

Mackenzie District Council

Stage 1 of the Review of the Mackenzie District Plan -

Proposed Plan Change 18

INDIGENOUS BIODIVERSITY

BACKGROUND

The Council is currently reviewing the District Plan including a review of matters relating to the ongoing loss or potential loss of indigenous biodiversity within the District with a particular focus on meeting the requirements of the Canterbury Regional Policy Statement and on revising the current indigenous vegetation clearance rules. A new Section 19 focussed on indigenous biodiversity is proposed to be inserted in the District Plan along with a revised set of indigenous vegetation clearance rules. Plan Change 18 is therefore part of the first phase of the review of the District Plan.

Matters addressed by the Plan Change include the need:

- To give effect to the Regional Policy Statement objective of achieving no net loss of indigenous biodiversity
- To encourage rural land use and development at farm level which is integrated with identification long term management of significant indigenous vegetation and significant significant habitats of indigenous fauna, through a Farm Biodiversity Plan process
- To remove exemptions which have enabled large areas of significant indigenous vegetation to be cleared
- To improve the effectiveness and application of indigenous vegetation clearance rules
- To recognise that the maintenance of indigenous biodiversity is a district-wide issue.

Although perhaps not exclusively, this Plan Change will have a role in protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna. On this basis the Environment Court has made a Declaration that within the Mackenzie Basin Subzone the rules 1.1-1.3 in Plan Change 18 shall, pursuant to s86B(3) RMA, have immediate legal effect upon notification of the Plan Change to the extent that they protect areas of significant indigenous vegetation or protect areas of significant habitats of indigenous fauna. Further the Environment Court has ordered pursuant to section 86D(2) RMA that within the Mackenzie Basin Subzone the rules in Plan Change 18 shall have immediate effect upon notification to the extent that they control vegetation clearance of areas indigenous vegetation or habitats of indigenous fauna that are not significant under s6(c) RMA.

CHANGES TO THE PLAN

Note: for the purposes of this Plan Change any text proposed to be added is shown as underlined and any text removed as ~~strike through~~.

SECTION 3 - DEFINITIONS

A. **Amend or add** definitions as follows (additions shown underlined deletions shown with ~~strikethrough~~)

Biodiversity (or biological diversity): means the variability of living organisms and the ecological complexes of which they are a part, including diversity within species, between species and of ecosystems.

Farm Biodiversity Plan: means a plan that covers the whole of a farming enterprise that is submitted to the Council as part of a resource consent application under Section 19 Indigenous Biodiversity, and is prepared in accordance with Appendix Y

Farming Enterprise: means an aggregation of parcels of land held in single or multiple ownership (whether or not held in common ownership) that constitutes a single operating unit for the purpose of farming management

Improved Pasture: means an area of pasture where:

- a) Species composition and growth have been modified and enhanced for livestock grazing within the previous 15 years, by clearance, cultivation or topdressing and oversowing, or direct drilling; and
- b) Exotic pasture species have been deliberately introduced and dominate in cover and composition. For the purposes of this definition the assessment of dominance shall disregard indigenous vegetation which is growing upon land that has previously been modified and enhanced for livestock grazing in accordance with clause a) above and is less than 15 years old.

Indigenous Vegetation: Means a plant community of species native to New Zealand, which may include exotic vegetation but does not include plants within a domestic garden or that have been planted for the use of screening/shelter purposes e.g. as farm hedgerows, or that have been deliberately planted for the purpose of harvest.

Vegetation Clearance: means the felling, clearing or modification of trees or any vegetation by cutting, crushing, cultivation, spraying, ~~or~~ burning or irrigation. Clearance of vegetation shall have the same meaning.

Waitaki Power Scheme: means the electricity generation activities in the Waitaki River Catchment including the structures, works facilities, components, plant and activities undertaken to facilitate and enable the generation of electricity from water. It includes power stations, dams, weirs, control structures, penstocks, canals, tunnels, siphons, spillways, intakes, storage of goods, materials and substances, switchyards, fish and elver screens and passes, boom, site investigation works, erosion and flood control, access requirements (including public access), jetties, slipways and landing places, signs, earthworks, monitoring, investigation and communication equipment and transmission network.

Maintenance of Waitaki Power Scheme: means undertaking work and activities, including erosion control works, necessary to keep the Waitaki Power Scheme operating at an efficient and safe level.

Refurbishment of Waitaki Power Scheme: means the upgrade or renewal (to gain efficiencies in generating and transmitting electricity) of machinery, buildings, plant, structure, facilities works or components and operating facilities associated with the Waitaki Power Scheme.

Core Sites: means land owned by Genesis Energy or Meridian Energy that is managed for hydro generation purposes associated with the Waitaki Power Scheme.

Operating Easement: means land Genesis Energy or Meridian Energy has an operating easement over. The purpose of this easement is to provide for activities to be undertaken by Genesis Energy or Meridian Energy as part of the management of the hydro facilities associated with the Waitaki Power Scheme.

