

IN THE MATTER the Resource Management Act 1991
OF

AND

IN THE MATTER the Queenstown Lakes District
OF Council Proposed District Plan.

**STATEMENT OF EVIDENCE OF GEOFFREY EDWARD DEAVOLL ON
BEHALF OF THE DIRECTOR-GENERAL OF CONSERVATION**

Submitter number 373/1080

26 February 2016

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INTRODUCTION

Experience and qualifications

1. My full name is Geoffrey Edward Deavoll and I am a Resource Management Act Planner at the Department of Conservation (“**the Department**”), Christchurch.
2. I hold a Bachelor of Science degree in Geography from the University of Canterbury and have been practising as a resource management planner over the last seven years. From January 2009 I was employed as a Consents Planner with Canterbury Regional Council. I have been employed as a Resource Management Act Planner with the Department since July 2013.
3. As a member of the Department’s Resource Management Act (“**RMA**”) planning team, my role includes providing planning evidence in support of the Department’s submissions on regional and district planning processes. These include the proposed Invercargill District Plan, the proposed Christchurch Replacement District Plan, and the proposed Otago Regional Policy Statement among others.
4. My statement of evidence addresses the Director-General’s submission in relation to the following:
 - Provisions of the Proposed District Plan under Goal 4 of Chapter 3 relating to the protection of the natural environment and ecosystems.
5. In preparing this evidence I have considered the Objectives and Policies under Goal 4 of Chapter 3 of the proposed District Plan (“**pDP**”); the Council Officer’s Section 42A Report; and the Director-General’s submission.

Code of conduct

6. I have read the Environment Court’s Code of Conduct for Expert Witnesses and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this evidence are 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.

7. In terms of the structure of my evidence, I address the key points of the Director-General's submission on the pDP, with specific reference to the recommendations and discussion on the Chapter 3, Goal 4 provisions in the Officer's Report.

Chapter 3, Goal 4 provisions for the protection of the natural environment and ecosystems.

8. From the outset, I am in agreement with the Council Officers recommended changes to the strategic objectives and policies under Goal 4 of Chapter 3 of the pDP and support the chapter as currently proposed in Appendix 1 of the Officer report.
9. The Director-General lodged submissions (#373.4 - #373.10, #1080.1) generally in support of and seeking to retain the objectives and policies under Goal 4 of Chapter 3 of the pDP, while suggesting some minor amendments to specific policies. The amendments sought by the Director-General are set out in Appendix A attached to this evidence.
10. Policy 3.2.4.2.1 provides for the identification of areas of significant indigenous vegetation and significant habitats of indigenous fauna and for their protection. I consider this to be an appropriate strategic policy and an appropriate response to section 6(c) of the Resource Management Act.
11. The Director-Generals submission (#373.5) sought that this policy be amended to include provision for the further identification of Significant Natural Areas associated with development and land use activities. This would essentially require a site specific ecological assessment where and when development activities are being planned.
12. I agree with the Council officers statements on this relief sought¹, in that this is currently provided for in more detail in proposed Policy 33.2.1.1 and would likely be in too finer detail for a strategic policy such as this. Therefore I support the Policy as notified and the Director-General is reliant on proposed Policy 33.2.1.1 to provide for the relief sought.
13. Proposed Policy 3.2.4.2.2 provides for consideration of environmental compensation in situations where effects on nature conservation values cannot be avoided, remedied or mitigated. The Director-Generals submission (#373.6) sought that the proposed Policy be deleted and reworded to apply the concept of biodiversity offsetting in these situations, with an aim of achieving 'no net loss' of biodiversity.

