

Appendix 1

Key

Black text = Provisions as recommended in Attachment 1 to the Section 42A report.

Red text = Changes recommended in the Reply Report.

Green text = Provisions recommended in the Reply Report to be shifted.

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 indigenous¹ 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)², 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 Converted land: means an area where, as at May 2020, indigenous vegetation had been fully removed and the vegetation converted to exotic pasture or crops.

Indigenous Vegetation: means a community of vascular plants, mosses and/or lichens that includes species native to the ecological district. The community which 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.³

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

¹ JWS (Ruston and Mitchell).

² Evidence of Willis (ECan).

³ Evidence of Thorsen (Meridian) and response to questions by Ms Ruston (Meridian).

- 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*

Opuha Scheme: *means the electricity generation activities in the Opuha/Opihi catchment including the structures, works, facilities, components, plant and activities to facilitate and enable the generation of electricity from water. It includes the Opuha Dam and power station, downstream weir, regulating pond, control structures, tailrace, spillway, intake, 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 networks.*⁴

Vegetation Clearance: *means the felling, clearing or modification of trees or any vegetation by cutting, crushing, cultivation, spraying, burning, ~~irrigation~~, artificial drainage, mobstocking⁵ ~~oversowing, topdressing~~ or overplanting. 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 the electricity transmission network that connects components of the Scheme to each other and to the National Grid⁶.*

Maintenance (in relation to the of Waitaki and Opuha Power Scheme): *means undertaking work and activities, including erosion control works, necessary to keep the Waitaki or Opuha Power Scheme operating at an efficient and safe level.*⁷

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.*⁸

Refurbishment (in relation to the of Waitaki and Opuha 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.*

⁴ Evidence of Crossman (OWL).

⁵ Evidence of Ching (DOC).

⁶ Evidence of McLeod (Transpower).

⁷ Evidence of Crossman (OWL).

⁸ Relates to Ching (DOC).

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 RULES

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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,⁹ 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

⁹ Evidence of Willis (ECan). **Note:** *This change will not be necessary if the change recommended to the definition of 'vegetation clearance' to remove reference to irrigation is accepted.*

- 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 ~~not provided for as a Permitted Activity that does not meet one or more of the standards in Rule 12.1.1.a¹⁰.~~

¹⁰ Addresses matter raised in legal submissions for Mt Gerald and The Wolds Stations.

SECTION 19 – ECOSYSTEMS AND INDIGENOUS BIODIVERSITY

OBJECTIVES AND POLICIES

Objective 1

Land use and development activities are managed to:

- a) ensure the maintenance of indigenous biodiversity; and
- b) protect and where practicable enhance areas of significant indigenous vegetation and significant habitats of indigenous fauna and riparian areas; and¹¹
- c) in relation to renewable energy generation activities and the electricity transmission network, achieve (a) and (b) as far as practicable, when providing for the development, operation, maintenance, refurbishment and upgrade of these activities.¹²

Policy 1

To assess and¹³ identify sites areas¹⁴ of significant indigenous vegetation or and significant habitats of indigenous fauna¹⁵ in accordance with the criteria listed in the Canterbury Regional Policy Statement.

Policy 2

Ensure that¹⁶ land use and development (excluding renewable energy generation activities and the electricity transmission network)¹⁷, including indigenous vegetation clearance and pastoral intensification, in areas identified as significant,¹⁸ only occurs in a way or at a rate that provides for that results in no measurable¹⁹ net loss of significant²⁰ those indigenous biodiversity values that contribute to the significance of the vegetation or habitat²¹.

Policy 3

To manage the any²² adverse effects of activities on significant indigenous vegetation and significant habitats of indigenous fauna by:

- a) avoiding the any adverse effects of vegetation clearance and the disturbance of habitats²³ as far as practicable; then
- b) remedying any adverse effects that cannot be avoided; then
- c) mitigating any adverse effects that cannot be remedied; and

¹¹ JWS (Ruston and Mitchell).

¹² Relates to JWS (Ruston and Mitchell) and Revised Evidence of Ms McLeod (Transpower).

¹³ Evidence of Ching (DOC).

¹⁴ JWS (Ruston and Mitchell).

¹⁵ Evidence of Ching (DOC) and JWS (Ruston and Mitchell).

¹⁶ Relates to evidence of Ching (DOC).

¹⁷ Legal submissions for Meridian.

¹⁸ Evidence of McLeod (Transpower). Also relates to evidence of Ching (DOC).

¹⁹ Relates to evidence of Dr Walker (EDS).

²⁰ Evidence of McLeod (Transpower).

