

9 March 2018

Submission to the Mackenzie District Council – Proposed District Plan Changes 18 & 19

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From: Royal Forest and Bird Protection Society of New Zealand Inc (Forest & Bird)

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INTRODUCTION

1. Forest & Bird is New Zealand's largest non-governmental conservation organisation many members and supporters. The Society has been involved in advocating for the protection of the unique Mackenzie Basin landscape for many years. In recent years it has campaigned to "Save the Mackenzie" due to growing concern over agricultural intensification, and in particular the impact irrigation was having on the District's outstanding natural values.
2. Forest and Bird was represented on a collaborative group (The Upper Waitaki Shared Vision Forum) formed in an effort to seek a consensus on how to appropriately manage the highly contested natural resource of the Basin. The group developed a 'Mackenzie Agreement' that was presented to the Government and Councils in 2012.
3. The Society has been (and is still) involved in a number of appeals on the take and use of water within the Basin because of its concerns about the adverse effects irrigation and land use intensification has on the dryland adapted plants and indigenous fauna on the subject sites. Many of these plant and animal species are endemic to Canterbury and threatened with extinction.
4. This is a submission on all provisions of the Proposed Plan Change 18 and 19 and as necessary consequential changes to the Mackenzie District Plan.
5. For the purposes of this submission, relief sought includes such other relief, including consequential changes, as is necessary to give effect to the relief sought.
6. Forest & Bird could not gain an advantage in trade competition through this submission.

7. Forest & Bird wishes to be heard in support of this submission, and would be prepared to consider presenting this submission in a joint case with others making a similar submission at any hearing.

SUBMISSION

8. Forest and Bird supports the intent of Plan Change 18 and 19 to improve land management practices and maintain indigenous biodiversity.
9. This submission is set out in two parts, first by identifying the key issues with Plan Change 18 and 19 and decisions requested to address these issues, and then setting out specific changes to proposed provision wording in the following table.

KEY ISSUES PC18

Permitted Vegetation clearance in Rural Zone

10. The Rural Zone includes areas of indigenous vegetation and biological diversity. These areas include exotic vegetation.
11. The Rural Zone rules for clearance of vegetation are significantly changed by PC18. The only remaining rule, Rule 12, provides a permitted activity classification for clearance of vegetation. Effectively the rule permits any vegetation clearance, except within riparian areas where clearance is limited to 100m² per hectare within specified setbacks from waterbodies. There are no conditions or standards to mitigate adverse effects on habitats of indigenous fauna, such as by limiting clearance during bird breeding or fish spawning periods.
12. It is not clear whether “vegetation clearance” in the rural zone permitted under this rule must also be considered under the biodiversity rules in new Section 19. This makes the application of Rule 12 uncertain in the context of new rule 19.1.1 (also identified as 1.1.1 in the notified amendments) where clearance is not permitted within the setbacks from water bodies. In addition the exemptions under Rule 12 are not appropriately set out.
13. If Rule 12 is intended to apply to water bodies within areas of improved pasture and to enable the maintenance of watercourses and drains, then it is not appropriate as written. It is not clear what other reason 100m² of clearance per hectare within the riparian areas every 5 years would be required. Such clearance could incrementally result in a loss of all riparian vegetation within each hectare over time.
14. In addition the distinction between “vegetation” and “indigenous vegetation” is not clear. Riparian areas within improved pasture are still likely to have important biodiversity values. To apply the rule appropriately a person would need to determine whether the riparian vegetation met the definition for indigenous vegetation or not. This is not clear within the rule itself.

