

SECTION 3 - DEFINITIONS

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

Biodiversity offset: means a measurable conservation outcome resulting from actions which are designed to compensate for significant residual adverse effects on indigenous biodiversity arising from human activities after all appropriate prevention and mitigation measures have been taken. The goal of a biodiversity offset is to achieve no net loss and preferably a net gain of indigenous biodiversity on the ground with respect to species composition, habitat structure and ecosystem function. They typically take the form of binding conditions associated with resource consents and can involve bonds, covenants financial contributions and biodiversity banking.

Farming Operation: means an area of land, including an aggregation of parcels of land (whether contiguous or non-contiguous), 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 land where exotic pasture species have been deliberately sown or maintained for the purpose of pasture production, and species composition and growth has been modified and is being managed for livestock grazing.

Indigenous Vegetation: means a community of vascular plants, mosses and/or lichens that includes species native to the ecological district. The community may include exotic species, but does not include vegetation that has been planted as part of a domestic garden, for amenity purposes or as a shelterbelt, or exotic woody pest plants.

Mobstocking: means confining livestock in an area in which there is insufficient feed and in a way that results in the removal of all or most available vegetation.

No net loss: means, in relation to indigenous biodiversity, no reasonably measurable overall reduction in:

- a) the diversity of indigenous species or recognised taxonomic units; and
- b) indigenous species' population sizes (taking into account natural fluctuations) and long-term viability; and
- c) the natural range inhabited by indigenous species; and
- d) the range and ecological health and functioning of assemblages of indigenous species, community types and ecosystems

Significant indigenous vegetation and significant habitats of indigenous fauna: means areas of indigenous vegetation or habitats of indigenous fauna which:

- a) meet the criteria listed in the Canterbury Regional Policy Statement's Policy 9.3.1 and Appendix 3; or
- b) are listed in Appendix I as a Site of Natural Significance; and

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- c) includes any areas that do not comprise **improved pasture** within the glacial derived or alluvial (depositional) outwash and moraine gravel ecosystems of the Mackenzie Basin as shown on Figure 1.

Vegetation Clearance: means the felling, clearing or modification of trees or any vegetation by cutting, crushing, cultivation, spraying, burning, irrigation, artificial drainage, and mob stocking. It includes oversowing, topdressing or overplanting on land that is not **improved pasture**. 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, booms, 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.

Opuha Scheme: means the electricity generation activity associated with the Opuha Dam and power station (including the regulating pond and downstream weir) and all structures, works, facilities, components, plant and activities undertaken to facilitate that generation.

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

Refurbishment of Waitaki Power Scheme Opuha Scheme or National Grid: 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 infrastructure.