²¹ Relates to Evidence of Mr Head (Forest & Bird) and Dr Walker (EDS).

²² Legal submissions for Mt Gerald and The Wolds Stations.

²³ Legal submissions for Mt Gerald and The Wolds Stations.

- d) where there are any significant residual adverse effects, offsetting them in accordance with Policy 6, where such measures are offered or agreed by an applicant or requiring authority.²⁴

Policy 4

To ensure that land use activities, including indigenous vegetation clearance, agricultural conversion and pastoral intensification, do not adversely affect any ecologically significant values of wetlands or riparian areas.

Policy 5

To consider a range of mechanisms for securing protection of significant indigenous vegetation and significant habitats of indigenous fauna, including resource consent conditions, Farm Biodiversity Plans,²⁵ management agreements and covenants.

Policy 6

For any indigenous biodiversity offset the following criteria apply:

- a) the offset will only compensate for residual adverse effects that cannot otherwise be avoided, remedied or mitigated;
- b) 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;
- 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; 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.

Policy 7

To manage effects on indigenous biodiversity in a way that recognises the national significance economic and social importance²⁶ of renewable energy generation activities²⁷ and the electricity transmission network²⁸ and provides for its their²⁹ development, operation, upgrading, and maintenance, including³⁰ by:

²⁴ Evidence of McLeod (Transpower).

²⁵ Legal submissions for Mt Gerald and The Wolds Stations.

²⁶ JWS (Ruston and Mitchell).

²⁷ JWS (Ruston and Mitchell).

²⁸ JWS (Ruston and Mitchell) and McLeod (Transpower).

²⁹ JWS (Ruston and Mitchell).

³⁰ Evidence McLeod (Transpower).

- a) Enabling indigenous vegetation clearance that is essential for the operation and maintenance of the Waitaki or Opuha³¹ Power Scheme or that results from an emergency event³²; and
- b) Providing for the upgrading and development of renewable energy generation, while managing the effects of upgrading and development on indigenous biodiversity, ~~taking into account and having particular regard to³³~~:
 - i. the location of existing structures and infrastructure; and
 - ii. the need to locate renewable energy generation activities ~~the activity³⁴~~ where the renewable energy resource is available; and
 - ~~iii. the wide extent and high value of significant indigenous vegetation and habitat within and associated with the Tekapo, Pūkaki and Ohāu river systems; and³⁵~~
 - iv. the logistical or technical practicalities associated with the activity; and
 - v. the importance of maintaining and increasing³⁶ the output from existing renewable electricity generation activities; and
 - ~~vi. in respect of Policy 6, environmental compensation which benefits the local environment affected, as an alternate, or in addition to offsetting, to address any residual environmental effects.~~
- c. When considering any residual environmental effects of renewable electricity generation activities or electricity transmission activities that cannot be avoided, remedied or mitigated, having regard to offsetting measures or environmental compensation, including measures or compensation that benefits the local environment and community affected.³⁷

Policy 8

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.

Policy 9

Outside of areas of significant indigenous vegetation and significant habitats of indigenous fauna, avoid, remedy or mitigate adverse effects on indigenous vegetation, ecological processes, ecosystem

³¹ Evidence of Crossman (OWL).

³² Evidence of Ruston (Meridian).

³³ JWS (Ruston and Mitchell).

³⁴ JWS (Ruston and Mitchell).

³⁵ JWS (Ruston and Mitchell).

³⁶ JWS (Ruston and Mitchell).

³⁷ JWS (Ruston and Mitchell).

functions and linkages between areas of significant indigenous vegetation and significant habitats of indigenous fauna, ~~as necessary~~³⁸ to ensure that indigenous biodiversity is maintained.

Policy 10

To ~~recognise and provide for activities, including voluntary initiatives, that contribute towards~~ promote the maintenance and enhancement of indigenous biodiversity, including through voluntary initiatives, where it will improve the functioning and long-term sustainability of ecosystems or contribute to the Mackenzie District's distinctive natural character and to the well-being of its people and communities.³⁹

³⁸ JWS (Ruston and Mitchell).

³⁹ Supplementary evidence of Ruston.

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 or Opuha⁴⁰ Power 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, maintenance or repair of, existing fence lines, vehicle tracks, roads, stock tracks, stock crossings, firebreaks, drains, ponds, dams,⁴¹ stockyards, farm⁴² buildings, water troughs and associated reticulation piping or airstrips or the operation, maintenance or repair of a utility⁴³; or
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~~⁴⁴
5. The clearance is of indigenous vegetation within a defined Farm Base Area (see Appendix R); or

⁴⁰ Evidence of Crossman (OWL).

