

BEFORE THE MACKENZIE DISTRICT COUNCIL

Under **The Resource Management Act 1991**

And

In the matter of **a submission on the proposed Plan Change 18 to
the Mackenzie District Plan**

**Evidence of Amelia Grace Ching
on behalf of the Director-General of Conservation | *Tumuaki Ahurei*
Submitter Number: 18
Dated: 12 February 2021**

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Introduction

1. My full name is Amelia Grace Ching.
2. I have been asked by the Director-General of Conservation - *Tumuaki Ahurei o Te Papa Atawhai* ('DGC'), to provide planning evidence on the proposed Plan Change 18 ('PC18') to the Mackenzie District Plan.

Qualifications and experience

3. I am employed by the Department of Conservation – Te Papa Atawhai ('DOC') in Christchurch as an RMA Planner. I have worked for DOC since March 2018, providing planning advice on resource consent applications, plan changes and plan reviews at District and Regional levels. Prior to this, I was employed as a Resource Management Consultant by Incite.
4. I hold a Master of Environmental Policy from Lincoln University (2013) and a Bachelor of Environmental Management and Planning from Lincoln University (2011). I am also an Intermediate Member of the New Zealand Planning Institute.
5. I have seven years' experience practising as a Resource Management Planner. During this time, I have worked on a variety of resource management matters largely in policy and plan development at both district and regional levels, particularly involving consultation, submission drafting, and Section 32 and 42A reporting. This includes representing DOC at Environment Court mediation on the same topic as this evidence and the plan change relate to, i.e. indigenous biodiversity.

Code of Conduct

6. I have read the code of conduct for expert witnesses as contained in the Environment Court's Practice Note 2014 (the Code). I have complied with the Code when preparing my written statement of evidence.
7. The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence to follow. The reasons for the opinions expressed are also set out in the evidence to follow.
8. Unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope

9. I have been asked to provide evidence in relation to the notified Plan Change, the DGC's submission (submitter 18), and the DGC's further submission.
10. My evidence is divided into the following parts, based on the submission and further submission:
 - (a) Background
 - (b) Statutory Considerations
 - (c) Section 19 Objectives
 - (d) Identifying and providing protection for areas of significant indigenous biodiversity
 - (e) The definition of 'Vegetation clearance'
 - (f) Permitted Activities
 - (g) Improved Pasture
 - (h) Farm Biodiversity Plans and Appendix Y
11. I note there are some points from the DGC's submission which I do not specifically address in my evidence. Where that is the case, it is because I generally support the submission point and the s42A Report's response, therefore do not have anything to add. However, I am available to answer any questions on those points which the Panel may have.
12. **Appendix 1** lists the DGC's submission points and includes a brief statement of my position with regard to the Officer's recommendation and references my support or where I have dealt with each point or recommendation in my evidence.

Material Considered

13. In preparing my evidence I have read and relied upon the following documents:
 - (a) Proposed Plan Change 18 (PC18) to the Mackenzie District Plan
 - (b) The DGC's submission dated 9 March 2018
 - (c) The DGC's further submission dated 4 May 2018
 - (d) The s42A Report by Ms White dated 14 December 2020

- (e) The s32 Evaluation Report dated 10 December 2017
- (f) The Canterbury Regional Policy Statement 2013 (CRPS)
- (g) Draft National Policy Statement for Indigenous Biodiversity 2019 (NPSIB)
- (h) Te Mana o te Taiao - Aotearoa New Zealand Biodiversity Strategy 2020
- (i) Other submissions where they are referred to in my evidence.

Executive Summary

14. The DGC lodged a submission on PC18 on 9 March 2018. The submission was generally supportive of the plan change and sought changes considered to provide clearer direction around the protection of significant indigenous biodiversity and the maintenance of indigenous biodiversity.
15. Several of the DGC's submission points have been addressed through the s42A Report recommendations. In general, my evidence supports those recommendations. However, there are several areas where I consider amendments or improvements are appropriate.
16. Council is required to address two 'strands' in relation to indigenous biodiversity in accordance with s6(c) and s31 of the Act – protection of significant indigenous vegetation and significant habitats of indigenous fauna and maintenance of indigenous biodiversity. Separating significant indigenous biodiversity out from clearance of indigenous vegetation reflects both the direction provided by the CRPS and reflects the national importance of providing for the protection of significant indigenous vegetation under the Resource Management Act (RMA). I recommend amendments to the Objectives to align with this.
17. Regarding protection of significant indigenous biodiversity, the policy framework does not adequately provide for protection as required by s6(c) of the RMA and Objective 9.2.3 of the CRPS. Amendments to Policy 2 are required to implement Objective 1 of PC18 and high order documents.
18. In terms of identification of areas of significant indigenous vegetation and significant habitat of indigenous fauna, it is clear from the evidence of Mr Harding that Sites of Natural Significance (SONS) in Appendix I of the MDP are incomplete. Amendments are required to ensure areas that meet the criteria for significant indigenous biodiversity in the CRPS should be identified and protected in the Plan.

19. I also consider the clearance of vegetation considered to be significant in terms of section 6(c) of the RMA, be addressed through application of a non-complying activity rule.

Background

20. The origins of PC18 are covered in the s32 Report and s42A Report, so I rely on those documents and do not repeat them here. However, I consider the following as key contextual matters in relation to PC18:
- (a) *“PC18 relates to the management of indigenous biodiversity within the Mackenzie District and is intended to address the loss of indigenous biodiversity within the Mackenzie District, including giving effect to the direction in the CRPS”¹.*
 - (b) The Operative MDP rules and their exemptions *“as they are being applied, have enabled the clearance of indigenous vegetation which has significant value to the landscape and biodiversity of the Mackenzie Basin and which therefore should receive a greater degree of protection”²*. Therefore, MDC obtained an Environment Court declaration so that Rules 1.1 to 1.3 of PC18 had legal effect from notification.
 - (c) The areas of significant indigenous biodiversity (referred to as SONS – Sites of Natural Significance) in Appendix I of the Mackenzie District Plan (MDP) were identified in the 1990’s and, as Mr Harding’s evidence³ states, he agrees not all areas of significant indigenous biodiversity are included in the MDP and the list is *‘inadequate, dated and incomplete’⁴*.
 - (d) The Environment Court, when deciding on Plan Change 13 to the MDP, concluded that the ONL [the Mackenzie Basin] is a significant natural area under Policy 9.3.1 of the CRPS⁵. The Environment Court stated that in large parts of the Mackenzie Basin there is not simply one species but 83 species of indigenous plants which qualify as threatened, “at-risk”, or uncommon⁶.
21. The DGC lodged a submission on PC18 on 9 March 2018. The submission was generally supportive of the plan change and sought changes considered to provide

¹ S42A Report paragraph 24.