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. destruction

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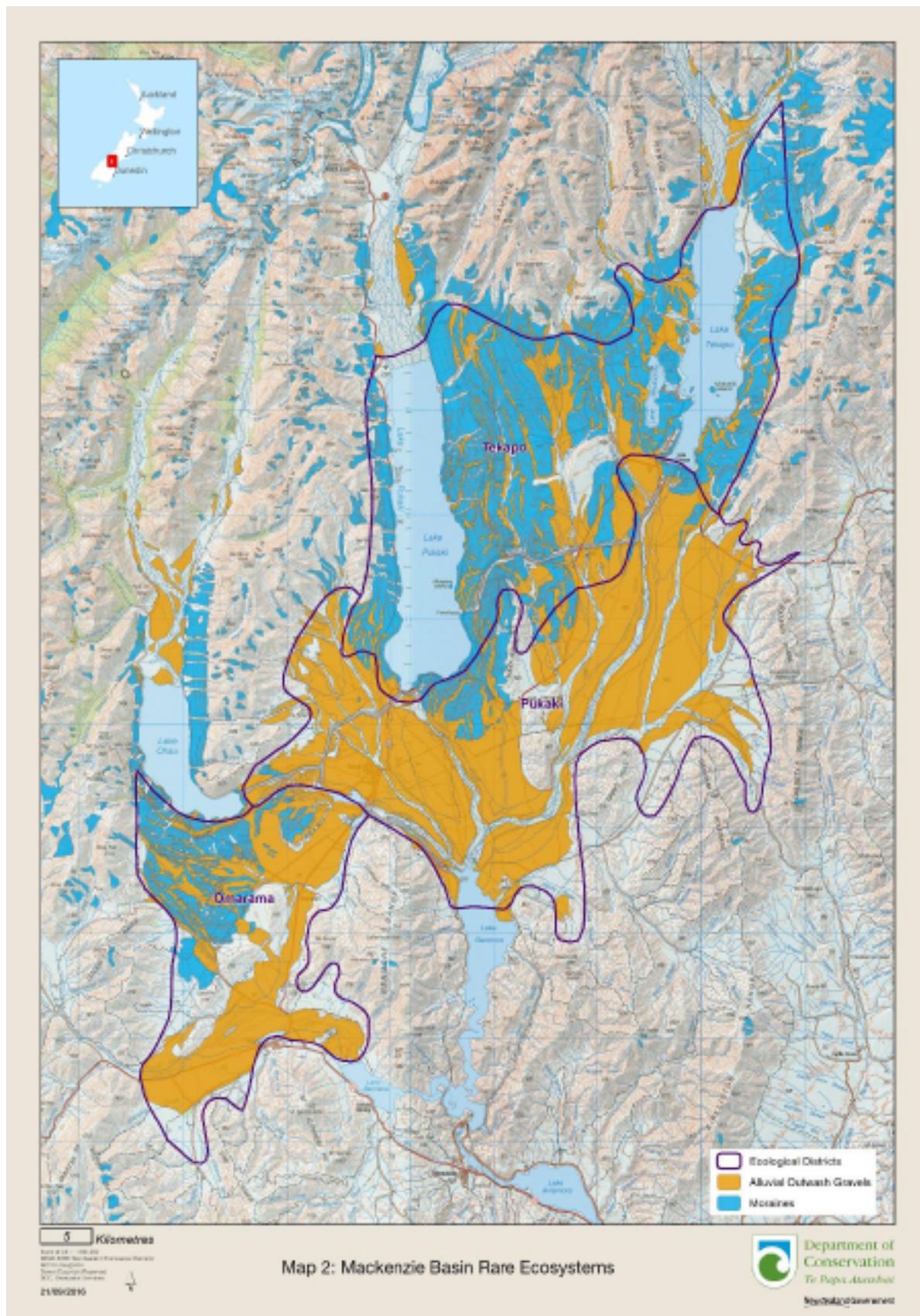


Figure One: Mackenzie Basin alluvial outwash and moraine ecosystems

SECTION 7 – RURAL ZONE RULES

12 NON-INDIGENOUS VEGETATION CLEARANCE

Note: This rule applies to the clearance of non-indigenous vegetation. Clearance of indigenous vegetation is controlled in Section 19 of this Plan.

12.1 Permitted Activities - Non-Indigenous Vegetation Clearance

12.1.1 Clearance of non-indigenous 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, excluding a water permit enabling irrigation for a discretionary or non-complying activity, excluding a water permit enabling irrigation, 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 Covenant

Provided 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.

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12.2 Discretionary Activities - Non-Indigenous Vegetation Clearance

12.2.1 Any clearance of non-indigenous vegetation that does not meet one or more of the standards in Rule 12.1.1.a.

SECTION 19 – ECOSYSTEMS AND INDIGENOUS BIODIVERSITY

OBJECTIVES AND POLICIES

Objective

Land use and development activities are managed to:

- a) protect areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- b) outside of areas of significant indigenous vegetation and significant habitats of indigenous fauna, ensure the maintenance and enhancement of indigenous biodiversity, and
- c) despite (a) and (b), recognise and provide for the national significance of the Waitaki Power Scheme and the National Grid when managing effects on indigenous biodiversity arising from the development, operation, maintenance, refurbishment or upgrade of those utilities.