⁴¹ Legal submissions for Mt Gerald and The Wolds Stations.

⁴² Legal submissions for Mt Gerald and The Wolds Stations.

⁴³ Evidence of Ms McLeod (Transpower).

⁴⁴ Response to questions by Ms Ruston (Meridian).

6. The clearance is of indigenous vegetation within an area of ~~improved pasture converted~~ land⁴⁵ and the clearance is not within a location specified in Rule 1.3.2.

1.2 Controlled Activity – Indigenous Vegetation Clearance⁴⁶

1.2.1 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 controlled activity.

The Council will restrict its ~~discretion~~ control to the following matters:

- ~~i. The adequacy of the identification of biodiversity values, including, but not limited to identification of areas of significant indigenous vegetation or habitat of indigenous species using the criteria provided in Appendix 3 of the Canterbury Regional Policy Statement, and values outside of these areas or any Site of Natural Significance that is particularly important for ecosystem connectivity, function, diversity, and integrity.~~
- ~~ii. The actual or potential effects on indigenous 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.~~
- iii. Measures proposed to minimise, as far as practicable, the disturbance of indigenous vegetation.
- iv. Whether they are alternate locations for the fencing which would avoid the removal of indigenous vegetation.
- v. The extent to which the location for the fence:
 - a) avoids the removal of significant indigenous vegetation or significant habitats of indigenous fauna; and
 - b) minimises the amount of other indigenous vegetation removal.

1.23 Restricted Discretionary Activity – Indigenous Vegetation Clearance

1.23.1 Unless permitted under Rule 1.1, the clearance of indigenous vegetation is a restricted discretionary activity provided the following conditions are met:

1. A Farm Biodiversity Plan is prepared in accordance with Appendix Y for the whole of a farming operation and submitted with the application for resource consent.

⁴⁵ Response to Hearing Commissioners.

⁴⁶ Legal submissions for Mt Gerald and The Wolds Stations.

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) 75m of a lake
 - b) 20m of the bank of a river
 - c) 50m of any wetland

The Council will restrict its discretion to the following matters:

- i. 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 indigenous biodiversity values and actual and potential threats to those values, including:
 - Areas of significant indigenous vegetation ~~or~~ and habitats of significant indigenous fauna species⁴⁷ using the criteria provided in Appendix 3 of the Canterbury Regional Policy Statement; and
 - Other biodiversity values important for ecosystem connectivity, function, diversity, and integrity;
 - c) Includes methods that will protect areas of significant indigenous vegetation and habitats of significant indigenous fauna ~~the significant indigenous biodiversity values~~ identified⁴⁸; and
 - ~~d) Includes appropriate monitoring and reporting methods to protect the indigenous biodiversity values identified.~~
 - d) Includes methods that will maintain or enhance indigenous biodiversity outside significant areas, including effects on the wider ecosystem from the proposed clearance and how this may impact connectivity, function, diversity and integrity.
 - e) Includes appropriate monitoring and reporting of the methods to protect the indigenous biodiversity values identified in c) and d) above.⁴⁹
- ii. Compliance with a Farm Biodiversity Plan
 - a) Whether the proposal achieves ~~no net loss~~ protection⁵⁰ of indigenous biodiversity values identified as significant.
 - b) The actual or potential effects on indigenous 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.

⁴⁷ Legal submissions for Mt Gerald and The Wolds Stations.

⁴⁸ Legal submissions for Mt Gerald and The Wolds Stations.

⁴⁹ Legal submissions for Mt Gerald and The Wolds Stations.

⁵⁰ Relates to Evidence of Mr Head (Forest & Bird) and Dr Walker (EDS).

- 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 indigenous biodiversity endure, including beyond any changes of ownership (wholly or partially) of the landholding and review of conditions.

iii. Where the clearance is within an Outstanding Natural Feature or Landscape, a geopreservation site, Area of High Visual Vulnerability or Scenic Grassland Area, whether the indigenous vegetation proposed to be cleared contributes to the values of these areas and the degree to which the proposed clearance would adversely affect these values.