² S32 Report paragraph 2 page 1

³ Mr Harding Evidence paragraph 41 and 44.

⁴ Mr Harding Evidence paragraph 13

⁵ PC13 Decision-Eleventh Decision-2017, para 237

⁶ PC13 Decision-Eleventh Decision-2017, para 236

clearer direction around the protection of significant indigenous biodiversity and the maintenance of indigenous biodiversity. The DGC also lodged a further submission on 4 May 2028.

Statutory Considerations

22. The s42A Report⁷ identifies the statutory and planning context for the Plan Change. I adopt the statutory context provided in the s42A Report where I have not addressed them specifically below.
23. I consider that the key statutory and ‘higher order’ planning considerations which support the proposed provisions addressed, and the recommendations made, in the DGC’s submission are:
- Section 5 of the Resource Management Act (RMA), which sets out that the purpose of the Act is to promote the sustainable management of natural and physical resources, as defined in that section.
 - Section 6(c) of the RMA which requires all persons exercising functions and powers under the Act to recognise and provide for “*the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*” as a matter of national importance.
 - Section 7(e) of the RMA which requires all persons exercising functions and powers under the Act to have particular regard to “*intrinsic values of ecosystems*”.
 - Section 31 of the RMA being “the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of-(iii) the maintenance of indigenous biological diversity”.
 - CRPS Objective 9.2.1 Halting the decline of Canterbury’s ecosystems and indigenous biodiversity: *The decline in the quality and quantity of Canterbury’s ecosystems and indigenous biodiversity is halted and their life-supporting capacity and mauri safeguarded.*
 - CRPS Objective 9.2.2 Restoration or enhancement of ecosystems and indigenous biodiversity: *Restoration or enhancement of ecosystem functioning and indigenous biodiversity, in appropriate locations, particularly where it can contribute to Canterbury’s distinctive natural character and*

⁷ S42A Report paragraph 28-50

identity and to the social, cultural, environmental and economic well-being of its people and communities.

- CRPS Objective 9.2.3 Protection of significant indigenous vegetation and habitats: *Areas of significant indigenous vegetation and significant habitats of indigenous fauna are identified and their values and ecosystem functions protected.*
- CRPS Policy 9.3.1 Protecting significant natural areas
 1. *Significance, with respect to ecosystems and indigenous biodiversity, will be determined by assessing areas and habitats against the following matters:*
 - a. *Representativeness*
 - b. *Rarity or distinctive features*
 - c. *Diversity and pattern*
 - d. *Ecological context*

The assessment of each matter will be made using the criteria listed in Appendix 3.
 2. *Areas or habitats are considered to be significant if they meet one or more of the criteria in Appendix 3.*
 3. *Areas identified as significant will be protected to ensure no net loss of indigenous biodiversity or indigenous biodiversity values as a result of land use activities.*
- CRPS Policy 9.3.2 Priorities for protection

To recognise the following national priorities for protection:

 1. *Indigenous vegetation in land environments where less than 20% of the original indigenous vegetation cover remains.*
 2. *Areas of indigenous vegetation associated with sand dunes and wetlands.*
 3. *Areas of indigenous vegetation located in “originally rare” terrestrial ecosystem types not covered under (1) and (2) above.*
 4. *Habitats of threatened and at risk indigenous species.*
- CRPS Policy 9.3.6 Limitations on the use of biodiversity offsets:

The following criteria will apply to the use of biodiversity offsets:

 1. *the offset will only compensate for residual adverse effects that cannot otherwise be avoided, remedied or mitigated;*

2. *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;*
3. *where the area to be offset is identified as a national priority for protection under Policy 3.2, the offset must deliver a net gain for biodiversity;*
4. *there is a strong likelihood that the offsets will be achieved in perpetuity; and*
5. *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.

24. The Draft National Policy Statement for Indigenous Biodiversity (NPSIB) was released by the Government in November 2019. It does not have statutory effect in terms of this proposed plan change; however, I agree with the s42A Report that this should be considered.
25. In addition to the commentary in the s42A Report on the Te Mana o te Taiao - Aotearoa New Zealand Biodiversity Strategy 2020, I note the purpose of the Te Mana o te Taiao is to provide a framework for the protection and restoration of indigenous biodiversity over the next 30 years and beyond.

Section 19 Objectives

26. PC18 added two objectives (Objective 2 and Objective 3) to the Plan in addition to the existing objective from the rural chapter of the operative plan.
27. The DGC's submission sought to retain Objective 1 and Objective 2 of PC18 as notified, and generally supported Objective 3 but requested one change which was the deletion of the word 'significant' before indigenous biodiversity. The DGC's further submission opposed two submissions – Mt Gerald Station and The Wolds Station that sought substantial changes to the objectives.
28. I agree with the s42A Report⁸ where it states that '*the current wording is more as a policy than an objective, by stating a course of action*' in relation to Objective 1.

⁸ S42A Report paragraph 116

The same applies to Objective 3. I also agree with the s42A Report that Objectives 1 and 2 overlap⁹ in respect to protection and enhancement of significant indigenous vegetation and significant habitats of indigenous fauna.

29. I support the s42A Report recommendation to delete Objective 1 and combine the intent of the objectives into one objective. I also support the differentiation between significant indigenous biodiversity and indigenous biodiversity generally within the Objectives, as this reflects a differentiation within the higher order documents.
30. It is my preference that Section 19 focuses on indigenous biodiversity rather than land use and development, as recommended in the s42A Report¹⁰, because this aligns with higher order documents in addressing the two 'strands' – significant indigenous biodiversity and indigenous biodiversity generally. Therefore, I recommend Objectives 1, 2 and 3 are deleted and replaced with:

Objective 1

Protect significant indigenous vegetation and significant habitats of fauna and riparian areas.

Objective 2

Indigenous biodiversity is maintained or enhanced.