SECTION 7 – RURAL ZONE

- B. Delete** Rural Objective 1 and Policies 1A, 1B and 1C as shown below.
- C. Move** the following objectives and policies to new Chapter 19 – Indigenous Biodiversity (detailed below):
- Rural Objective 1 - Indigenous Ecosystems, Vegetation and Habitat and Rural policies;
 - Rural Policy 1B - Identification and Protection of Special Sites;
 - Rural Policy 1C - Natural Character and Ecosystem Functions;

NOTE : Text that ~~struck through~~ is to be deleted

Text that is ~~double struck~~ through is to be deleted and moved to a new Section 19 – Indigenous Biodiversity

~~Rural Objective 1 – Indigenous Ecosystems, Vegetation And Habitat~~

~~To safeguard indigenous biodiversity and ecosystem functioning through the protection and enhancement of significant indigenous vegetation and habitats, riparian margins and the maintenance of natural biological and physical processes.~~

Reasons

- ~~Section 6 of the Act requires the Council to recognise and provide for protection of areas of significant indigenous vegetation and significant habitats for indigenous fauna.~~
- ~~The District still contains many areas that have particular natural conservation value, some of which contain nationally significant species which are deserving of protection.~~
- ~~It is appropriate that the values of areas of particular natural significance are protected both because of their intrinsic ecological worth, their contribution towards biodiversity and their value to the people of the District.~~
- ~~the retention of indigenous vegetation and habitat is important for the maintenance of ecosystem functioning, and the retention of indigenous biodiversity, soil and water values, natural character, landscape and amenity.~~

Rural Policy 1A – Department Of Conservation And Landholders

To promote the long-term protection of sites with significant conservation values by encouraging:

- ~~———— landholders and relevant agencies to pursue protection mechanisms and agreements;~~
- ~~———— tenure review processes under the Land Act and Crown Pastoral Land Act 1998;~~
- ~~———— implementation of the Conservation Management Strategy and the Management Plan for the Aoraki/Mount Cook National Park.~~

Explanation and Reasons

- ~~• As for Objective 1.~~
- ~~• Conservation of natural values can be achieved over time with the goodwill and initiative of landholders working in partnership with relevant agencies and landholder groups.~~
- ~~• Landholder initiatives, joint projects and voluntary protection mechanisms can be encouraged through co-operation with Department of Conservation which has a statutory obligation to advocate the protection of areas of significant conservation value.~~
- ~~• The Aoraki/Mount Cook National Park Management Plan has as one of its purposes the preservation of indigenous plants and animals. It is appropriate that the Council support management of the National Park on this basis.~~

Implementation Methods

- ~~• Identify sites of significance.~~
- ~~• Promoting reasons and merits of protection of areas.~~
- ~~• Providing information on and promote opportunities for protection, including management agreements and covenants.~~
- ~~• Provide for exemptions from Plan rules where alternative protection mechanisms are in place.~~
- ~~• Rates relief for landholders protecting indigenous vegetation.~~

Environmental Results Anticipated

- ~~• Gradual preservation of areas of significant conservation values by way of conservation covenants, management plans, transfer to the Crown, or other means.~~

Rural Policy 1B – Identification And Protection Of Special Sites

To identify in the District Plan sites of significant indigenous vegetation or habitat (in accordance with the criteria listed in the Reasons below), and significant geological or geomorphological features, and to prevent development which reduces the values of those sites or features.

Explanation and Reasons

- ~~• As for Objective 1.~~
- ~~• Loss or significant reductions in the ecological integrity and functioning, habitat values or amenity values of any significant natural site or area needs to be avoided.~~
- ~~• It is desirable that the District Plan controls activities which may adversely affect areas of indigenous animals and plants and geological and geomorphological features of significant value to the district.~~
- ~~• Activities involving vegetation clearance, land disturbance through earthworks and the erection of buildings, and the planting of trees can destroy indigenous plants and animals directly, or indirectly through the modification of habitat.~~

- ~~Other activities such as oversowing and topdressing and changes in stocking regimes can also adversely effect conservation values.~~

~~Primary criteria used to identify sites of natural significance:~~

- ~~i Intactness – The area is little modified by human activity, comprises a predominately intact indigenous system and is not affected in a major way by weed or pest species.~~
- ~~ii Rarity – The area supports an indigenous species, habitat or community of species which is rare and vulnerable within the ecological district or threatened nationally.~~
- ~~iii Representativeness – The best examples of particular vegetation types, habitats or ecological processes which are typical of their ecological district.~~
- ~~iv Distinctiveness/Special Ecological Characteristics – The type and range of unusual features of the area itself and the role of the area in relationship to other areas locally, regionally or nationally, including:

 - ~~— presence of species at their distribution limit~~
 - ~~— levels of endemism~~
 - ~~— supporting protected indigenous fauna for some part of their life-cycle (e.g. breeding, feeding moulting, roosting), whether on a regular or infrequent basis~~
 - ~~— playing an important role in the life-cycle of protected migratory indigenous fauna~~
 - ~~— continuing an intact sequence, or a substantial part of an intact sequence of unusual ecological features or gradients.~~~~
- ~~v Diversity and pattern – areas exhibiting a high degree of biological diversity in terms of:

 - ~~— Vegetation~~
 - ~~— Habitat types~~
 - ~~— Species~~
 - ~~— Ecological processes~~~~

~~Secondary criteria used to assist in identifying sites of natural significance:~~

- ~~i Scientific Value – The area is a type of locality or other recognised scientific reference area.~~
- ~~ii Connectivity – The extent to which the area has ecological value due to its location and functioning in relation to its surroundings. An area may be ecologically significant because of its connections to a neighbouring area, or as part of a network of areas of fauna habitat, or as a buffer.~~
- ~~iii Size and shape – The degree to which the size and shape of an area is conducive to it being, or becoming, ecologically self-sustaining.~~

Implementation Methods

- ~~Identify sites of significance.