Policies

- 1** To assess and identify areas of significant indigenous vegetation and significant habitats of indigenous fauna in accordance with the criteria listed in Appendix 3 of the Canterbury Regional Policy Statement.
- 2** To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna by ensuring that land use and development, agricultural conversion and pastoral intensification:
 - a) avoids the clearance of indigenous vegetation or any reduction in its extent (including through edge effects); and
 - b) avoids adverse effects on those habitats;unless permitted under Rule 1.1.1 or Rule 2.1.1 or is otherwise consistent with Policy 5.
- 3** Outside of areas of significant indigenous vegetation and significant habitats of indigenous fauna, to ensure that indigenous biodiversity is maintained or enhanced by:
 - a) avoiding adverse effects on indigenous vegetation and habitats of indigenous fauna as far as practicable; then
 - b) remedying any adverse effects that cannot be avoided; then
 - c) mitigating any adverse effects that cannot be remedied; then
 - d) offsetting any significant residual adverse effects in accordance with Policy 4.
- 4** For any indigenous biodiversity offsets apply the following criteria:
 - a) the offset will only compensate for significant residual adverse effects that cannot otherwise be avoided, remedied or mitigated;
 - b) the significant 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;

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- 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 indigenous biodiversity;
 - d) there is a strong likelihood that the offsets will be achieved in perpetuity;
 - 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;
 - f) The offset should apply as close as possible to the site incurring the effect, recognising that benefits diminishing with distance from the site; and
 - g) Offsets should re-establish or protect the same type of ecosystem or habitat that is adversely affected.
- 5** Despite Policy 2, to manage effects on indigenous biodiversity in a way that recognises the national significance of renewable energy generation activities and the electricity transmission network and provides for their development, operation, upgrading, and maintenance by:
- a) Enabling indigenous vegetation clearance that is essential for the operation, maintenance or refurbishment of the Waitaki Power Scheme, the National Grid and the Opuha Scheme; and
 - b) Providing for the upgrading and development of renewable energy generation and the electricity transmission network, while managing any adverse effects on indigenous biodiversity, having particular regard to:
 - i. the location of existing structures and infrastructure and the need to locate the generation activity where the renewable energy resource is available; and
 - ii. the logistical, technical and operational constraints associated with the activity; and
 - iii. the importance of maintaining and increasing the output from existing renewable electricity generation activities; and
 - iv. environmental compensation which benefits the local environment affected, as an alternate, or in addition to offsetting, to address any significant residual environmental effects.
- 6** To enable land use and development at an on-farm level, through a Farm Biodiversity Plan, where comprehensive and expert identification of indigenous biodiversity is undertaken that demonstrates how that use and development will be integrated with:
- a) the long-term protection of significant indigenous vegetation and significant habitats of indigenous fauna;
 - b) the maintenance of other indigenous biodiversity; and
 - c) opportunities for enhancement of indigenous biodiversity, where appropriate.
- 7** To consider a range of mechanisms for securing protection of significant indigenous vegetation and significant habitats of indigenous fauna, including resource consent conditions, management agreements and covenants.

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- 8** To recognise and provide for activities, including voluntary initiatives, that contribute towards the protection, maintenance or enhancement of indigenous biodiversity.

RULES

INDIGENOUS VEGETATION CLEARANCE

Note: 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.

Rule 1 - Indigenous Vegetation Clearance excluding indigenous vegetation clearance associated with the Waitaki Power Scheme, the National Grid or the Opuha Scheme

1.1 Permitted Activities – Indigenous Vegetation Clearance

- 1.1.1 Clearance of indigenous vegetation is a permitted activity provided one or more of the following conditions are met:
1. The clearance is within 2m of, and for the purpose of:
 - a) the maintenance or repair of, existing fence lines, vehicle tracks, roads, stock tracks, stock crossings, firebreaks, drains, ponds, dams, stockyards, farm buildings, water troughs and associated reticulation piping, or airstrips; or
 - b) the operation, maintenance, repair or upgrade of network utilities permitted by Rule 16.1.1.(j).
 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 and the clearance is not within a location specified in Rule 1.3.2; or
 3. The clearance is of the indigenous understorey to plantation forest, and is incidental to permitted or otherwise authorised plantation forest clearance and the clearance is not within a location specified in Rule 1.3.2; or
 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 and the clearance is not within a location specified in Rule 1.3.2; or
 5. The clearance is of indigenous vegetation carried out by or on behalf of a local authority for erosion and flood control works, including within 75m of a lake, 20m of the bank of a river, or 50m of any wetland;
 6. The clearance is of indigenous vegetation within a defined Farm Base Area (see Appendix R); or

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7. 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.

