



## PROPOSED PLAN CHANGE 55 MANAWATU DISTRICT PLAN

7 December 2016

To the Hearing Panel

c/- Allie Dunn

**Regarding questions raised by the hearing panel with regards to Forest and Bird's submission on Monday 5 December 2016**

Thank you for hearing our submission on Monday 5 December, as you may be aware I was unable to attend the hearing that day and Sally Coughlan one of our local branch members presented on the Society's behalf.

During the course of the presentation, the Commissioners requested a response on the following issues:

1. Clarification regarding Forest & Bird's position on 3A.4.3 of the Proposed Plan Change.
2. Detail around whether we meant indigenous biodiversity in general or designated areas of special significance/interest.

While Forest and Bird's further submission addressed specific points made by others, the key focus of the submission was on amendments likely to support or detract from the protection and maintenance of indigenous biological diversity.

### **Forest and Bird's position on 3A.4.3**

3. As was stated during the hearing and particularly in relation to our further submission on Horticulture NZ (rule 3A.4.1) we recognized that construction activities of network utilities are more likely to have adverse effects than for operation and maintenance for existing activities, and in our view this is particularly the case for effects on indigenous biodiversity. As the permitted rule for such activities restricts construction activities outside of existing corridors (3A.4.2(l)) within identified significant areas) and we support the s42A recommendation on this. However, this moves the consideration of where network utilities may have an adverse effect on areas of significant indigenous biodiversity to be considered under 3A.4.3 as a restricted discretionary rule. Our concern is that while council recognises the impacts on significant areas under 3A.4.3 (iv) the matters for restriction of discretion do not give the council scope to consider effects on indigenous biodiversity. We request that indigenous biodiversity is added as a matter for discretion under this rule.

### **The matter of indigenous vegetation**

4. Because rule 3A.4.3 applies more broadly than just relating to new network utilities in significant areas, we consider that the matter for restriction should be "indigenous biodiversity" not restricted to consideration of significant indigenous biodiversity.
5. As I understand Sally covered with you at the hearing, we recognise that Manawatu District Council has responsibilities to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna as per s6(c) of the Resource Management Act and as per s31(1)(b)(iii), is required to regulate the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of the maintenance of indigenous biological diversity. While the Horizons One Plan RPS provisions set out specific direction in terms of protection of indigenous biodiversity, Council still has functions and responsibilities under the RMA. This means that where the District Plan provides for an activity, the effects of that activity on indigenous biodiversity cannot be ignored.
6. It is Forest & Bird's position that Manawatu District Council must give effect to the RMA and thereby have rules in place that protect significant natural areas and also maintain indigenous biodiversity in the District more generally.

Thank you for providing opportunity to respond on these points

Sincerely

A handwritten signature in black ink, appearing to read 'Amelia Geary', written in a cursive style.

**Amelia Geary**

Lower North Island Conservation Manager for the Royal Forest and Bird Protection Society

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