 - ~~Controls within Sites of Natural Significance: limiting volume, area and slope of earthworks, tree planting, vegetation clearance, building and pastoral intensification.~~~~
- ~~Promoting reasons and merits of protection of areas.~~
- ~~Providing information on and promote opportunities for protection, including management agreements and covenants.~~
- ~~Provide for exemptions from Plan rules where alternative protection mechanisms are in place.~~
- ~~Rates relief for landholders protecting indigenous vegetation.~~
- ~~Review of Rules 12.1.1 (g) and 12.1.1 (h)

 - ~~A review of Rules 12.1.1 (g) and 12.1.1 (h) will commence 3 years after the date at which the Plan became operative. These Rules will continue to apply until such time as the review is complete and a new Rule(s) is substituted. The agreed process for such a review is as follows:~~
 - ~~(i) The Mackenzie District Council will review the extent and condition of short tussock grasslands and associated communities in the Mackenzie Basin, and the extent of cultivation and modification of these areas since the Plan became operative. Council will consult interested parties including landholders, Federated Farmers, Department of Conservation, Environment Canterbury, and environmental and community organisations. It will use relevant information such as the ortho-digital technology of the RFT (Rural Futures Trust). It will consider matters such as the economic, ecological, landscape and other values of the short tussock grasslands and associated vegetation.~~~~

- (ii) ~~The review process may result in the Council amending the Plan and/or Rules 12.1.1 (g) Short Tussock Grasslands and 12.1.1 (h) Indigenous Cushion and Mat Vegetation and Associated Communities to identify areas where development and modification needs to be more strictly controlled and/or areas where the above Rules would no longer apply.~~

~~Council has chosen to provide exemptions from the rules controlling adverse effects on Sites of Natural Significance where management agreements or covenants are in place. Council will monitor the effectiveness of these to maintain the significant values of these sites. If this review indicates that the values of the sites are not being satisfactorily maintained the Council will reconsider the mechanisms available to maintain these values.~~

Environmental Results Anticipated

- ~~Protection of the natural habitats of indigenous plants and animals from the adverse effects of human activities and a reduced overall rate of degradation of indigenous habitats and biodiversity.~~

Rural Policy 1C – Natural Character And Ecosystem Functions

~~To avoid, remedy or mitigate adverse effects on the natural character and indigenous land and water ecosystem functions of the District, including~~

- ~~i land form, physical processes and hydrology;~~
- ~~ii remaining areas of significant indigenous vegetation and habitat, and linkages between those areas;~~
- ~~iii aquatic habitat and water quality and quantity.~~

Explanations and Reasons

- ~~As for Objective 1~~
- ~~Safeguarding the life-supporting capacity of air, water, soil and ecosystems is a prerequisite for sustainable management to occur~~
- ~~The policy recognises New Zealand's responsibilities under the Biodiversity Convention to preserve biological diversity.~~

Implementation Methods

- ~~Taking Policy 1C into account in administering the Resource Management Act 1991 and this District Plan.~~
- ~~To review the provisions for indigenous vegetation following assessment of ecological values within the Fairlie Basin.~~
- ~~To monitor the effectiveness of the Canterbury Regional Council resource consent exemptions to the indigenous vegetation clearance provisions in the District Plan and review them when the ecological and landscape assessments are complete.~~

Environmental Effects Anticipated

- ~~Maintenance of the natural character and indigenous land and water ecosystems within the District.~~

D. Partially Delete Rural Zone Rule 12 - Vegetation Clearance as set out below:

12 VEGETATION CLEARANCE

12.1 Permitted Activities - Vegetation Clearance

~~Reference in this rule to the Mackenzie Basin means that part of the District known as the Mackenzie Basin and identified as such on the map in Appendix E of the Plan~~

12.1.1 Clearance of vegetation is permitted where it complies with the following standards:

12.1.1.a Riparian Areas

Clearance of vegetation shall not exceed 100m² per hectare in any continuous period of 5 years

- within 20m of the bank of the main stem of any river listed in Schedule B to the Rural Zone; or
- within 10m of the bank of any other river; or
- within 75m of any lake listed in Schedule B to the Rural Zone; or
- within 50m of or in any wetland or other lake.

Exemptions:

- (i) This standard shall not apply to any removal of declared weed pests or vegetation clearance for the purpose of track maintenance or habitat enhancement;
- (ii) This standard shall not apply to any vegetation clearance which has been granted resource consent for a discretionary or non-complying activity from the Canterbury Regional Council under the Resource Management Act 1991.
- (iii) This standard shall not apply to any vegetation clearance which is provided for in any one of the following mechanisms:
 - o Section 76 Reserves Act 1977 Declaration
 - o Section 77 Reserves Act 1977 Conservation Covenant
 - o Section 27 Conservation Act 1987 Covenant
 - o Section 29 Conservation Act 1987 Management Agreement
 - o Queen Elizabeth II National Trust Act 1977 CovenantProvided such mechanism:
 - Protects the natural character and functioning of the riparian area, and
 - Remains current for the duration of the activity, and
 - the terms of the mechanism have not been breached, and
 - has been lodged with the Council.