1.2 Restricted Discretionary Activity – Indigenous Vegetation Clearance

1.2.1 *Intentionally blank*

- 1.2.2. Other than as permitted by Rule 1.1.1 the clearance of up 5000m² of indigenous vegetation within a site, or per 100ha where a site is greater than 100ha, in any 5-year continuous period is a restricted discretionary activity provided the following conditions are met:

1. The clearance is not within:
 - a) an area of significant indigenous vegetation or a significant habitat of indigenous fauna;
 - b) land above 900m in altitude;
 - c) 75m of a lake;
 - d) 20m of the bank of a river; or
 - e) 50m of any wetland; and
2. A Farm Biodiversity Plan is prepared in accordance with Appendix Y for the farming operation and submitted with the application for resource consent.

The Council will restrict its discretion to the following matters:

1. The adequacy of and implementation of the Farm Biodiversity Plan;
2. The area of indigenous vegetation to be cleared and the reasons for the intended clearance;
3. Managing the actual or potential adverse effects on indigenous biodiversity, species diversity, habitat availability or ecological function expected to occur as a result of the proposal, particularly the impact on values significant to Ngāi Tahu;
4. Managing edge effects;
5. Methods to avoid, remedy or mitigate adverse effects on indigenous biodiversity and offset residual significant effects on indigenous biodiversity;
6. Any technical or operational constraints on the activity necessitating the clearance of indigenous vegetation;
7. Where the clearance is within an Outstanding Natural Feature or Landscape, a geopreservation site, Area of High Visual Vulnerability or Scenic Grassland Area, managing the indigenous vegetation clearance to, as far as is practicable, avoid adversely affecting those features, landscapes, sites or areas;
8. The adequacy of monitoring and reporting;
9. The review of conditions; and
10. Consent duration.

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1.2.3. The clearance of indigenous vegetation within 75m of a lake, 20m of the bank of a river, or 50m of any wetland, for the purpose of installing a fence to exclude stock, is a restricted discretionary activity.

The Council will restrict its discretion to the following matters:

- i. The location of the fence.
- ii. Managing the effects of the intended clearance of indigenous vegetation.

1.3 Non-Complying Activity – Indigenous Vegetation Clearance

The following activities are Non-complying activities:

1.3.1 Any indigenous vegetation clearance not categorised as a Permitted Activity or Restricted Discretionary Activity.

1.3.2 Any indigenous vegetation clearance in the following locations, unless specified as a permitted activity under Rule 1.1.1.1, 1.1.1.5 or 1.1.1.6 or a restricted discretionary activity under Rule 1.2.3¹:

1. Within an area of significant indigenous vegetation or significant habitat of indigenous fauna.
2. Above 900m in altitude.
3. Within 75m of a lake, 20m of the bank of a river, or 50m of any wetland.

2 INDIGENOUS VEGETATION CLEARANCE ASSOCIATED WITH THE WAITAKI POWER SCHEME, THE NATIONAL GRID OR THE OPUHA SCHEME

2.1 Permitted Activities – Indigenous Vegetation Clearance

2.1.1. The clearance of indigenous vegetation associated with the Waitaki Power Scheme, the National Grid or the Opuha Scheme is a permitted activity where one or more of the following conditions are met:

1. The clearance is a consequence of an emergency occurring on, or failure of, the Waitaki Power Scheme, the National Grid or the Opuha Scheme; or
2. The clearance meets the conditions in Rule 1.1.1, or
3. The clearance is required for the operation, maintenance or refurbishment of the Waitaki Power Scheme within the following areas;
 - i. The existing footprint of the Waitaki Power Scheme.
 - ii. On core sites associated with the Waitaki Power Scheme.
 - iii. On areas covered by an operating easement associated with the Waitaki Power Scheme; or
4. The clearance is required for the operation, maintenance or refurbishment of the National Grid or the Opuha Scheme; and

¹ Amended pursuant to Clause 16(2) of Schedule 1 of the Resource Management Act 1991, as directed by Commissioners, prior to adoption of recommendation by Mackenzie District Council.

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5. The clearance is located outside areas of significant indigenous vegetation and significant habitats of indigenous fauna identified in accordance with Policy 1.

2.2 Restricted Discretionary Activity – Indigenous Vegetation Clearance

- 2.2.1 The clearance of indigenous vegetation associated with the Waitaki Power Scheme, the National Grid or the Opuha Scheme that does not comply with one or more of the conditions of Rule 2.1.1.