31. Objective 1 of the CRPS requires the decline in the quality and quantity of Canterbury's ecosystems and indigenous biodiversity is halted and their life-supporting capacity and mauri safeguarded.
32. The CRPS, which PC18 must give effect to, includes a note that the chapter focuses on s6(c) requirements¹¹. I do not interpret this to mean that it disregards other sections of the Act or is limited to protection of significant indigenous vegetation. I consider there to be a potential 'gap' in how the policies of the CRPS direct territorial authorities to maintain indigenous biodiversity to implement Objective 1 in district plans. In any case, it is a requirement for Council under s31(1)(b)(iii) of the RMA to maintain indigenous biological diversity.
33. My recommendation aligns with the two issues for ecosystems and indigenous biodiversity in the CRPS: 9.1.1. 'The ongoing loss and degradation of ecosystems and indigenous biodiversity' and 9.1.2 'Challenges to the protection of significant

⁹ S42A Report paragraph 136

¹⁰ S42A Report paragraph 143

¹¹ Canterbury Regional Policy Statement page 136 paragraph 1

indigenous vegetation and significant habitats of indigenous fauna' and gives effect to CRPS Objective 9.2.1.

34. I note there is no requirement to enhance significant indigenous biodiversity in s6(c) of the RMA but the CRPS requires Council promote the enhancement and restoration of ecosystems and indigenous biodiversity generally in "appropriate" locations (Objective 9.2.2 and Policy 9.3.4)¹². Therefore, I recommend deleting enhance from Objective 1 and including 'enhanced' in Objective 2.
35. Overall, I generally support the s42A Report recommendation, however, seek amendments to focus on indigenous biodiversity rather than land use and development and to give effect to Objective 9.2.2 and Policy 9.3.4 of the CRPS.

Identification and protection of Significant Indigenous Biodiversity

36. As previously indicated, the distinction between significant indigenous biodiversity and indigenous biodiversity could be made clearer in the PC18 to give effect to higher order documents¹³. In my opinion, the s42A Report recommendations have provided clarification of this distinction and I support those recommendations where I do not discuss them below.

Significant indigenous biodiversity in the Mackenzie District

37. I noted earlier that Mr Harding's evidence describes the existing areas of significant indigenous biodiversity (referred to as SONS – Sites of Natural Significance) in the operative District Plan as inadequate, dated and incomplete. This confirms that the MDP does not include a comprehensive schedule of significant indigenous biodiversity values of the Mackenzie District.
38. The Section 19 provisions in PC18 apply to indigenous vegetation clearance across the Mackenzie District. Mr Harding's evidence¹⁴ describes the Mackenzie District as "*two distinct parts*" including "*the high-altitude western mountains (Southern Alps) and Mackenzie Basin; and the lower-altitude eastern ranges and valleys*". This context is important when considering the implications of the proposed provisions in Section 19, particularly whether areas are determined to be significant but not listed as a SONS in Appendix I of the MDP.
39. Referring again to the Environment Court decision on PC13, the Court concluded that the ONL [the Mackenzie Basin] is a significant natural area under Policy 9.3.1

¹² Where this will improve the functioning and long term sustainability of these ecosystems, CRPS Policy 9.3.4.

¹³ S6(c) and s31(1)(b)(iii) of the RMA, CRPS Objectives 9.2.1 and 9.2.3,

¹⁴ Mr Harding evidence paragraph 26

of the CRPS, and the s42A Report¹⁵ and Mr Harding's evidence¹⁶ also noted that much of the undeveloped land on depositional landforms within the Mackenzie Basin has significant ecological values and specified that the currently identified SONS only includes a small portion of that undeveloped land.

40. From the information outlined above, it is clear that large areas of significant indigenous vegetation and significant habitats of indigenous fauna that are known to exist in the Mackenzie Basin are not protected by the MDP.
41. I understand Council is in the process of reviewing the identified SONS and identifying additional SONS. As stated in the s42A Report¹⁷, 74 additional sites have been identified and these are not included in PC18. When a plan change to include mapped areas of significant indigenous biodiversity is in place it should provide more certainty for landowners and the Council. In the meantime, to ensure areas of significant indigenous biodiversity are protected the criteria in the Appendix 3 of the CRPS must be applied which I discuss further below.

Determination and identification of significance

42. Identification of significant indigenous biodiversity can take the form of mapping specific areas in the Plan or including criteria, like the CRPS criteria, that can be used to identify significant indigenous biodiversity at a later time, either for inclusion in the Plan or for consideration when applying for a consent.
43. The identification of SONS in the MDP provides certainty for landowners and the community that those areas will be managed appropriately and provided protection as required under section 6(c) of the RMA. Given the limited list of SONS in PC18 however, it is important the plan change provides for further identification of SONS/areas of significant indigenous vegetation and significant habitats of indigenous fauna through the consent process for development proposals using the significance criteria in the CRPS.

Policy Framework

44. Policy 1 provides direction for the ongoing identification of areas of significant indigenous biodiversity by applying the significance criteria in the CRPS.
45. The DGC supported the proposed policy in part seeking to delete the phrase '*in the district plan*'. This was accepted by the s42A Report. The s42A Report seeks

¹⁵ S42A Report paragraph 75

¹⁶ Mr Harding evidence paragraph 44

¹⁷ S42A Report paragraph 85

further amendments to refine the policy and to delete '*and to prevent development which reduces the values of these sites*'.

46. In addition to these amendments I recommend a minor amendment to ensure consistent use of terminology. I also consider further clarification could be provided with the inclusion of 'assess'. I recommend the following amendments:

Policy 1

To assess and identify sites of significant indigenous vegetation or significant habitats of indigenous fauna in accordance with the criteria listed in the Canterbury Regional Policy Statement

47. The CRPS is directive that significant indigenous vegetation and significant habitats of indigenous fauna be identified, and their values and ecosystem functions protected (Objective 9.2.3). The CRPS does not require mapping and can be given effect to through other methods.
48. The Methods under Policy 9.3.1 of the CRPS direct that to give effect to Policy 9.3.1 Territorial Authorities are to set out district plan provisions that "*will include appropriate rule(s) that manage the clearance of indigenous vegetation, so as to provide for the case-by-case assessment of whether an area of indigenous vegetation that is subject to the rule comprises a significant area of indigenous vegetation and/or a significant habitat of indigenous fauna that warrants protection.*"
49. I do consider Policy 1, with amendment, provides clear direction that indigenous vegetation and habitat of indigenous fauna that meet the criteria listed in the CRPS is 'significant'. However, I'm concerned there is a gap in the policy framework for protection that does not give effect to s6(c) of the RMA, which I discuss further below.
50. To give effect to Policy 9.3.1(3) of the CRPS areas identified as significant "*will be protected to ensure no net loss of indigenous biodiversity or indigenous biodiversity values as a result of land use activities*", PC18 included Policy 2 in the notified version (or Policy 3 of the s42A Report) as follows:

~~Rural~~ Land use and development, including indigenous vegetation clearance and pastoral intensification, only occurs in a way or at a rate that provides for no net loss of significant indigenous biodiversity values ~~in areas identified as significant~~.¹⁸

¹⁸ PC18 Policy 3 with s42A Report amendments

51. Policy 2, as amended by the s42A Report, applies generally. It does not necessarily protect specific areas identified as significant. I consider the wording proposed in the s42A Report allows for a district-wide overall judgement, rather than protecting a specific site.
52. In my opinion Policy 2 does not give effect to CRPS Policy 9.3.1 in that it does not protect areas identified as significant to ensure no less loss of indigenous biodiversity or indigenous biodiversity values.
53. Policy 2, in the s42A Report recommendations, is the only policy that provides for some protection for significant indigenous biodiversity. As discussed above, the notified Policy 1 included '*and to prevent development which reduces the values of these sites*', and therefore provided some protection for areas identified as significant.
54. Consequently, the amendments recommended by the s42A Report have not provided adequate protection of significant indigenous vegetation as required by s6(c), CRPS Objective 9.2.3, CRPS Policy 9.3.1 and Objective 1 of the notified Section 19 of the MDP.
55. Furthermore, the objective and policy framework lacks recognition of national priorities for protection as required by Policy 9.3.2 of the CRPS. The CRPS directs territorial authorities to '*recognise the national priorities for the protection of biodiversity through objectives, policies or methods in district plans*'.
56. The only reference to national priorities for protection is in Policy 6 of PC18. Policy 6 is the policy that outlines the criteria for biodiversity offsetting.
57. I therefore consider that amendments are required to Policy 2 of the notified PC18 (or Policy 3 of the s42A Report recommendation) as follows:

Protect significant indigenous vegetation and significant habitats of indigenous fauna from the adverse effects of ~~L~~and use and development, including indigenous vegetation clearance and pastoral intensification, ~~only occurs in a way or at a rate that provides~~ to ensure there is no net loss of indigenous biodiversity values.

Rule Framework

58. In terms of the rule framework, regardless of whether an area of indigenous vegetation is significant or not (unless identified in a SONS), the rule framework provides the following:

- (a) any clearance of indigenous vegetation with a Farm Biodiversity Plan (FBP) is a restricted discretionary activity (Rule 1.2.1), or
 - (b) without a FBP, clearance of indigenous vegetation less than 5000m² in any 5-year continuous period is a restricted discretionary activity (Rule 1.2.2);
or
 - (c) without a FBP, clearance indigenous vegetation greater than 5000m² in any 5-year continuous period is a non-complying activity under Rule 1.3.1.
59. In my opinion, a restricted discretionary activity signals to plan users that some amount of clearance of significant indigenous vegetation or significant habitat of indigenous fauna is anticipated by the plan. Council does have the power to decline a consent however is restricted in the matters over which discretion is restricted¹⁹.
60. The s42A Report recommendations include amendments to Rules 1.2.1 and 1.2.2 that consider effects on significant indigenous biodiversity values. However, I question whether this activity status is appropriate in the Mackenzie Basin which is recognised to have significant indigenous biodiversity values²⁰ or if it is consistent with Objective 1 of PC18 in providing for protection of significant indigenous vegetation and significant habitats of indigenous fauna.
61. PC18 deals with areas of significant indigenous vegetation or significant habitats of indigenous fauna inconsistently. For areas identified as SONS in Appendix I of the MDP, the activity automatically is a non-complying activity. Whereas, if a site is identified as an area of 'significant indigenous vegetation or significant habitat of indigenous fauna' through applying the criteria in Appendix 3 of the RMA, either through the consenting process or FBP process, it is not processed as a non-complying activity but continues as a restricted discretionary activity.
62. Pursuant to Section 87A of the RMA, councils may grant a non-complying resource consent only if the consent authority is satisfied that the requirements of section 104D are met where:
- (a) The adverse effects of the activity on the environment are no more than minor; or
 - (b) The application is for an activity that will not be contrary to the objectives and policies of the relevant plan.

¹⁹ S87A(3)(a) of the RMA

²⁰ PC13 Decision-Eleventh Decision-2017, para 237

63. S6(c) of the RMA identifies the protection of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance. In my opinion non-complying activity status is consistent with protecting significant indigenous vegetation.
64. Considering these provisions, my preference is that the sites of significance are mapped in the plan and the policy framework is strengthened to provide protection of significant indigenous biodiversity. This would ensure that areas with significant indigenous biodiversity values are protected. I recognise the s42A Report's rationale to not include maps and wait until a plan change to include them is undertaken. However, I'm concerned that the proposed rule framework does not give effect to s6(c) of the Act.
65. The DGC's submission sought to insert a new definition for 'significant indigenous vegetation and habitats of indigenous fauna'. I consider a solution to this issue discussed above is to include a definition of 'significant indigenous vegetation or significant habitat of indigenous fauna' and refer to that definition in the rule framework instead of SONS²¹. This would allow the definition to apply to sites on the basis of their values, whether mapped or not. I recommend the following wording:
- "Significant indigenous vegetation and habitats of indigenous fauna' means indigenous vegetation or habitat of indigenous fauna which meet the criteria listed in the Canterbury Regional Policy Statement or listed in Appendix I as a Site of Natural Significance.
66. In response to the DGC's submission to include a definition of 'significant indigenous vegetation or significant habitat of indigenous fauna' the s42A Report states '*the current approach taken in PC18 is more appropriate. It includes clear direction about what are considered to be significant areas, by direct reference to the CRPS criteria*'. As stated above, I agree that PC18 does allow for identification of significance, but I don't consider it to provide for adequate protection.
67. I understand that the policy and rule framework would require an assessment against the criteria in Appendix 3 of the CRPS no matter the activity status (unless permitted). Therefore, I do not consider the requirement to apply the CRPS criteria to understand what activity status applies – restricted discretionary or non-

²¹ Rule 1.2.1.2, Rule 1.2.2.1 and Rule 1.3.2

complying - onerous. However, if identified as 'significant', the less stringent consent pathway would be removed.