~~12.1.1.b Sites of Natural Significance~~

~~Clearance of indigenous vegetation shall not exceed 100m² per hectare in any continuous 5 year period within any Site of Natural Significance identified on the Planning Maps.~~

~~Exemptions:~~

- ~~(i) This standard shall not apply to any clearance of indigenous vegetation which are provided for in any one of the following mechanisms:
 - o Section 76 Reserves Act 1977 Declaration
 - o Section 77 Reserves Act 1977 Conservation Covenant~~

- ~~○ Section 27 Conservation Act 1987 Covenant~~
 - ~~○ Section 29 Conservation Act 1987 Management Agreement~~
 - ~~○ Queen Elizabeth II National Trust Act 1977 Covenant~~
- ~~provided such mechanism:~~

- ~~● Protects the significant natural character of the Site of Natural Significance, and~~
- ~~● Remains current for the duration of the activity, and~~
- ~~● the terms of the mechanism have not been breached, and~~
- ~~● has been lodged with the Council.~~

~~(ii) This standard shall not apply to any earthworks for the purpose of track maintenance.~~

~~12.1.1.c Tall Tussock and Canopy~~

~~There shall be no clearance of:~~

- ~~— indigenous vegetation which has an average maximum canopy height of greater than 3 metres and exceeds 500 square metres~~
- ~~— more than 100 square metres of tall tussock (*Chionochloa* sp.)~~

~~Exemptions:~~

- ~~(i) This rule shall not apply to any removal of declared weed pests or vegetation clearance for the purpose of track maintenance;~~
- ~~(ii) This standard shall not apply to any vegetation clearance which has been granted resource consent for a discretionary or non-complying activity from the Canterbury Regional Council under the Resource Management Act 1991.~~

~~12.1.1.d Wetlands~~

~~In any wetland exceeding 1,000m² in area there shall be no modification by clearance of indigenous vegetation, cultivation, or damage by deposition of material.~~

~~Exemptions:~~

~~This rule shall not apply to:~~

- ~~● any removal of declared weed pests; or~~
 - ~~● any vegetation clearance for the purpose of track maintenance.~~
- ~~Note: Consent may be required from the Canterbury Regional Council for any damming, drainage or diversion, or vegetation clearance alongside or within waterways and wetlands.~~

~~12.1.1.e High Altitude Areas~~

~~Clearance of indigenous vegetation shall not exceed 100m² per hectare in any continuous 5 year period on land above 900m in altitude.~~

~~Exemptions:~~

- ~~(i) This standard shall not apply to any removal of declared weed pests or vegetation clearance for the purpose of track maintenance.~~
- ~~(ii) This standard shall not apply to any vegetation clearance which has been granted resource consent for a discretionary or non-complying activity from the Canterbury Regional Council under the Resource Management Act 1991.~~

~~12.1.1.f Shrublands~~

~~On any site in the Mackenzie Basin in any continuous period of five years there shall be no clearance of:~~

- ~~(i) Bog pine (*Dacrydium bidwillii*) shrublands~~

(ii) ~~More than 2000 square metres of:~~

- ~~• Open indigenous shrublands containing at least three of the following indicator species where these shrubs are prominent: native broom (*Carmichaelia* species) or; tauhinu (*Cassinia* species) or; percupine shrub (*Melicytus* species) or; *Coprosma intertexta** or; prostrate kowhai* (*Sophora prostrata*);
* Refer to Appendix N for drawings of these specific indicator species.~~
- ~~• Dense indigenous shrublands containing at least five of the following indicator species: *Coprosma* species or; *Corokia cotoneaster** or; climbers (*Clematis*, *Rubus*, *Parsonsia*, *Muehlenbeckia* species) or; mountain wine berry* (*Aristotelia fruticosa*) or; *Hebe* species or; *Olearia* species or; native broom species (*Carmichaelia*)
* Refer to Appendix N for drawings of these specific indicator species.~~
- ~~• Matagouri dominated shrublands (*Discaria toumatu*) on river flood plains, river terraces, alluvial fans or lower mountain/hill slopes which have an average canopy height of greater than 1.5 metres, where there are more than 5 shrubs of this height and where the vegetation has not been cleared since 1985, provided that any matagouri that has been induced by regular oversowing and topdressing shall be exempt. For the purposes of this rule, regular oversowing and topdressing is defined as having occurred at least three times since 1985.~~

Exemptions

This rule shall not apply to:

- ~~• Any removal of declared weed pests; or~~
- ~~• Vegetation clearance for the purpose of track maintenance or fence line maintenance within existing disturbed formations; or~~
- ~~• Any vegetation clearance including burning which has been granted resource consent for a discretionary or non-complying activity from the Canterbury Regional Council/Environment Canterbury under the Resource Management Act 1991.~~

For the purpose of this Rule:

- ~~• Open indigenous shrublands excludes scattered individual outlier plants that do not visually contribute to the makeup of the shrubland;~~
- ~~• Dense shrublands are characterised by a generally closed canopy, although there will be open patches within the shrubland. As a rule of thumb, a person would have difficulty walking through a dense shrubland and would expect to get scratched;~~
- ~~• Lower mountain/hill slopes are characterised as being underlain by bedrock in contrast to moraine slopes which are composed of glacial till.~~

12.1.1.g Short Tussock Grasslands

An interim Rule that will be reviewed three years after the Plan becomes operative.