15. Because riparian areas provide habitat for indigenous fauna, whether modified by land use activities and exotic plant species or not, they are particularly important in terms of biodiversity.
16. Under the Regional Land and Water Plan some vegetation clearance is permitted within 5 and 10 meters of the bed of a waterbody unless it breaches sediment discharge limits or results in a loss of diversity of existing riparian vegetation of the Waitaki rivers. Forest and Bird considers that consistency with those provisions is appropriate at the permitted level under the Mackenzie plan as effects on biodiversity would be no more than minor outside of significant areas identified in the Mackenzie District Plan.
17. Rule 12 should be replaced by a new rule which permits clearance within the riparian margin under the Regional Land and Water Plan or for which the regional council has granted consent prior to this plan change 18 becoming operative. Any other clearance within riparian areas of the setbacks established in Rule 19.1.1 must be considered under the Chapter 19 biodiversity rules.
18. Rule 12 also includes exemptions. Forest and Bird generally accepts that some clearance is appropriate for certain activities to continue, however it is clearer to provide for these activities within a permitted rule, rather than by excluding them. This enables the inclusion of limits and standards as necessary.
19. In particular the exclusion for track maintenance and habitat enhancement are problematic as written. This is because clearance of vegetation should be limited to that required for the maintenance of existing tracks, not to facilitate the establishment or extension of tracks. It is uncertain what would be considered as "habitat enhancement" and could result in significant ecological effects; enforcement of such a provision would not be possible.
20. Rule 19.1.1 as proposed permits clearance for the maintenance of drains, for pest management purposes, the maintenance of vehicle tracks and roads as well as in a number of other situations.
21. If Rule 12 is amended as sought then the exemptions would not be required.

Farming Enterprise approach

22. The split between a Restricted Discretionary activity for Farm Enterprise, and a non complying activity on the basis of not being a Farm Enterprise is not robust.
23. Forest and Bird would support the farm enterprise approach if there was clear policy direction of the benefit to be achieved to biodiversity through the farm enterprise approach compared with at the individual farm level. The concept of a Farming Enterprise approach was established under the Regional Land and Water Plan for nutrient management. In that case management of nutrients at the farming enterprise scale was appropriate to recognise that nutrient inputs and outputs were managed for the farming activity rather than per property. Those rules included limits for nutrients

on a similar basis as for individual farms. Under that plan, farm plans (a primary means of delivering good practice) were also required for all farming activities, whether as part of a farm enterprise or separately. Under that plan farming activities were to be managed within limits and to reduce adverse effects over time through implementing good practice under the Farm Plan framework. That is not the same as the approach set out in the Mackenzie District Plan for biodiversity.

24. Under the PC18, a Farming Enterprise is a restricted discretionary activity on the basis of having a farm biodiversity plan. There are no conditions setting out limits to adverse effects on indigenous biological diversity or unidentified significant areas. Forest and Bird recognise that unlike water quality there is no quantified target or allocation regime, it is therefore particularly important that a precautionary approach is adopted. Clearing indigenous vegetation does not just damage it (where it could recover if adverse effects were reduced), clearance destroys the vegetation and reduces biological diversity. While good practice through the implementation of farm biodiversity plans is supported this is not sufficient to achieve the objectives of the plan or for council to meet its responsibilities and functions under the RMA.

Farm Biodiversity Plans

25. The Farm Biodiversity Plans appear to encourage a good management approach to managing effects on indigenous biodiversity. In particular they provide for s6(c) matters to be protected. However the extent to which indigenous biodiversity which is not identified with significant values will be maintained is uncertain.
26. Forest and Bird is concerned that using Farm Biodiversity Plans as the only regulatory requirement is particularly uncertain. It would be preferable in our view for the rule conditions to set out the specific requirements that must be achieved for an activity to be restricted discretionary. This would include, that as part of the application areas and sites meeting RPS Policy 9.3.2 have been identified and measures to protect them are set out in an approved Farm Biodiversity Plan. Clear matters of discretion have not been included for council to consider effects on these matters or on the maintenance of indigenous biological diversity.
27. It is not appropriate for a rule to be dependent on a Farm Biodiversity Plan, with out clear conditions setting out the purpose of the biodiversity plan. Any restriction of discretion must enable council to consider all relevant matters to achieving that purpose and through identifying the effects to be considered. Given the necessarily board matters for discretion, Forest and Bird consider that a discretionary rule status is more appropriate when considering effects of vegetation clearance on biological diversity .