68. This proposed solution will have implications for the use of FBP's and require consequential amendments to Rule 1.2.1 and Appendix Y. It may mean that applicants start to go through the process of getting an assessment for a FBP, then if identified as significant, the proposed activity would default to a non-complying activity. However, in my opinion, these changes are necessary to ensure significant indigenous vegetation and significant habitats of indigenous fauna and their values are protected as required by s6(c) of the RMA, CRPS Objective 9.2.3, CRPS Policy 9.3.1 and Objective 1²² of PC18.

Recommendation

69. I recommend the following amendments to PC18:
- a) Insert a definition of 'significant indigenous vegetation and significant habitats of indigenous fauna' as follows:

Means indigenous vegetation or habitat of indigenous fauna which meets the criteria listed in the Canterbury Regional Policy Statement or listed in Appendix I as a Site of Natural Significance.

and

- b) Amend Rule 1.2.1.2 and 1.2.2 as follows:

The clearance is not within a ~~Site of Natural Significance~~ an area of significant indigenous vegetation or significant habitats of fauna or on land above 900m in altitude.

- c) Amend Rule 1.3.2 as follows:

1.3.2 Any indigenous vegetation clearance in the following location:

- a. *Within a ~~Site of Natural Significance~~ area of significant indigenous vegetation or significant habitats of fauna.*

- d) And any consequential amendments to Rule 1.2.1 matters of discretion and Appendix Y.

Definition of 'Vegetation clearance'

²² S42A recommended Objective 1 and my recommended Objective 1 in paragraph 30

70. The s42A Report recommendation amends the definition to include ‘irrigation, artificial drainage, oversowing, topdressing or overplanting’. The DGC’s submission sought to retain the definition of vegetation clearance as notified.
71. The s42A Report considered the inclusion of ‘grazing’ stating “*I consider that there are difficulties with adding ‘grazing’ to the definition as this would capture any grazing that might modify vegetation and would therefore extend beyond the particular types of intensive grazing that Mr Harding considers may require control in order to protect indigenous biodiversity*”. The s42A Report recognises that not including grazing may “leave a ‘gap’” and that any addition would need to be narrowed in order to ensure only specific types of grazing are captured.
72. I note that the draft NPSIB defines ‘clearance’ as:
- ‘clearance refers to the removal of indigenous vegetation by cutting, crushing, application of chemicals, drainage, burning, cultivation, over-planting, application of seed of exotic pasture species, mobstocking and/or changes to soils, hydrology or landforms’.*
73. Mr Harding²³ states “*grazing modifies vegetation and has adverse effects on indigenous species. Intensive grazing (such as mob-stocking) can completely remove indigenous vegetation, and is intentionally used for that purpose*”.
74. Considering Mr Harding’s evidence and the draft NPSIB, I recommend including ‘mobstocking’ in the definition of ‘vegetation clearance’. This would address the Officers concerns that including ‘grazing’ would go beyond particular types of intensive grazing and would align with the draft NPSIB.

Permitted Activities

75. I acknowledge and generally support the amendments recommended in the s42A Report in relation to Rule 1.1.1. These amendments have clarified confusion with the notified rule and are more certain.
76. The DGC’s submission sought the proposed permitted activities in Rule 1.1.1 be retained as notified except Rule 1.1.1.6 relating to improved pasture.
77. Rule 1.1.1, as recommended in the s42A Report, outlines the vegetation clearance activities that are permitted by the plan change. If not identified as a permitted

²³ Mr Harding evidence paragraph 91

activity, vegetation clearance defaults to a restricted discretionary activity status subject to conditions.

78. The s42A Report outlines the reasons why conditions 1-6 are exemptions from the vegetation clearance rules. Other than my consideration of Improved Pasture below, I support the s42A Report recommendation on Rule 1.1.1.

Improved Pasture²⁴

79. Indigenous vegetation clearance is a permitted activity if within an area of improved pasture under Rule 1.1.1.6.
80. The DGC's submission opposed the definition of 'improved pasture' in part and sought that the definition be deleted or amended to refer to areas of improved pasture identified in the planning maps.
81. Overall, I support where the s42A Report has landed with improved pasture, for the reasons set out below, if issues with significant indigenous biodiversity are addressed.
82. As discussed in the evidence of Mr Harding, there is a history of indigenous vegetation modification and loss within the Mackenzie District. A lot of this loss has occurred in the last 10 years. Mr Harding states "the most widespread causes of this loss/degradation have been activities and effects related to settlement and farming"²⁵. Mr Harding goes on to list these activities including fire, grazing, animal pests, plant pests, vegetation clearance, cultivation, irrigation and so on.
83. The s42A Report has included an additional control to the permitted activity condition that it must not be located within a specified location, being a SONS, above 900m in altitude, or within 75m of a lake, 20m of the bank of a river or 50m of any wetland.
84. I agree with including the condition 8 clearance setbacks in this condition. But other than these locations - 75m of a lake, 20m of the bank of a river or 50m of any wetland, indigenous vegetation clearance can occur as a permitted activity in areas of improved pasture.
85. This is not so much of a concern for eastern Mackenzie District. However, it may be for the Mackenzie Basin that supports 91 threatened plant species²⁶ and for the

²⁴ Rule 1.1.1.6 and definition of Improved Pasture

²⁵ Mr Harding Evidence paragraph 33

²⁶ Mr Harding paragraph 31

opportunity to apply the significance criteria and determine the significance of an area.

86. My concern, and the concern raised in DGC's submission, is the notified definition of improved pasture and the ambiguity of it. I agree with the s42A Report position that the notified definition of 'improved pasture' is poorly worded and difficult to apply.
87. The s42A Report seeks to delete and replace with: *"Means an area where, as at May 2020, indigenous vegetation had been fully removed and the vegetation converted to exotic pasture or crops".*²⁷
88. I am aware identification and mapping of converted and partially converted land has been undertaken but is incomplete in they require consultation with landowners and final edits once property scaled maps are confirmed²⁸. As I understand it, the converted maps are the basis for the May 2020 date.
89. I agree with the amended definition in that it provides a clear date that conversion to exotic species must have taken place. I also support the requirement that indigenous vegetation is fully removed. This adds further clarification of when indigenous vegetation clearance associated with improved pasture is appropriate.
90. I am aware that the recommended definition of 'improved pasture' is different to the definition in the draft NPSIB. However, I consider the s42A Report recommendation is the appropriate approach to take in the Mackenzie District as the draft NPSIB definition has ambiguities and the recommended definition is certain.