~~On each of the individual farm properties existing in the Mackenzie Basin Map as at 1 January 2002 in any continuous period of five years there shall be no clearance including cultivation above the following thresholds of short tussock grasslands, consisting of silver or blue (*Poa* species), or *Elymus solandri*, or fescue tussock where tussocks exceed 15% canopy cover:~~

- ~~(i) 40 hectares or less Permitted Activity~~
- ~~(ii) Greater than 40 hectares Discretionary Activity~~

~~Performance Standards for Permitted Activity~~

- ~~• The landholder shall notify the Mackenzie District Council of the proposed clearance 4 months prior to the clearance being undertaken and shall supply a map of the proposed site.~~
- ~~• The clearance shall be more than 150m from the boundaries of any existing Sites of Natural Significance.~~

Exemptions

This rule shall not apply to:

- ~~Any removal of declared weed pests; or~~
- ~~Vegetation clearance for the purpose of track maintenance or fence-line maintenance within existing disturbed formations; or~~
- ~~Any vegetation clearance including burning which has been granted resource consent for a discretionary or non-complying activity from the Canterbury Regional Council/Environment Canterbury under the Resource Management Act 1991; or~~
- ~~Any short tussock grassland where the site has been oversown, and topdressed at least three times in the last 10 years prior to new clearance so that the inter-tussock vegetation is dominated by clovers and/or exotic grasses.~~

12.1.1.h ~~Indigenous Cushion and Mat Vegetation and Associated Communities~~

~~An interim Rule that will be revised three years after the Plan becomes operative.~~

~~On each of the individual farm properties existing in the Mackenzie Basin as at 1 January 2002 in any continuous period of five years there shall be no clearance including cultivation above the following thresholds of indigenous cushion, mat (*Raoulia* species) or herb and scabweed vegetation where at least 50% of the vegetation ground cover comprises vascular and non-vascular indigenous species, OR where the number of vascular indigenous species is greater than 20:~~

- ~~(i) 10 hectares or less – Permitted Activity~~
- ~~(ii) Greater than 10 hectares – Discretionary Activity~~

~~Performance Standards for Permitted Activity:~~

- ~~The landholder shall notify the Mackenzie District Council of the proposed clearance 4 months prior to the clearance being undertaken and shall supply a map of the proposed site.~~
- ~~The clearance shall be more than 150m from the boundaries of any existing Sites of Natural Significance.~~

Exemptions

This rule shall not apply to:

- ~~Any removal of declared weed pests; or~~
- ~~Vegetation clearance for the purpose of track maintenance or fence-line maintenance within existing disturbed formations; or~~
- ~~Any vegetation clearance including burning which has been granted resource consent for a discretionary or non-complying activity from the Canterbury Regional Council/Environment Canterbury under the Resource Management Act 1991; or~~
- ~~Any indigenous cushion or mat vegetation where the site has been oversown, and topdressed at least three times in the last 10 years prior to new clearance so that the site is dominated by clovers and/or exotic grasses.~~

For the purposes of Rule 12.1.1(g) and 12.1.1(h):

~~The intention of the landholder notifying the Mackenzie District Council of permitted clearance activities is to allow interested parties to assess their interest in the proposed area, to discuss the proposal with the landholder and to undertake an inspection where appropriate. All inspections will be the result of voluntary agreement between the parties.~~

- ~~The Mackenzie District Council will maintain a publicly available register of permitted clearance activities as notified by landowners under these Rules.~~
- ~~For Discretionary Activities, the Mackenzie District Council will require areas of short tussock and indigenous cushion and mat vegetation to be significant in terms of the primary and secondary criteria for significance in Rural Policy 1B (i.e., the criteria used to identify Sites of Natural Significance) if these areas are to be protected from clearance. When assessing~~

'significance', the Mackenzie District Council shall restrict its assessment solely to the criteria set out in Rural Policy 4B.

12.1.1.i ~~Areas outside the Mackenzie Basin~~

~~An interim rule that will be reviewed upon completion of the Eastern Mackenzie landscape and ecological values study.~~

~~There shall be no clearance of:~~

- ~~• Matagouri which has an average maximum canopy height greater than 1.5 metres and exceeds 500m² (in one continuous block) in any continuous period of 5 years.~~
- ~~• more than 100m² of tall tussock (chionochloa sp.)~~
- ~~• indigenous vegetation which has an average maximum canopy height greater than 3 metres and exceeds 500m².~~
- ~~• more than 5000m² of indigenous vegetation except where the clearance is carried out within an area of improved pasture~~

~~Exemptions:~~

~~This rule shall not apply to:~~

- ~~• any removal of declared weed pests or vegetation clearance for the purpose of track maintenance; or~~
- ~~• any vegetation clearance which has been granted resource consent by the Canterbury Regional Council under the Resource Management Act 1991.~~

~~For the purpose of this rule improved pasture shall mean an area where species composition and growth has clearly been significantly modified or enhanced within the last 10 years by cultivation or top dressing and over sowing or direct drilling, and where exotic species are obvious.~~