¹ S42A Report, M. Paetz, Page 30, Paragraph 12.91

14. The Council Officers recommendation on Policy 3.2.4.2.2² is to delete Policy 3.2.4.2.2 entirely, and have the intent of this policy covered by proposed policies of Chapter 33. Again it is the Council Officers opinion that this policy is too detailed for a strategic policy and therefore would be best covered by Policies of the Indigenous Biodiversity Chapter 33. I agree with the Council Officers recommendation, and I note that the Director-Generals submissions on Chapter 33 have sought some significant amendments to how that chapter provides for biodiversity offsetting, and as directed by the proposed Regional Policy Statement for Otago. Given this the Department of Conservation will address the matter of providing for biodiversity offsetting in greater detail at the rural topics hearing in May.
15. The Director-General submitted generally in support of the strategic Objective 3.2.4.4 and Policy 3.2.4.4.1 as they provide for strict control of the planting of tree species with potential to create wilding tree problems. The Council Officers recommendation³ proposes some wording amendments to both the objective and the policy, which in my opinion still maintains the focus of the pDP on controlling the creation of new wilding tree problems within the District. It is important to note the proposed amendments to Policy 3.2.4.4.1 include the word 'prohibit' which corresponds with the proposed prohibited activity status for the planting of wilding tree species in Chapter 34 of the pDP. The Director-General is a submitter on Chapter 34 and will address the need for a prohibited activity for this activity in evidence to the rural topics hearing.

CONCLUSION

16. While the Council Officer had recommended some limited changes to the strategic objectives and policies under Goal 4 of Chapter 3, as detailed above I am in agreement with the Council Officer regarding those recommended changes and therefore support the Councils' currently proposed Chapter 3.

Geoff Deavoll



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² S42A Report, M. Paetz, Page 30, Paragraph 12.90

³ S42A Report, M. Paetz, Page 30, Paragraph 12.94

Appendix A:

Chapter 3 Strategic Direction			
Reference	Plan Provision	Position and Reason	Relief Sought
3-4 (#373.4)	Goal 3.2.4 The Protection of our natural environment and ecosystems	Goal 3.2.4 of the Strategic Direction is generally supported as giving effect to section 6 RMA and generally a response to the Councils function under section 31(b)(iii) of the RMA.	Retain Goal 3.2.4 as notified.
3-5 (#373.5, #1080.1)	Policy 3.2.4.2.1	<p>Policy 3.2.4.2.1 is supported in part.</p> <p>An amendment to this Policy is sought to ensure that it is not just the mapped Significant Natural Areas that are to be protected but that the proposed Plan provides for ongoing ecological assessment and identification of values as part of development and use activities.</p>	<p>Amend Policy 3.2.4.2.1 as follows:</p> <p><i>Identify areas of significant indigenous vegetation and significant habitats of indigenous fauna, referred to as Significant Natural Areas on the District Plan maps and through further ecological assessment associated with development and use activities, and ensure their protection.</i></p>
3-5 (#373.6)	Policy 3.2.4.2.2	<p>Policy 3.2.4.2.2 is opposed.</p> <p>An amendment to the intent and wording of this Policy is sought. The Policy should be clarified so that</p>	<p>Amend Policy 3.2.4.2.2 as follows:</p> <p>Where adverse effects on nature conservation values cannot be avoided, remedied or mitigated, consider</p>

		<p>it is limited to biodiversity off-setting for the purpose of addressing residual adverse effects that cannot be otherwise mitigated. The use of biodiversity offsetting should also be for the purpose of contributing to an overall purpose of achieving no net loss of indigenous biodiversity in the District.</p> <p>The Policy as worded anticipates the use of 'compensation' as an alternative to any attempt to mitigate adverse effects. It should be recognised that the meaning of 'environmental compensation' has a distinctly different meaning to biodiversity offsetting.</p>	<p>environmental compensation as an alternative. <u>Where residual adverse effects of activities on nature conservation values cannot be otherwise avoided remedied or mitigated, the use of biodiversity offsets should be considered to achieve no net loss of indigenous biodiversity, and preferably a net gain.</u></p>
3-5 (#373.7, #373.8)	<p>Objective 3.2.4.3</p> <p>Policy 3.2.4.3.1</p>	<p>Objective 3.2.4.3 and Policy 3.2.4.3.1 are supported so far as they are consistent with section 6(c) RMA in protecting significant vegetation and habitats for significant indigenous fauna.</p>	<p>Retain as notified.</p>
3-5 (#373.9, #373.10)	<p>Objective 3.2.4.4</p> <p>Policy 3.2.4.4.1</p>	<p>Objective 3.2.4.3 and Policy 3.2.4.3.1 are supported as notified as they address the spread of exotic tree species in the district and the impacts this has on indigenous biodiversity and significant landscapes.</p>	<p>Retain as notified.</p>