Farm Biodiversity Plan and Appendix Y

91. PC18 introduces Farm Biodiversity Plans (FBP) which if prepared and submitted with a resource consent application, mean that indigenous vegetation clearance in accordance with the FBP is a restricted discretionary activity (Rule 1.2.1). I note if a FBP does not exist, clearance of less than 5,000m² is also a restricted discretionary activity (Rule 1.2.2), but if the clearance is greater than 5,000m² it will be a non-complying activity (Rule 1.3).
92. The DGC's submission on Policy 9 in relation to FBP's sought removal of the word "significant", so FBP's identify all indigenous vegetation. On reflection, this was not

²⁷ S42A Report paragraph 462

²⁸ Mr Harding paragraphs 116-131

carried through to Rule 1.2.1 and Appendix Y. With the amendments suggested for Rule 1.2.1 above, and the proposed new definition of significant indigenous vegetation, there will be a number of changes needed to FBP's as a result.

93. The DGC's submission opposed in part Rule 1.2.1 and Appendix Y and sought amendments to Appendix Y to ensure there is transparency around the content of FBP and that the FBP is enforceable. However, considering the amendments sought above in paragraph 69, the relief sought by the DGC is not necessary when managing indigenous vegetation not identified as 'significant'.

Conclusion

94. Much of the DGC's submission was in support of PC18 but sought amendments to provide clearer direction around the protection of significant indigenous biodiversity and the maintenance of indigenous biodiversity. Several of the DGC's submission points were addressed by the s42A Report, however, issues with how the plan protects significant indigenous vegetation and significant habitats of indigenous fauna have not been adequately addressed.
95. I recommend amendments to PC18 relating to identification of significant indigenous biodiversity within the Plan and protection of significant indigenous biodiversity for the reasons I have given above.



Amelia Grace Ching

12 February 2021

Appendix 1 – Amelia Ching Recommendations

This appendix summarises my recommendations in relation to the relief sought in the DGC’s submission and the recommendations made in the Section 42A Report. The table outlines DGC’s submission points and cross references those submission points to the officer’s recommendations.

PC REF	DGC SUBMISSION OR FURTHER SUBMISSION (SUBMITTER 18)	RECOMMENDATION (SECTION 42A)	RECOMMENDATION
Definitions - Biodiversity (or biological diversity)	Support definition of ‘Biodiversity (or biological diversity)’	Retain with minor amendment to be consistent with RMA definition (paragraph 498).	Support notified definition with s42A Report amendment.
Definitions (New) - Biodiversity Offset	Insert new definition of ‘biodiversity offset’. The DGC’s submission sought definition comes from the CRPS with ‘indigenous’ added in the second sentence for clarity.	Insert the proposed new definition (paragraph 261), which included the word “indigenous” before vegetation, as requested.	Support the DGC submission and s42A Report recommendation.
Definition - Farm Biodiversity Management Plan	Support in Part – Retain, subject to relief on submission points for Objective 3, Policy 9, Rule 1.2.1 and Appendix Y.	Delete the definition of ‘farm biodiversity plan’ because of use of the term in Appendix Y (paragraph 377).	Support s42A Report recommendation to delete the definition of ‘Farm Biodiversity Management Plan’.
Definitions - Improved Pasture	Oppose in Part – delete or amend so that areas of improved pasture must be identified on the planning maps.	Delete and replace definition of improved pasture with: <i><u>Means an area where, as at May 2020, indigenous vegetation had been fully removed and the vegetation converted to exotic pasture or crops.</u></i> (paragraph 462).	Support s42A Report recommendation (refer to paragraph 79 – 90 of my evidence)
Definitions - Indigenous Vegetation	Support in Part – Amend to delete exemptions.	Amend definition: <i><u>Means a community of vascular plants, mosses and/or lichens that include species native to the ecological district. The community may include exotic species.</u></i> (paragraph 515)	Support s42A Report recommendation.

Definitions (New) - Significant Indigenous Vegetation or habitat	Insert new definition for 'significant indigenous vegetation and habitat' as follows: <u>Significant Indigenous Vegetation or habitat: means indigenous vegetation of habitat of indigenous fauna which meets the criteria listed in the Canterbury Regional Policy Statement.</u>	Relief not accepted (paragraph 537).	Amend to include a definition of significant indigenous vegetation or significant habitats of indigenous fauna: <u>Means indigenous vegetation or habitat of indigenous fauna which meets the criteria listed in the Canterbury Regional Policy Statement or listed in Appendix I as a Site of Natural Significance.</u> (refer to paragraph 65 of my evidence)
Definitions - Vegetation Clearance	Support – Retain as notified.	Retain with the addition of irrigation, artificial drainage, oversowing, topdressing or overplanting (paragraph 529)	Amend to include 'mobstocking'. (refer to paragraph 70 – 74 of my evidence)
Definitions (New) - No net loss	Insert a new definition for 'no net loss' as follows: <u>No net loss: means no overall reduction in indigenous biodiversity, as measured by type, amount and condition.</u>	Insert definition as follows (paragraph 538): <u>No net loss: means, in relation to indigenous biodiversity, no reasonably measurable overall reduction in:</u> <u>a) the diversity of indigenous species or recognised taxonomic units; and</u> <u>b) indigenous species' population sizes (taking into account natural fluctuations) and long term viability; and</u> <u>c) the natural range inhabited by indigenous species; and</u> <u>d) the range and ecological health and functioning of assemblages of indigenous species, community types and ecosystems</u>	Support s42A Report recommendation.
Section 7 – Rural Zone - General	Support -Deleting indigenous biodiversity provisions from the Rural Zone Chapter.	General support noted in paragraph 57 of s42A.	Support s42A Report recommendations.
Section 19 – Objective 1	Support - Retain as notified.	Delete Objective 1 subject to changes to Objective 2 (paragraph 127).	Support the intent of the s42A Report but seek to retain Objective 1 and amend as follows:

			<i>Protect and enhance significant indigenous vegetation and significant habitats of fauna and riparian areas.</i> (refer to paragraph 26 – 35 of my evidence)
Section 19 – Objective 2	Support - Retain as notified.	Amend Objective 2 to combine with Objective 1 (paragraph 143) as follows: <u>Land use and development activities are managed to:</u> <i>a) ensure the maintenance of indigenous biodiversity; and</i> <i>b) protect and enhance significant indigenous vegetation and significant habitats of indigenous fauna and riparian areas</i>	As above, support the intent of the s42A Report recommendation and amend as follows: <u>Land use and development are managed to ensure the maintenance of indigenous biodiversity values.</u> (refer to paragraph 26 – 35 of my evidence)
Section 19 – Objective 3	Support in Part – Amend to require Farm Biodiversity Plans to identify all indigenous biodiversity values across the whole farm.	Delete Objective 3 (paragraph 153 and 154).	Support s42A Report recommendation. Relief in DGC submission addressed by other s42A recommendations (refer to paragraph 26 – 35 of my evidence).
Section 19 – Policy 1	Support in Part – Amend to delete ‘in the district plan’.	Amend Policy 1 as follows: <i>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.</i>	Oppose in part and amend to provide direction to apply the significance criteria and identify as follows: <i>To assess and identify sites of significant indigenous vegetation or significant habitat of indigenous fauna in accordance with the criteria listed in the Canterbury Regional Policy Statement.</i> (refer to paragraph 42 – 49 of my evidence)
Section 19 – New Policy	Insert new policy as follows: <u>To avoid adverse effects of subdivision, use and development on significant indigenous vegetation and habitat.</u>	n/a	DGC’s relief addressed by s42A recommendation on Policy 5. Support s42A Report recommendation.

Section 19 – Policy 2	Support in Part subject to deleting 'significant' from clause (b).	Delete and replace with a policy to address areas outside of significant indigenous vegetation only (paragraph 186). Amend Policy 2: <u>Outside of areas of significant indigenous vegetation and significant habitats of indigenous fauna, To avoid, remedy or mitigate adverse effects on the natural character and indigenous vegetation, ecological processes, ecosystem functions and linkages between areas of significant indigenous vegetation and significant habitats of indigenous fauna as necessary to ensure that indigenous biodiversity is maintained 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</u>	Support s42A Report recommendation.
Section 19 – Policy 3	Support in Part – Amend The D-G is concerned that the no net loss approach will only be taken for significant indigenous biodiversity, which requires protection under the RMA. The no net loss approach should be taken for all indigenous biodiversity.	Amend Policy 3: Rural Land use and development, including indigenous vegetation clearance and pastoral intensification, only occurs in a way or at a rate that provides for no net loss of <u>significant indigenous biodiversity values in areas identified as significant.</u>	Amend as follows: <u>Protect significant indigenous vegetation and significant habitats of indigenous fauna from Land use and development, including indigenous vegetation clearance and pastoral intensification, only occurs in a way or at a rate that provides unless there is no net loss of significant indigenous biodiversity values.</u> (refer to paragraph 50 – 57 of my evidence)

Section 19 – Policy 4	Support – Retain as notified.	Amend Policy 4 (paragraph 220) <i>To ensure that land use activities, including indigenous vegetation clearance, <u>agricultural conversion</u> and pastoral intensification, do not adversely affect any ecologically significant values of wetlands or riparian areas.</i>	Support s42A Report recommendation.
Section 19 – Policy 5	Oppose –delete proposed policy 5 and replace with the following policy: <u>Manage the effects of activities on indigenous vegetation habitat by:</u> a) <u>Avoiding as far as practicable, and where total avoidance is not practicable, minimising adverse effects</u> b) <u>Requiring remediation where adverse effects cannot be avoided</u> c) <u>Requiring mitigation where adverse effects on the areas identified above cannot be avoided or remedied</u> <u>Where (a), (b), or (c) cannot be met, residual adverse effects that are more than minor are to be offset through protection, restoration and enhancement actions in accordance with Policy (8) below.</u>	Amend Policy 5 (paragraph 240-241) as follows: <i>To consider a range of mechanisms for achieving securing 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, management agreements and covenants(if approved).</i> New Policy (paragraph 240-241): <i>To manage the adverse effects of activities on significant indigenous vegetation and significant habitats of indigenous fauna by:</i> <i>- avoiding the adverse effects of vegetation clearance and the disturbance of habitats as far as practicable; then</i> <i>- remedying any adverse effects that cannot be avoided; then</i> <i>- mitigating any adverse effects that cannot be remedied; and</i> <i>- where there are any significant residual adverse effects, offsetting them in accordance with Policy 6.</i>	Support s42A Report recommendation. Support s42A Report recommendation.
New Policy	N/A	Insert recommended additional policy: <i>To recognise and provide for activities, including voluntary initiatives, that contribute towards the</i>	Support s42A Report recommendation and the promotion or encouragement of

		<i><u>maintenance and enhancement of indigenous biodiversity.</u></i>	opportunities to enhance or restore indigenous biodiversity.
Section 19 – Policy 6	Support in part – amend to remove compensation from the policy and other amendments for clarification.	Amend to. (paragraph 260) Where <i>For any indigenous biodiversity offsetting is proposed, to apply the following criteria apply:</i> a) <i>the offset will only compensate for residual adverse effects that cannot otherwise be avoided, remedied or mitigated;</i> b) <i>the residual adverse effects on indigenous biodiversity are capable of being offset and will be fully compensated by the offset to ensure no net loss of indigenous biodiversity;</i> c) <i>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 indigenous biodiversity;....</i> d) <i>there is a strong likelihood that the offsets will be achieved in perpetuity; and</i> e) <i>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.</i> <i>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.</i>	Support s42A Report recommendation.
Section 19 – Policy 8	Oppose in Part – Amend to delete ‘significant’	Amend Policy 8 to incorporate the intent of policy 9 (paragraph 353). <i>To enable rural land use and development at an on-farm level, through a Farm Biodiversity Plan, where that development is integrated with</i>	Support s42A Report recommendation.