12.2 ~~Discretionary Activities – Vegetation Clearance~~

12.2.1 ~~Any clearance of vegetation not provided for as a Permitted Activity or Non-Complying Activity.~~

12.3 ~~Non-Complying Activities~~

12.3.1 ~~Clearance of more than 10% of the total area of indigenous vegetation cover present on any Site of Natural Significance identified on the Planning Maps.~~

E. Add the following Section 19 – Indigenous biodiversity into the Mackenzie District Plan

Note: Text that is single underlined has been added

Text that has been double underlined has been moved from Section 7- Rural Zone

SECTION 19 – INDIGENOUS BIODIVERSITY

OBJECTIVES AND POLICIES

Objectives

1. To safeguard indigenous biodiversity and ecosystem functioning through the protection and enhancement of significant indigenous vegetation and habitats, riparian margins and the maintenance of natural biological and physical processes.
2. Land development activities are managed to ensure the maintenance of indigenous biodiversity, including the protection and/or enhancement of significant indigenous vegetation and habitats, and riparian areas; the maintenance of natural biological and physical processes; and the retention of indigenous vegetation.
3. To support/encourage the integration of land development proposals with comprehensive identification, and protection and/or enhancement of values associated with significant indigenous biodiversity, through providing for comprehensive Farm Biodiversity Plans and enabling development that is in accordance with those plans.

Policies

1. To identify in the District Plan sites of significant indigenous vegetation or habitat in accordance with the criteria listed in the Canterbury Regional Policy Statement and to prevent development which reduces the values of these sites.
2. To avoid, remedy or mitigate adverse effects on the natural character and indigenous land and 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) Aquatic habitat and water quality and quantity
3. Rural development, including indigenous vegetation clearance and pastoral intensification, occurs in a way or at a rate that provides for no net loss of indigenous biodiversity values in areas identified as significant.
4. To ensure that land use activities including indigenous vegetation clearance and pastoral intensification do not adversely affect any ecologically significant wetland.
5. To consider a range of mechanisms for achieving protection of significant indigenous vegetation and significant habitats of indigenous fauna, including avoidance, remediation, mitigation or offsetting of adverse effects, and to secure that protection through appropriate instruments including resource consent conditions (if approved).
6. Where offsetting is proposed, to apply the following criteria:
 - a) the offset will only compensate for residual adverse effects that cannot otherwise be avoided, remedied or mitigated;

- b) the residual adverse effects on biodiversity are capable of being offset and will be fully compensated by the offset to ensure no net loss of biodiversity;
- c) where the area to be offset is identified as a national priority for protection in accordance with Policy 9.3.2 of the Canterbury Regional Policy Statement 2013 or its successor, the offset must deliver a net gain for biodiversity;
- d) there is a strong likelihood that the offsets will be achieved in perpetuity; and
- e) where the offset involves the ongoing protection of a separate site, it will deliver no net loss, and preferably a net gain for indigenous biodiversity conservation.

Offsets should re-establish or protect the same type of ecosystem or habitat that is adversely affected, unless an alternative ecosystem or habitat will provide a net gain for indigenous biodiversity.

- 7. To recognise the economic and social importance of renewable energy generation and transmission consistent with objectives and policies of this Plan, to provide for its upgrading, maintenance and enhancement.

Additional Policies applying to Farm Biodiversity Plans

- 8. To 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.
- 9. Where a Farm Biodiversity Plan is proposed, to require comprehensive and expert identification of significant indigenous biodiversity values as part of that Plan, and to ensure that any development proposed under that Plan is integrated with protection for those significant values.

RULES

INDIGENOUS VEGETATION CLEARANCE

1. Indigenous Vegetation Clearance excluding indigenous vegetation clearance associated with the Waitaki Power Scheme

1.1 Permitted Activities – Indigenous Vegetation Clearance

1.1.1 Clearance of indigenous vegetation is a permitted activity provided the following conditions are met:

- 1. The clearance is for the purpose of maintenance or repair of existing fence lines, vehicle tracks, roads, firebreaks, drains, stockyards, farm buildings, water troughs or airstrips;
- 2. The clearance is of indigenous vegetation which has been planted and is managed specifically for the purpose of harvesting and subsequent replanting of plantation forest within 5 years of harvest;
- 3. The clearance is of the indigenous understorey to plantation forest, and is incidental to permitted or otherwise authorised plantation forest clearance;
- 4. The clearance is of indigenous vegetation which has been planted and/or is managed as part of a domestic garden or has been planted for amenity purposes or as a shelterbelt;

5. The clearance is essential for compliance with the Regional Pest Management Strategy;
6. The clearance is of indigenous vegetation within an area of improved pasture (refer Definitions);
7. The clearance is not within a Site of Natural Significance or on land above 900m in altitude;
8. The clearance is not within:
 - a) 100m of a lake
 - b) 20m of the bank of a river
 - c) 100m of an ecologically significant wetland
 - d) 50m of all other wetlands

1.2 Restricted Discretionary Activity – Indigenous Vegetation Clearance

1.2.1 Unless permitted under Rule 19.1 the clearance of indigenous vegetation clearance is a restricted discretionary activity provided the following conditions are met:

1. The farm enterprise has a Farm Biodiversity Plan (see Definitions).
2. The clearance is not within a Site of Natural Significance or on land above 900m in altitude.
3. The clearance is not within:
 - a) 100m of a lake
 - b) 20m of the bank of a river
 - c) 100m of an ecologically significant wetland
 - d) 50m of all other wetlands