Offsetting

28. Forest and Bird recognises that there is direction in the RPS for council to include provisions for offsetting. RPS Policy 9.3.6 sets out criteria for offsets to fully compensate residual effects, achieve a no net loss of biodiversity and in sites of natural significance the offset must deliver a net gain. The proposed wording in PC18 is not sufficient or adequate to ensure the maintenance of biological diversity or protection of sites of natural significance. As written this policy does not achieve the objectives of the district plan or give effect to the RPS.
29. Offsetting is a step beyond “avoid, remedy or mitigate” and as established through case law is not mitigation, an offset does not address the effects of the activity on the matter adversely affected.
30. The principle reasons and explanation in the RPS sets out that offsetting cannot be considered where the residual effects cannot be fully compensated because the biodiversity is highly vulnerable or irreplaceable. For instance where the vegetation or habitat is so rare or reduced that there are few or no opportunities to deliver an offset. Limits to offsetting are also recognised in the Principles of the NZ government guidance on offsetting¹; Attachment 1 to this submission.
31. Two key principles are:
 - a. “no net loss” which is included in Policy 6, but is not defined in the plan. The definitions from the RPS should be included to clarify the application of this term.
 - b. “Limits to what can be offset” Without limits offsetting could result in the extinction or effective loss of a species through destruction of habitat, and the loss of ecosystems distinctive and unique to the Mackenzie basin. This can be addressed by including a criteria for “No loss of rare or vulnerable species”.
32. Even where “no net loss” and “no loss of rare or vulnerable species” is achieved, offsetting can still result in the loss of significant values and may not ensure that biodiversity is maintained in all cases (unless a like for like offset is achieved). As such it should not be generally available for just any activity. This is recognised in the RPS as the two matters for which offsetting is specifically to be considered by Territorial authorities provide for significant benefits to the wellbeing of communities:
 - a. Under Policy 16.3.5 for Efficient, reliable and resilient electricity generation within Canterbury, by enabling upgrading and development provided that the adverse effects on significant natural and physical resources or cultural values are avoided, or where this is not practicable remedied, mitigated or offset;
 - b. Under Policy 5.3.10 Telecommunication infrastructure, Method 3 sets out that territorial authorities will set out objectives and policies, and may include methods in district plans

¹ Ministry for the Environment 2014, Guidance on Good Practice Biodiversity Offsetting in New Zealand.
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which; (c) avoid, remedy, mitigate or offset the adverse effects of telecommunication infrastructure on the environment.

33. Forest and Bird seeks that these limits to offsetting are clearly set out in the definition and policy of the district plan.

KEY ISSUES PC19

General submission point:

34. The terminology in this chapter has been partly changes to reflect terminology in the RMA, by changing “waterways” to waterbodies”. This is supported. However the terminology of “wildlife and wildlife habitats” does not reflect the responsibilities or functions of council under the Act. While it is appropriate that council address effects of activities for which they have functions on matters controlled under other Acts, the council should use terminology of the RMA where possible.
35. **Relief sought:** Forest and Bird seeks that further changes to clarify terminology for consistent with RMA responsibilities and function.

Recreational use activities

36. Rural Policy 8E addresses effects of recreational use. As set out in the explanation this includes effects on breeding birds. However controls to avoid and mitigation are not carried into the rules and through regulations such as bylaws.
37. **Relief sought:** Forest and Bird seeks that council include rules to restrict such activities during bird breeding periods.

