporting Officer, and may go some way to achieving the outcome sought by the submitter.

Annexure C – Parties Served with this Notice

Submitters and Further Submitters on Policy 10.3.2

- Harboursides and Peninsula Preservation Coalition
- Federated Farmers of New Zealand
- Save The Otago Peninsula Inc.
- Royal Forest and Bird Society of New Zealand Inc.
- Geoff Scurr Contracting Ltd
- Waste Management (New Zealand) Ltd

<i>Submitter Name</i>	<i>Attention and Agent</i>	<i>Postal Address</i>	<i>Email</i>
Harboursides and Peninsula Preservation Coalition	Craig Werner	30 Howard Street Macandrew Bay Dunedin 9014	craigwerner.ww@gmail.com
Federated Farmers of New Zealand Inc.	Caroline Ryder and Kim Reilly	PO Box 5242 Moray Place Dunedin 9058	cryder@fedfarm.org.nz; kreilly@fedfarm.org.nz
Save The Otago Peninsula (STOP) Inc Soc	Lala Frazer	PO Box 23 Portobello Dunedin 9048	stopincsoc@gmail.com
Royal Forest and Bird Society of New Zealand Inc.	Sue Maturin	PO Box 6230 Dunedin North Dunedin 9059	s.maturin@forestandbird.org.nz
Geoff Scurr Contracting Ltd	C/- Campbell Hodgson, Gallaway Cook Allan	PO Box 143 Dunedin 9016	campbell.hodgson@gallawaycookallan.co.nz
Waste Management (New Zealand) Ltd	C/- Andrea Brabant, Tonkin Taylor Limited	PO Box 5271 Wellesley Street Auckland 1141	abrabant@tonkintaylor.co.nz

Submitters and Further Submitters on Rules 10.3.2.A and 10.3.2.3

- Burkhard and Marita Eisenlohr
- Murray Soal
- Waste Management (New Zealand) Ltd
- Robert, George and Sharron Margaret Morris
- Timothy George Morris
- Timothy George Morris (on behalf of RG and SM Morris Family Trust)
- Federated Farmers of New Zealand
- Geoff Scurr Contracting Ltd

- Ben Graham
- Mathew O'Connell
- John Scott
- Marrafin Trust
- Horticulture New Zealand
- Oceana Gold (New Zealand) Ltd

<i>Submitter Name</i>	<i>Attention and Agent</i>	<i>Postal Address</i>	<i>Email</i>
Burkhard and Marita Eisenlohr	NA	600 Portobello Road RD 2 Dunedin 9077	bmegp@xtra.co.nz
Murray Soal	NA	427 Waitati Valley Road RD 2 Waitati 9085	hillcrestfarm@xtra.co.nz
Waste Management (New Zealand) Ltd	C/- Andrea Brabant, Tonkin Taylor Limited	PO Box 5271 Wellesley Street Auckland 1141	abrabant@tonkintaylor.co.nz
Robert George & Sharron Margaret Morris	NA	143 Seal Point Road RD 2 Dunedin 9077	None listed
Timothy George Morris	NA	776 Weedons Ross Road West Melton 7618	None listed
Timothy George Morris (on behalf of RG and SM Morris Family Trust)	NA	143 Seal Point Road Sandymount RD 2 9077 Dunedin	tmorris@tonkintaylor.co.nz
Federated Farmers of New Zealand Inc.	Caroline Ryder and Kim Reilly	PO Box 5242 Moray Place Dunedin 9058	cryder@fedfarm.org.nz; kreilly@fedfarm.org.nz
Geoff Scurr Contracting Ltd	C/- Campbell Hodgson, Gallaway Cook Allan	PO Box 143 Dunedin 9016	campbell.hodgson@gallawaycookallan.co.nz
Ben Graham	C/- Bridget Irving, Gallaway Cook Allan	PO Box 143 Dunedin 9016	bridget.irving@gallawaycookallan.co.nz; campbell.hodgson@gallawaycookallan.co.nz
Mathew O'Connell	C/- Bridget Irving, Gallaway Cook Allan	PO Box 143 Dunedin 9016	bridget.irving@gallawaycookallan.co.nz; campbell.hodgson@gallawaycookallan.co.nz
John Scott	C/- Bridget Irving, Gallaway Cook Allan	PO Box 143 Dunedin 9016	bridget.irving@gallawaycookallan.co.nz; campbell.hodgson@gallawaycookallan.co.nz

Marrafin Trust	Mark Spencer	693 Waitati Valley Road Upper Waitati RD2 Waitati 9085	spendecon@xtra.co.nz
Horticulture New Zealand	Rachel McClung	PO Box 10232 The Terrace Wellington 6143	Rachel.McClung@hortnz.co.nz
Oceana Gold (New Zealand) Limited	Jackie St John	22 MacLaggan Street Dunedin 9016	jackie.stjohn@oceanagold.com