The Council will restrict its discretion to the following matters:

1. The quality of a Farm Biodiversity Plan, including whether the Farm Biodiversity Plan:
 - a) Achieves the purpose set out in in Appendix Y;
 - b) Adequately identifies the biodiversity values, and in particular significant indigenous vegetation or habitat of indigenous species using the criteria provided in Appendix 3 of the Canterbury Regional Policy Statement, and also identifies actual and potential threats to those values;
 - c) Includes methods that will adequately protect the significant biodiversity values identified; and
 - d) Includes appropriate monitoring and reporting methods to adequately protect the biodiversity values identified.
2. Compliance with a Farm Biodiversity Plan
 - a) Whether the proposal achieves no net loss of indigenous biodiversity values identified as significant.
 - b) The actual or potential impacts on biodiversity or ecological values expected to occur as a result of the proposal, particularly the impact on significant values including the values significant to Ngāi Tahu.
 - c) The extent to which species diversity or habitat availability could be adversely impacted by the proposal.

- d) Any potential for avoiding, remedying, mitigating or otherwise offsetting or compensating for adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna.
- e) Monitoring requirements including collection, recording and provision of information and how these can be adapted over time in response to information on the effectiveness of measures to avoid, remedy or mitigate adverse effects on indigenous biodiversity.
- f) Conditions to ensure obligations in respect of biodiversity endure, including beyond any changes of ownership (wholly or partially) of the landholding and review of conditions.
- g) The benefits that the activity provides to the local community and beyond.

1.2.2. Unless provided for in Rule 19.2.1 any indigenous vegetation clearance up to 5000m², within any site in any 5-year continuous period provided the following conditions are met:

- 1. The clearance is not within a Site of Natural Significance or on land above 900m in altitude.
- 2. The clearance is not within:
 - a) 100m of a lake
 - b) 20m of the bank of a river
 - c) 100m of an ecologically significant wetland
 - d) 50m of all other wetlands

The Council will restrict its discretion to the following matters:

- 1. The actual or potential impacts on biodiversity or ecological values expected to occur as a result of the proposal, particularly the impact on significant values including the values significant to Ngāi Tahu.
 - 2. The extent to which species diversity or habitat availability could be adversely impacted by the proposal.
 - 3. Any potential for mitigation or offsetting of effects on ecosystems and biodiversity values.
 - 4. Any technical and operational constraints and route, site and method selection process.
4. The benefits that the activity provides to the local community and beyond.

1.3 Non-Complying Activity – Indigenous Vegetation Clearance

The following activities are Non-complying activities unless specified as a Permitted Activity, Restricted Discretionary Activity or Discretionary Activity:

1.3.1 Any indigenous vegetation clearance of more than 5000m² within any site in any 5-year continuous period.

1.3.2 Any indigenous vegetation clearance in the following location:

- 1. Within a Site of Natural Significance.

2. Above 900m in altitude.
3. Within 100m of a lake, 20m of the bank of a river, 100m of an ecologically significant wetland or 50m of all other wetlands

2 INDIGENOUS VEGETATION CLEARANCE ASSOCIATED WITH THE WAITAKI POWER SCHEME

2.1 Permitted Activities – Indigenous Vegetation Clearance

2.1.1. The clearance is a consequence of an emergency occurring on, or failure of, the Waitaki Power Scheme;

2.1.2 Clearance is required for the operation and maintenance of the Waitaki Power Scheme, within the following areas;

- The existing footprint of the Waitaki Power Scheme.
- On core sites associated with the Waitaki Power Scheme.
- On areas covered by an operating easement associated with the Waitaki Power Scheme.

2.2 Restricted Discretionary Activity – Indigenous Vegetation Clearance

2.2.1 Any indigenous vegetation clearance associated with the refurbishment of the Waitaki Power Scheme within the following areas:

- The existing footprint of the Waitaki Power Scheme.
- On core sites associated with the Waitaki Power Scheme.
- On areas covered by an operating easement associated with the Waitaki Power Scheme.

The Council will restrict its discretion to the following matters:

- (a) Whether the works are occurring on a surface that has previously been modified by the construction, operation, maintenance or refurbishment of the Waitaki Power Scheme.
- (b) The actual or potential impacts on biodiversity or ecological values expected to occur as a result of the proposal, particularly the impact on significant values including the values significant to Ngāi Tahu.
- (c) The extent to which species diversity or habitat availability could be adversely impacted by the proposal.
- (d) Any potential for mitigation or offsetting of effects on ecosystems and biodiversity values.
- (e) Any technical and operational constraints and route, site and method selection process.
- (f) The benefits that the activity provides to the local community and beyond.

2.3 Discretionary Activity – Indigenous Vegetation Clearance

2.3.1 Any indigenous vegetation clearance associated with any new facility, structure or works associated with the Waitaki Power Scheme.

F. Add the following Appendix Y to the Mackenzie District Plan

<u>APPENDIX Y - FARM BIODIVERSITY PLAN FRAMEWORK</u>

Introduction

The purpose of a Farm Biodiversity Plan is to facilitate integration of development activity with the identification and protection of significant ecological areas to ensure no net loss of biodiversity, on a comprehensive whole of property basis.