		<i>comprehensive and expert identification, of indigenous biodiversity is undertaken that demonstrates how that use and development will be integrated with: sustainable management and</i> - <i>the long-term protection of values associated with significant indigenous vegetation and significant habitats of indigenous fauna, through a Farm Biodiversity Plan process.</i> - <i>the maintenance of other indigenous biodiversity; and</i> - <i>opportunities for enhancement of indigenous biodiversity, where appropriate.</i>	
Section 19 – Policy 9	Oppose in Part – Amend to delete ‘significant’	Delete Policy 9 and combine with Policy 8 (paragraph 354).	Support s42A Report recommendation.
Section 19 - Rules	Support in Part – The DGC’s submission supported the specific indigenous biodiversity provisions but sought amendments because of concerns with other sections of the plan allowing vegetation clearance associated with other permitted activities.	Amend to include a statement as follows (paragraph 102): <u><i>The rules in this chapter apply to any indigenous vegetation clearance, including clearance undertaken as part of another activity, and apply in addition to the provisions in other sections of this Plan, including Section 16.</i></u>	Support S42A Report recommendation.
Section 19 - Rule 1.1.1 – Permitted Activities	Support - Retain as notified	Amend to clarify that conditions 1-6 are permitted activities (paragraph 435).	Support s42A Report recommendation.
Section 19 - Rule 1.1.1.1	Support - Retain as notified	Amend to include: - a threshold of ‘within 2m of’ - ‘stock tracks’, ‘stock crossings’, and ‘associated reticulation piping’.	Support s42A Report recommendation.
Section 19 - Rule 1.1.1.2	Support - Retain as notified	Amendment consequential to deleting condition (8).	Support s42A Report recommendation.
Section 19 - Rule 1.1.1.3	Support - Retain as notified	Amendment consequential to deleting condition (8).	Support s42A Report recommendation.

Section 19 - Rule 1.1.1.4	Support - Retain as notified	Amendment consequential to deleting condition (8).	Support s42A Report recommendation.
Section 19 - Rule 1.1.1.5	Support - Retain as notified	Delete and replace with: <i>The clearance is of indigenous vegetation within a defined Farm Base Area (see Appendix R); or</i>	Support s42A Report recommendation.
Section 19 - Rule 1.1.1.6	Oppose in Part – Submission sought amendments to identify areas of improved pasture.	Amend Rule 1.1.1.6: <i>The clearance is of indigenous vegetation within an area of improved pasture and the clearance is not within a location specified in Rule 1.3.2.</i>	Support s42A Report recommendation.
Section 19 - Rule 1.1.1.7	Support - Retain as notified	Delete Rule 1.1.1.7	Support s42A Report recommendation.
Section 19 - Rule 1.1.1.8	Support - Retain as notified	Delete Rule 1.1.1.8 and replace with a restricted discretionary rule to manage indigenous vegetation clearance within 75m of a lake, 20m of the bank of a river or 50m of any wetland.	Support s42A Report and inclusion of new restricted discretionary rule 1.2.3.
Section 19 - Rule 1.2.1	Support in Part – Submission sought amendments to Appendix Y and to ensure there is transparency around the content of FBP and that the FBP is enforceable.	Amend (paragraph 379) to: <ul style="list-style-type: none"> - Include consequential amendments from s42A Report recommendations, - Require that FBP's are prepared in accordance with Appendix Y and are submitted with the resource consent, - Include new matters of discretion: <ul style="list-style-type: none"> - <i>Other biodiversity values important for ecosystem connectivity, function, diversity, and integrity.</i> - Adverse effects on an Outstanding Natural Feature or Landscape. 	Support s42A Report recommendations but amend 1.2.1.2 to delete 'Site of Natural Significance' and replace with 'significant indigenous vegetation or habitat of indigenous fauna'. (refer to paragraph 69 of my evidence)
Section 19 - Rule 1.2.1 (matters of discretion)	Oppose in Part – Amend to include matters of discretion to consider adverse effects on outstanding natural feature or landscape and area of high visual vulnerability or scenic grassland area.	Amend to include a new matter of discretion incorporating the DGC's submission and 'geopreservation sites' (paragraph 379).	Amend to reflect my recommendations at paragraph 69 of my evidence.

Section 19 - Rule 1.2.2	<p>Support in Part – Amend matters of discretion to include:</p> <ul style="list-style-type: none"> - Provide a mechanism to undertake significance assessments - Assess the effects on significant indigenous values - Assess the effects on indigenous biodiversity values - Effects on adjacent vegetation and habitat - Effects on ecosystem processes etc. 	<p>Amend to include consequential amendments related to other provisions, and amend matters of discretion to include:</p> <ul style="list-style-type: none"> - Adequacy of identification of significant natural areas - How the proposal considers the avoidance of adverse effects on significant values - Methods proposed to maintain and enhance indigenous biodiversity - The quantity of indigenous vegetation to be cleared (paragraph 480). 	<p>Support s42A Report recommendation but amend 1.2.2.1 to delete 'Site of Natural Significance' and replace with 'significant indigenous vegetation or habitat of indigenous fauna'. (refer to paragraph 69 of my evidence)</p>
Section 19 – Rule 1.3	<p>Support – Retain as notified.</p>	<p>Retain with consequential amendments (paragraph 486).</p>	<p>Support - s42A Report recommendation.</p>
Appendix Y – Farm Biodiversity Plan Framework	<p>Oppose in part - amend Appendix Y to:</p> <ul style="list-style-type: none"> - Clarify the Farm Biodiversity Plan functions in a similar way to resource consent conditions - Ensure Farm Biodiversity Plans are developed by a suitably qualified ecological expert. - Ensure Council's ecological peers reviews Farm Biodiversity Plans and any areas of difference in opinion between ecologists are addressed prior to Farm Biodiversity Plans being approved. <p>The submission also noted assessments on visual or landscapes effects are not part of the Farm Biodiversity Plan Framework.</p>	<p>Amend Appendix Y (paragraph 398) to:</p> <ul style="list-style-type: none"> - Include consequential amendments - Clarify that the FBP forms part of a comprehensive property wide resource consent - Clarify that the FBP is only authorised by the Council through the resource consent process - Ensure protection of significant indigenous vegetation and significant habitats of indigenous fauna - Clarify the review in Section E of Appendix Y does not supersede the requirements to apply for a change of conditions to any resource consent associated with the FBP (paragraph 398). 	<p>Amend to reflect my recommendations at paragraph 69 of my evidence.</p>