1. ~~23~~.2. Unless provided for in Rule 1.2.1 any indigenous vegetation clearance up to 5000m² within any site, or per 100ha where a site is greater than 100ha,⁵¹ in any 5-year continuous period is a restricted discretionary activity, 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) 75m of a lake
 - b) 20m of the bank of a river
 - c) 50m of any wetland

The Council will restrict its discretion to the following matters:

- i. The adequacy of the identification of biodiversity values, including, but not limited to identification of areas of significant indigenous vegetation or habitat of indigenous species using the criteria provided in Appendix 3 of the Canterbury Regional Policy Statement, and values outside of these areas or any Site of Natural Significance that are particularly important for ecosystem connectivity, function, diversity and integrity.
- ii. The actual or potential effects on indigenous biodiversity and ecological values expected to occur as a result of the proposal, particularly the impact on significant values including the values significant to Ngāi Tahu.
- iii. The extent to which species diversity, habitat availability or ecological function could be adversely impacted, modified or damaged by the proposal.

⁵¹ Mr Willis (CRC), in response to questions from the Hearings Commissioners.

- iv. For significant indigenous vegetation or habitats, how the proposed clearance has considered the avoidance of adverse effects on the significant values, including if alternative options have been considered.
- v. Outside significant areas, the methods proposed to maintain or enhance indigenous biodiversity, including effects on the wider ecosystem from the proposed clearance and how this may impact connectivity, function, diversity and integrity.
- vi. Any potential for remediation, mitigation or offsetting of effects on ecosystems and indigenous biodiversity values.
- vii. The quantity of indigenous vegetation to be cleared and the reason for the removal.
- viii. Any technical and operational constraints and route, site and method selection process.
- ix. The adequacy of any proposed monitoring and reporting.
- x. Where the clearance is within an Outstanding Natural Feature or Landscape, a geopreservation site, Area of High Visual Vulnerability or Scenic Grassland Area, whether the indigenous vegetation proposed to be cleared contributes to the values of these areas and the degree to which the proposed clearance would adversely affect these values.

~~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:~~

- ~~vi. The adequacy of the identification of biodiversity values, including, but not limited to identification of areas of significant indigenous vegetation or habitat of indigenous species using the criteria provided in Appendix 3 of the Canterbury Regional Policy Statement, and values outside of these areas or any Site of Natural Significance that is particularly important for ecosystem connectivity, function, diversity, and integrity.~~
- ~~vii. The actual or potential effects on indigenous 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.~~
- ~~viii. Whether they are alternate locations for the fencing which would avoid the removal of indigenous vegetation.~~
- ~~ix. The extent to which the location for the fence:

 - ~~e) avoids the removal of significant indigenous vegetation; and~~
 - ~~d) minimises the amount of other indigenous vegetation removal.~~~~

~~1.23.43. The clearance of indigenous vegetation carried out by or on behalf of a local authority for erosion and flood control works is a restricted discretionary activity.~~

~~The Council will restrict its discretion to the following matters:~~

- i. The adequacy of the identification of biodiversity values, including, but not limited to identification of areas of significant indigenous vegetation or habitat of indigenous species using the criteria provided in Appendix 3 of the Canterbury Regional Policy Statement, and values outside of these areas or any Site of Natural Significance that is particularly important for ecosystem connectivity, function, diversity, and integrity.
- ii. The actual or potential effects on indigenous 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.
- iii. The extent to which adverse effects on areas of significant indigenous vegetation or significant habitat of indigenous species cannot be avoided due to their necessity for the maintenance of erosion of flood protection structures, or for the prevention of damage to life or property for floods.

1.34 Non-Complying Activity – Indigenous Vegetation Clearance

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

- 1.34.1 Any indigenous vegetation clearance of more than 5000m² within any site , or per 100ha where a site is greater than 100ha,⁵² in any 5-year continuous period.
- 1.34.2 Any indigenous vegetation clearance in the following location:
 1. Within a Site of Natural Significance.
 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 AND OPUHA POWER SCHEMES⁵³

2.1 Permitted Activities – Indigenous Vegetation Clearance

- 2.1.1. The clearance of indigenous vegetation associated with the Waitaki or Opuha Power 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 or Opuha Power Scheme; or
 2. The clearance is required for the operation and maintenance of the Waitaki or Opuha Power Scheme, within one or more of⁵⁴ the following areas;
 - The existing footprint of the Waitaki or Opuha Power Scheme.

⁵² Mr Willis (CRC), in response to questions from the Hearings Commissioners.

⁵³ Evidence of Crossman (OWL).

⁵⁴ JWS (Ruston and Mitchell).

- On core sites associated with the Waitaki Power Scheme.
 - On areas covered by an operating easement associated with the Waitaki Power Scheme; or
3. The clearance meets the conditions in Rule 1.1.1.