Development of a Farm Biodiversity Plan

A Farm Biodiversity Plan can be developed through a collaborative process between the Council and the landowner / land manager. (refer footnote)¹

Framework

The following sets out the framework for development of a Farm Biodiversity Plan.

1. A Farm Biodiversity Plan can be provided in one of the following formats:
 - a) as a separate stand-alone Farm Biodiversity Plan; or
 - b) as an additional section to a farm environment plan prepared according to an industry template such as the Beef and Lamb New Zealand Canterbury Farm Biodiversity Plan or a plan prepared to meet Schedule 7 of the Canterbury Land and Water Regional Plan.

Note: Where an industry farm biodiversity plan template is used, the Council is only concerned with the sections of that plan which address the matters outlined in this Appendix Y.

2. A Farm Biodiversity Plan shall apply to a farming enterprise (see Definitions).
3. A Farm Biodiversity Plan must contain as a minimum:

A Description of the property and its features:

1. Physical address;
2. Description of the ownership and name of a contact person;
3. Legal description of the property; and
4. A map(s) or aerial photograph at a scale that clearly shows, where relevant:

NOTE The Council will work with landowners / land managers in developing a Farm Biodiversity Plan and may provide a suitably qualified ecological expert to identify and assess the indigenous biodiversity of the farming enterprise, and to provide ecological advice on management of those values. Advice may also be provided from an appropriately qualified person who has expertise in land/farm management, where appropriate. Council will not fund experts other than those provided by the Council.

- a) The boundaries of the farming enterprise;
- b) The boundaries of the main land management units on the property or within the property;
- c) The location of all water bodies, including riparian vegetation;
- d) Constructed features including buildings, tracks and any fencing to protect biodiversity values (including around riparian areas);
- e) The location of any areas within or adjoining the property that have been identified as a Sites of Natural Significance or are legally protected by way of covenant;
- f) The location of any other areas within the property that may have ecologically significant values;
- g) Areas of improved pasture;
- h) Areas of retired land; and
- i) Location of any proposed developments, including intensification of production, new tracks or buildings and areas to be cleared.

B Description of existing ecological values:

The purpose of this section of the Farm Biodiversity Plan is to describe the indigenous biodiversity of the farming enterprise to understand what the ecological values are and any threats or risks to these values. This will inform how these values are to be managed to achieve the overall goal(s) of maintenance, and over time, enhancement, of indigenous biodiversity on the property/catchment.

- 1. This assessment shall be undertaken by a suitably qualified and experienced ecologist.
- 2. This assessment shall describe existing ecological values within the farming enterprise and identify any significant sites in accordance with Policy 9.3.1 (1) and 9.3.1 (2) and the criteria in Appendix 3 of the Canterbury Regional Policy Statement 2013.
- 3. This assessment shall contain:
 - a) Recommended and measurable outcomes to demonstrate achievement of no net loss of identified values of significance;
 - b) Recommended actions to achieve these outcomes;
 - c) Recommendations for monitoring and review of progress in achieving the outcomes.

C Development Areas and Activities:

The purpose of this section is to understand how the land, including any Sites of Natural Significance, has been managed, what the future management will be, and how this will affect the indigenous biodiversity.

- 1. Describe historic and current land use management, including stocking policy, water supply, grazing regimes, improved pasture, biodiversity management, where relevant;
- 2. Describe any proposed land use management or activities to be undertaken that would require the clearance or disturbance of indigenous biodiversity and the time frames over which these activities are proposed to occur. Such activities may include construction of new farm tracks or buildings, intensification of land use, vegetation clearance of previously undisturbed areas, earthworks or cultivation; and
- 3. Describe any potential adverse effects of the proposed activities described above on areas of indigenous biodiversity, including any Site of Natural Significance.

D Management Methods to Achieve Protection of Values

Having regard to the information in B above, the purpose of this section is to set out information on management methods to ensure the values identified in the assessment at B are protected to ensure no net loss of indigenous biodiversity values in areas identified as significant:

1. A description of how the objective of 'no net loss' will be met by the proposal/s, including a description of tools and methods to achieve this. These may include:
 - a) Formal legal protection;
 - b) Pest or weed control;
 - c) Grazing regimes/management to protect values;
 - d) Fencing;
 - e) Restoration planting or other restoration measures;
 - f) Confirmation that area/s will not be subject to future land use change or development activity that will impact on the identified values present;
 - g) Confirmation that the tools and methods will endure beyond any fragmentation of the farming enterprise e.g. as a result of changes in ownership

2. The plan shall include for each proposed management method above:
 - a) Detail commensurate with the scale of the environmental effects and risks;
 - b) Defined measurable targets that clearly set a pathway and timeframe for achievement;
 - c) Any proposed monitoring and information or records to be kept for measuring performance and achievement of the target.

3. Confirmation from an appropriately qualified and experienced ecologist that the proposed methods will achieve the objective.

E Monitoring and Reporting on actions:

The Farm Biodiversity Plan shall include the following:

1. Having regard to B (3.) above, describe how the outcomes will be monitored, and how the results will be reported.
2. Describe when a review of management methods will be necessary; how such reviews/s will be undertaken, who by and within what timeframes; and how the results of any review will be implemented.

CHANGES TO THE PLANNING MAPS

No changes to the planning maps are proposed.