Section 7 rules

38. In section 7 activities are permitted on or within within Lakes Tekapo, Benmore and Ruataniwha and all rivers other than the Opihi and Opuha Rivers. However there are no conditions or standards to ensure that effects from these activities are no more than minor.
39. **Relief sought:** Forest and Bird seeks that conditions/standards to:
- Restrict activities during fish spawning and bird breeding periods,
 - Set out that a pest is a species identified in the regional pest management plan
 - avoid adverse effects on water quality and non target species when undertaking pest control activities
 - measures to avoid or mitigate effects on amenity values including noise
 - measures to avoid or mitigate effects on ecological values including noise (i.e. during bird breeding periods)

Additional and specific submission on provisions are included in the Table below:

Submission on specific provisions

Title of Provision	Submission	Reasons for submission	Relief sought
Definitions			
Biodiversity (or biological diversity)	Support in part	The wording is slightly different to that provided in section 2 of the RMA. This could create inconsistency in applying the definition as to “variability of living organisms”, rather than “variability among living organisms”.	Amend wording to be consistent with the RMA.
Farm Biodiversity Plan	Support in part	The plans set out some good management practices but are not certain enough for rules	Retain
Farming Enterprise	Support in part	Consequential to deleting rule and for reasons set out in key issue above.	Retain
Improved Pasture	oppose	This definition relies on subjective judgment and is unenforceable.	Delete definition of improved pasture (and also delete condition 6 from Rule 19.1.1)
No net loss	New definition sought	To clarify the use of criteria under Policy 6 the meaning of no net loss needs to be included in the district plan.	Insert RPS definition <u>“No net loss</u> <u>In relation to indigenous biodiversity, “no net loss”</u> <u>means no reasonably measurable overall reduction in:</u> <u>a) the diversity of indigenous species or recognised</u> <u>taxonomic units; and</u> <u>b) indigenous species’ population sizes (taking into</u> <u>account natural fluctuations) and long term viability;</u> <u>and</u> <u>c) the natural range inhabited by indigenous species;</u> <u>and</u> <u>d) the range and ecological health and functioning of</u> <u>assemblages of indigenous species, community</u> <u>types and ecosystems”</u>

Indigenous Vegetation	Support in part	<p>The first part of the definition is consistent with the dictionary definitions for “indigenous” and “vegetation” and adds to the definition by clarify it may include exotic vegetation. This is also consistent with best practice for definitions and common to other definitions clarifying vegetation in the context of a plant community.</p> <p>Following best practice definitions should not be substitutes for rules. New Rule 19.1.1 specifically permits the clearance of indigenous vegetation for the planted for the purposes which are excluded in this definition. The rule is a more appropriate place to address these activities than the definition.</p>	Amend the definition to remove exclusions as follows: <u>“Indigenous vegetation means naturally occurring vegetation containing plant species that are indigenous to the area/site.”</u>
Vegetation Clearance	Support	The indigenous vegetation of Mackenzie is particularly adapted to dryland conditions, as such irrigation effectively destroys this vegetation, in the same way as cultivation (including by over sowing), spraying or mechanical clearance would.	Retain proposed wording means the felling, clearing or modification of trees or any vegetation by cutting, crushing, cultivation, spraying, or burning, <u>or irrigation</u> . Clearance of vegetation shall have the same meaning.
Section 7 Rural Zone			
Deletion of provisions and moved provisions	Support in part	Support the inclusion in a specific chapter for biodiversity provisions.	Retain
Rural Zone			
Rule 12 Vegetation clearance	Support		Retain Consequential change:

			Amend the definition as follows: “Riparian Area Margin : means land adjacent to a waterbody which contributes to the natural functioning, quality and character of the waterbody and its ecosystem.”
Section 19 – Indigenous Biodiversity			
Objectives	Support in part	<p>Support the inclusion of objectives for both councils function to maintaining indigenous biological diversity and to provide for the protection of s6(c) matters.</p> <p>However there is some uncertainty in the wording proposed which could be clearer to give effect to the RPS and for alignment with the policies proposed to achieve them.</p> <p>Objective 1 appears to set out two objectives however one is dependant on the other as written. There is no objectives should state that further s6(c) areas will be identified and that ecologically significant wetlands are protected.</p> <p>The term “land development” is uncertain, “land use” is preferable.</p> <p>Objective 3 is particularly uncertain as to what is the objective. As written it appears to be a policy or method. In particular, we do not support an objective which enables development in accordance with a plan developed outside of the district plan.</p> <p>We might support an objective to the effect that</p>	<p>Amend Objective 1 by splitting it into two separate objectives.</p> <p>Delete Objective 3.</p>

		Farm Biodiversity Plans will be used as a management tool to protect and maintain biological diversity, or similar.	
Policy 1	Support in part	Forest and Bird supports the intent of the policy however the wording “to prevent development which reduces the values of these sites” is not the same as the s6(c) wording to protect.	Amend Policy 1 by replacing the words following Canterbury Regional Policy Statement with “by avoiding significant adverse effects and avoiding, remedying or mitigating other effects on indigenous biodiversity”
Policy 2	Support in part	This policy does not more than restate section 5. It is inconsistent with section 6(c) which provides that significant indigenous vegetation and significant habitat of indigenous fauna have to be protected. This is a distinct and higher requirement to avoid remedy or mitigate adverse effects. Wetlands should also be included to give effect to direction of the RPS.	Amend Policy 2 as follows: “To avoid, remedy or mitigate adverse effects on the natural character and indigenous <u>biodiversity values of</u> land water ecosystems functions in the District including: a) Landform, physical processes and hydrology; b) Remaining areas of significant indigenous vegetation and habitat, and linkages between these areas c) <u>Wetlands, Aquatic habitat and water quality and quantity.</u> ”
Policy 3	Oppose	This policy allows for adverse effects on matters that are to be protected under s6(c). No net loss is not the same as protection.	Delete
Policy 4	Support	This policy is consistent with the RPS	Retain as worded
Policy 5	Oppose	Forest and Bird oppose this policy as it protection of significant indigenous vegetation and significant habitat of indigenous fauna is not achieved by remediation, mitigation or offsetting. The matters to be addressed in this policy are covered in the amended Policy 6 below.	Delete

Policy 6	Support in part	<p>The policy is poorly drafted. It conflates the concepts of offsetting and compensation. Offsetting relates to values that are the same as those being impacted on. Compensation relates to values that are not the same as those affected by the activity.</p> <p>The concept of “net gain” is misleading. It relates to compensation and implies that biodiversity will be better off. However, this relates to out of kind trade and there no way of comparing different values (apples and oranges). The question of whether or not there will be a net gain is entirely subjective.</p> <p>However the policy as written does not achieve the objective of the plan and directly conflicts with Policy 1.</p> <p>Offsetting in cases where the activity results in the loss of significant values may not ensure that biodiversity is maintained in all cases (unless a like for like offset is achieved).</p> <p>Without limits and restrictions offsetting will not be consistent with achieve the objectives of the plan.</p>	<p>Amend Policy 6 as follows:</p> <p>Where offsetting is proposed, to apply the following criteria:</p> <ul style="list-style-type: none"> a) the offset will apply the mitigation hierarchy, and only relate to residual adverse effects that cannot otherwise be avoided, remedied or mitigated; b) the offset achieves no net loss of biodiversity; c) offsets and compensation are not appropriate in <ul style="list-style-type: none"> (i) indigenous vegetation in land environments where less than 20% of the original indigenous vegetation cover remains. (ii) areas of indigenous vegetation associated with wetlands. (iii) areas of indigenous vegetation located in “originally rare” terrestrial ecosystem types not covered under (1) and (2) above. (iv) habitats of threatened and at risk indigenous species. d) any proposals for biodiversity offsetting should be based on an adaptive management approach, incorporating monitoring and evaluation, with the objective of securing outcomes that last at least as long as the activity’s impacts, and preferably in perpetuity. In order to achieve this the proposed biodiversity offset will: (v) demonstrate that management arrangements, legal