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, the National Grid or the Opuha Scheme;
- (b) The adequacy of the identification of biodiversity values, including, but not limited to identification of areas of significant indigenous vegetation or significant habitats of indigenous fauna, and values outside of these areas that are particularly important for ecosystem connectivity, function, diversity, and integrity;
- (c) Managing the actual or potential adverse effects on indigenous biodiversity, species diversity, habitat availability or ecological functions (including connectivity, function, diversity and integrity) expected to occur as a result of the proposal, particularly the impact on values significant to Ngāi Tahu;
- (d) Methods to avoid, remedy or mitigate adverse effects on indigenous biodiversity and offset residual significant effects on indigenous biodiversity;
- (e) Any technical or operational constraints associated with the proposed activity requiring vegetation clearance;
- (f) The benefits the proposed activity provides to the local community and beyond;
- (g) The adequacy of monitoring;
- (h) The review of conditions; and
- (i) Consent duration.

APPENDIX Y - FARM BIODIVERSITY PLAN FRAMEWORK

Introduction

The purpose of a Farm Biodiversity Plan is to facilitate the maintenance or enhancement of indigenous biodiversity for a farming operation.

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, but is only authorised by the Council through the resource consent process.

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 operation.
3. A Farm Biodiversity Plan must contain as a minimum the matters contained in Parts A, B, C and D that follow.

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 land used for the farming operation; and
4. A map(s) or aerial photograph at a scale that clearly shows, where relevant:
 - a) The boundaries of the farming operation;
 - b) The boundaries of the main land management units within the farming operation;
 - c) The location of all water bodies, including wetlands and riparian vegetation;
 - d) Constructed features including buildings, tracks and any fencing to protect indigenous biodiversity values (including around riparian areas);
 - e) The location of any areas within or adjoining the farming operation that have been identified as areas of significant indigenous vegetation or significant habitats of indigenous fauna or are legally protected by way of covenant;
 - f) The location of any areas within or adjoining the farming operation that have been identified as an Outstanding Natural Landscape or Feature, a geopreservation site, Area of High Visual Vulnerability or Scenic Grassland Area;

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- g) The location of any Farm Base Areas;
- h) Areas of improved pasture;
- i) Areas of retired land; and
- j) Location of any proposed developments, including intensification of production, new tracks or buildings and areas to be cleared.

B Development Areas and Farming Operation Activities:

The purpose of this section of the Farm Biodiversity Plan is to understand how the land has been managed, what the future management will be, and how this will affect the indigenous biodiversity. The Farm Biodiversity Plan shall:

1. Describe historic and current land use management, including stocking policy, water supply, grazing regimes, improved pasture, and indigenous biodiversity management,
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, indigenous vegetation clearance within previously undisturbed areas, earthworks or cultivation.

C Description of existing indigenous biodiversity and its intended management:

The purpose of this section of the Farm Biodiversity Plan is to describe the indigenous biodiversity of the farming operation and how it will be managed.

1. An assessment of existing indigenous biodiversity values shall be undertaken by a suitably qualified and experienced ecologist, including the identification of areas of significant indigenous vegetation or significant habitats of indigenous fauna.
2. The assessment shall contain:
 - a) Recommendations to achieve maintenance and, where appropriate, enhancement of indigenous biodiversity outside significant areas.
 - b) Recommended actions to achieve these outcomes which may include:
 - i. Formal legal protection;
 - ii. Pest or weed control;
 - iii. Grazing regimes;
 - iv. Fencing;
 - v. Restoration planting or other restoration measures;
 - vi. Confirmation of which area/s will not be subject to future land use change or development;
 - vii. Confirmation that the tools and methods will endure beyond any fragmentation of the farming operation e.g. as a result of changes in ownership.
 - c) Recommendations for monitoring and review of progress in achieving the outcomes.

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D Monitoring and Reporting on actions:

The Farm Biodiversity Plan shall include a description of how the recommendations in Part C (2) will be monitored and reviewed.

Note: The review described in D above does not supersede the requirement to apply for a change of condition(s) to any resource consent associated with the Farm Biodiversity Plan that may be necessary as a result of the review. It is also separate to any review of consent conditions that the Council may initiate under section 128 of the Resource Management Act 1991.