2.2 Restricted Discretionary Activity – Indigenous Vegetation Clearance

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

- The existing footprint of the Waitaki or Opuha 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:

- i. Whether the works are occurring on a surface that has previously been modified by the construction, operation, maintenance or refurbishment of the Waitaki or Opuha Power Scheme.
- ii. The adequacy of the identification of biodiversity values, including, but not limited to identification of areas of significant indigenous vegetation or habitat of indigenous species using the criteria provided in Appendix 3 of the Canterbury Regional Policy Statement, and values outside of these areas or any Site of Natural Significance that is particularly important for ecosystem connectivity, function, diversity, and integrity.
- iii. The actual or potential effects on indigenous 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.
- iv. The extent to which species diversity or habitat availability could be adversely impacted by the proposal.
- v. Any potential for mitigation or offsetting of effects on ecosystems and indigenous biodiversity values.
- vi. Any technical and operational constraints and route, site and method selection process.
- vii. The benefits that the activity provides to the local community and beyond.
- viii. The adequacy of any proposed monitoring and reporting.
- ix. Any links between the vegetation proposed to be cleared and the visual or landscape values which are underpinned by the ecology present, including by reference to Appendices X & W.
- x. Outside significant areas, the methods proposed to maintain or enhance indigenous biodiversity, including effects on the wider ecosystem from the proposed clearance and how this may impact connectivity, function, diversity and integrity.⁵⁵

⁵⁵ Evidence of Willis (ECan).

2.3 Discretionary Activity – Indigenous Vegetation Clearance

- 2.3.1 The clearance of any indigenous vegetation associated with the Waitaki or Opuha Power Scheme that is not permitted under Rule 2.1.1 or restricted discretionary under Rule 2.2.1.

APPENDIX Y - FARM BIODIVERSITY PLAN FRAMEWORK

Introduction

The purpose of a Farm Biodiversity Plan is to facilitate integration of land use and development with the identification and protection of significant indigenous vegetation and significant habitats of indigenous fauna ~~to ensure no net loss of indigenous biodiversity~~⁵⁶, and the maintenance of other indigenous biodiversity, on a comprehensive whole of property basis. A Farm Biodiversity Plan forms part of comprehensive property-wide resource consent.

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:

A Description of the property and its features:

⁵⁶ Relates to Evidence of Mr Head (Forest & Bird) and Dr Walker (EDS).

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:
 - a) The boundaries of the farming operation;
 - 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 indigenous 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) The location of any areas within or adjoining the property that have been identified as an Outstanding Natural Landscape or Feature;
 - h) The location of any Farm Base Areas;
 - i) Areas of ~~improved pasture~~ converted land⁵⁷ (as defined in the Mackenzie District Plan);
 - j) Areas of retired land; and
 - k) 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 operation 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:

- protection of significant indigenous vegetation and significant habitats of indigenous fauna; and
 - maintenance, and over time, enhancement, of indigenous biodiversity on the property.
1. This assessment shall be undertaken by a suitably qualified and experienced ecologist.
 2. This assessment shall describe existing ecological values within the farming operation 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:

⁵⁷ Response to Hearing Commissioners.

- a) Recommended measurable outcomes to demonstrate achievement of protection⁵⁸ ~~no net loss~~ of significant indigenous biodiversity values, including areas identified in (2) above as well as a Sites of Natural Significance;
- b) Recommended actions to achieve these outcomes;
- c) Recommendations to achieve maintenance, and where appropriate enhancement of indigenous biodiversity outside significant area; and
- d) 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 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 ~~land conversion activities~~⁵⁹, indigenous 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.

D Management Methods to Achieve Protection of Values

Having regard to the information in B and C 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~~⁶⁰ in areas identified as significant; and maintained in other areas.

1. A description of how ~~the objective of~~⁶¹ 'no net loss' protection will be met achieved⁶² by the proposal/s in areas identified as significant and maintained in other areas, 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;
 - d) Fencing;
 - e) Restoration planting or other restoration measures;

⁵⁸ Relates to Evidence of Mr Head (Forest & Bird) and Dr Walker (EDS).

⁵⁹ Relates to change to improved pasture definition title.

⁶⁰ Relates to Evidence of Mr Head (Forest & Bird) and Dr Walker (EDS).

⁶¹ Legal submissions for Mt Gerald and The Wolds Stations.

⁶² Relates to Evidence of Mr Head (Forest & Bird) and Dr Walker (EDS).

- f) Confirmation of which area/s will not be subject to future land use change or development that would impact on the identified values present;
 - g) Confirmation that the tools and methods will endure beyond any fragmentation of the farming operation 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 identified values, 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 targets.
 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.

Advice Note: The review described in E (2.) 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.