			<p>arrangements (e.g. covenants) and financial arrangements (e.g. bonds) are in place that allow the positive effects to endure as long as the residual adverse effects of the activity, and preferably in perpetuity, and</p> <p>(vi) be able to be implemented and enforced in line with any resource consent conditions associated with the activity. These conditions should include:</p> <p style="padding-left: 40px;">A. specific, measurable and time-bound targets, and</p> <p style="padding-left: 40px;">B. mechanisms for adaptive management using the results of periodic monitoring and evaluation against identified milestones to determine whether the biodiversity offset is on track and how to rectify if necessary</p> <p>(vii) establish roles and responsibilities for managing, governing, monitoring and enforcing the biodiversity offset, and</p> <p>(viii) undertake methods by which analysis will identify when milestones of the biodiversity offset are not achieved, and the causes of non-achievement, and how to revise the offset management plan to avoid similar occurrences.</p>
Policy 7	Support	This policy is consistent with the NES on Renewable Energy	Retain
Policy 8 and 9	Support in part	Support the intent of this policy to give direction for Farm Biodiversity Plans. However as written the policy is uncertain. The heading suggests the policies will apply to farm plans. However farm plans are	<p>Delete the heading above Policies 8 and 9.</p> <p>Amend Policy 8 as follows:</p>

		provided at the Restricted Discretionary level and the matters of discretion do not enable consideration of the matters raised in these policies.	To assist enable rural land use and development at an on-farm level, where that development is integrated with comprehensive identification, sustainable management and long-term protection of values associated with significant indigenous vegetation and significant habitats of indigenous fauna, through a Farm Biodiversity Plan process.
Rules – Indigenous vegetation clearance			
19.1.1 Permitted Activities		<p>As permitted under this rule plantation forestry has to comply with the setbacks from waterbodies. Forest and Bird supports this set back from waterbodies in or adjacent to significant areas however setbacks in other areas may not be consistent with the NES provisions for more stringent rules in a plan. Forest and Bird also supports Condition 7 as it provides for s6(c) of the RMA and is consistent with the objectives of this plan and the RPS</p> <p>However Forest and Bird considers that some clearance for the activities under condition 1 within the set backs under condition 8 may be necessary for the safe operation of those activities and would not have more than minor adverse effects. This approach is consistent with other plans to manage effects on indigenous vegetation. The Regional Land and Water plan provides rules to manage effects on water quality and erosion.</p> <p>Clarification is needed to conditions 2 so that it only applies to harvesting and cannot be interpreted as</p>	<p>Amend Conditions 2 as follows:</p> <p><u>“The clearance is of indigenous vegetation that is Plantation Forest under the NES for Plantation forestry which has been planted and is managed specifically for the purpose of harvesting and subsequent replanting of plantation forest within 5 years of harvest;</u></p> <p>Amend Conditions 1 as follows:</p> <p><u>“1. The clearance is for the purpose of maintenance or repair of existing fence lines, vehicle tracks, roads, firebreaks, drains, stockyards, farm buildings, <u>or water troughs or airstrips</u>; and within the setbacks identified under condition 8 is not more than 1.5 metres on either side of the existing fence line, vehicle track, road, drain, stockyards farm building, water trough.</u></p> <p><u>1a. The clearance is for the purpose of maintenance or repair of existing firebreaks or airstrips;”</u></p> <p>Delete condition 6.</p>

		<p>providing clearance for afforestation.</p> <p>Forest and Bird is concerned that Condition 6 could lead to the clearance of significant indigenous vegetation or habitats. Please refer to our comments on the improved pasture definition.</p>	
19.2 Restricted Discretionary Rules			
19.2.1 Farm Enterprise	Oppose	<p>This rule is poorly drafted.</p> <p>Matters of discretion 2 and 3 are effectively the same thing and it is not clear what distinguishes them.</p>	Delete Rule 19.2.1
19.2.2 clearance up to 5000m2	Oppose	<p>It is not clear whether this rule provides for additional clearance to what may be provided by consent under 19.2.1. Such that an applicant could seek to clear 5000m2 under this rule and then apply for clearance under 19.2.1.</p> <p>Forest and Bird supports Conditions 1 and 2.</p> <p>The matters for restriction of discretion are not clear. These should reflect RMA terminology and enable council to consider effects of the activity. In particular this needs to:</p> <ul style="list-style-type: none"> • include effects on significant 6(c) matters. • Make it clear that the applicant will need to identify the indigenous vegetation on the property and assess it against the RPS criteria for significance. 	<p>Amend the matters for restriction of discretion as follows:</p> <p>“1. The actual or potential impacts <u>effects</u> on biodiversity <u>and</u> or ecological values expected to occur as a result of the proposal, particularly the <u>1a. adverse effects impact</u> on significant values <u>of areas meeting the criteria provided in Appendix 3 of the Canterbury Regional Policy Statement;</u> <u>1b. effects on-including</u> the values significant to Ngāi Tahu.</p> <p>2. The extent to which species diversity or habitat availability could be adversely impacted by the proposal.</p> <p>3. Any potential for mitigation or offsetting of effects on ecosystems and biodiversity values in accordance with Policy 6.</p>

		<p>There is no need to specify what methods to manage effects the council will consider if the effects to be considered are clearly set out. However if council does this it may imply that some methods will not be considered.</p> <p>The reference to offsetting needs to be done in compliance with appropriate principles</p>	<p>4. <u>Alternatives and any technical and operational constraints and route, site and method selection process.</u></p> <p>4. The benefits that the activity provides to the local community and beyond."</p>
19.3 non complying rules			
Introductory words		<p>The introductory words that activities are non-complying unless specified as a permitted restricted discretionary or discretionary.</p> <p>This is confusing as there are no discretionary activities for indigenous vegetation clearance.</p>	<p>Amend introductory words as follows</p> <p><u>Indigenous vegetation clearance is non-complying unless specified as a permitted activity under [relevant permitted rules] or restricted discretionary under [relevant restricted discretionary rules]</u></p>
19.3.2	Support	<p>Forest and Bird support a non-complying of status for clearance within Sites of Natural Significance, land above 900m and significant ecological wetlands. These areas require protection to meet the objectives of the plan and to give effect to the RPS. However as set out under rule 19.1.1 we consider that it is not appropriate that all clearance be non-complying in these areas.</p>	Retain
Appendix Y Farm Biodiversity Plan Framework		<p>Some of the terminology is uncertain and is inconsistent with the RPS.</p> <p>1. "no net loss of biodiversity" is not consistent</p>	Amend Appendix Y to address the concerns set out in submission reasons.

		<p>with the RPS which defines no net loss in terms of indigenous biodiversity. This must be changes to avoid confusion with the definition of Biodiversity under this plan which applies to all living things including exotic species.</p> <p>2. “significant ecological areas” does not align with the objectives and policies on the Plan. A definition should be included.</p> <p>3. It is not clear what a “whole of property basis” means. Under Framework 2. A Farm B Plan applies to a framing enterprise. That definition is that this is a group of properties.</p> <p>Under B there is no requirement to identify the extent of indigenous biodiversity such that council can consider how maintenance is to be achieved. This is concerning as there is no limit to the extent of clearance set out in the plan rules and no matter of discretion for council to consider maintenance under Rule 19.2.1.</p> <p>Under D there is not consideration of how biodiversity will be maintained. This inconsistent with achieving councils functions to maintain biodiversity which extends beyond significant vegetation and habitats.</p>	

Forest and Bird wishes to be heard in support of this submission.

Jen Miller

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