

**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**

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**Supplementary Evidence of Amelia Grace Ching  
on behalf of the Director-General of Conservation | *Tumuaki Ahurei*  
Submitter Number: 18  
Dated: 11 March 2021**

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**Supplementary Evidence of Amelia Ching for the Director-General of Conservation (as requested by the Hearing Panel, 9 March 2021) showing amendments sought to proposed Plan Change 18 (Indigenous Vegetation) to the Mackenzie District Plan**

At the hearing it was requested by the Hearings Panel that I provide details of the consequential amendments I discussed at paragraph 69 of my evidence in chief. Appendix 1 of this supplementary evidence outlines these amendments.

There are two sets of amendments shown below:

1. Amendments to Plan Change 18 as set out in the attachment to my evidence in chief are shown in red.
2. Amendments consequential to my recommendations (not shown in the attachment to my evidence in chief) are shown in red and underlined (including where deleted).

Black tracked changes are the s42A Report recommendations (which I support).



Amelia Grace Ching

11 March 2021

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## Appendix 1

### SECTION 3 - DEFINITIONS

**Biodiversity (or biological diversity):** means the variability ~~of 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 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.

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

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

**Improved Pasture:** means an area where, as at May 2020, indigenous vegetation had been fully removed and the vegetation converted to exotic pasture or crops.

~~means an area of pasture where:~~

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

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

**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

**Vegetation Clearance:** means the felling, clearing or modification of trees or any vegetation by cutting, crushing, cultivation, spraying, burning, ~~or irrigation~~, artificial drainage, **mobstocking**, **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 transmission network.

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

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

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

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

**Significant indigenous vegetation or significant habitats of indigenous fauna:** 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.

## 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

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

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

##### 12.1.1.a Riparian Areas

Clearance of vegetation shall not exceed 100m<sup>2</sup> per hectare in any continuous period of 5 years

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

Exemptions:

- (i) This standard shall not apply to any removal of declared weed pests or vegetation clearance for the purpose of track maintenance or habitat enhancement;
- (ii) This standard shall not apply to any vegetation clearance which has been granted resource consent for a discretionary or non-complying activity from the Canterbury Regional Council under the Resource Management Act 1991.
- (iii) This standard shall not apply to any vegetation clearance which is provided for in any one of the following mechanisms:
  - o Section 76 Reserves Act 1977 Declaration
  - o Section 77 Reserves Act 1977 Conservation Covenant
  - o Section 27 Conservation Act 1987 Covenant

- o Section 29 Conservation Act 1987 Management Agreement
- o Queen Elizabeth II National Trust Act 1977 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 ~~or Non-Complying Activity~~.

## SECTION 19 – ECOSYSTEMS AND INDIGENOUS BIODIVERSITY

### OBJECTIVES AND POLICIES

#### Objective 1

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

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

#### Objective ~~21~~

~~Land use and development activities are managed to:~~

~~a) ensure the maintenance of indigenous biodiversity; and~~

~~b) including the protection and/or enhancement of significant indigenous vegetation and significant habitats of indigenous fauna and riparian areas; the maintenance of natural biological and physical processes; and the retention of indigenous vegetation.~~

Indigenous biodiversity is maintained or enhanced.

#### ~~Objective 3~~

~~To support/encourage the integration of land development proposals with comprehensive identification, and protection and/or enhancement of values associated with significant indigenous biodiversity, through providing for comprehensive Farm Biodiversity Plans and enabling development that is in accordance with those plans.~~

#### Policy 1

To **assess and** identify ~~in the District Plan~~ **sites**~~areas~~ of significant indigenous vegetation or **significant habitats of indigenous fauna** in accordance with the criteria listed in the Canterbury Regional Policy Statement and to ~~prevent development which reduces the values of these sites.~~

#### Policy ~~32~~

~~Rural L~~Protect significant indigenous vegetation and significant habitats of indigenous fauna from the **adverse effects of land** 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** for no net loss of significant indigenous biodiversity values ~~in areas identified as significant.~~

#### Policy 3

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

- a) avoiding the adverse effects of vegetation clearance and the disturbance of habitats 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
- d) where there are any significant residual adverse effects, offsetting them in accordance with Policy 6.

#### **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 ~~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.

#### **Policy 6**

~~Where~~ For any indigenous biodiversity offsetting is proposed, to apply 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 economic and social importance of renewable energy generation and transmission ~~consistent with the objectives and policies of this Plan, to and provides~~ for its development, operation, upgrading, and maintenance and enhancement by:

- a) Enabling indigenous vegetation clearance that is essential for the operation and maintenance of the Waitaki Power Scheme; and

- b) Providing for the upgrading and development of renewable energy generation, while managing the effects of development on indigenous biodiversity, taking into account:
- i. the location of existing structures and infrastructure and the need to locate the activity where the renewable energy resource is available; and
  - ii. the wide extent and high value of significant indigenous vegetation and habitat within and associated with the Tekapo, Pūkaki and Ohāu river systems; and
  - iii. logistical or technical practicalities associated with the activity; and
  - iv. the importance of maintaining the output from existing renewable electricity generation activities; and
  - v. 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.

### **Policy 8**

To enable rural land use and development at an on-farm level, through a Farm Biodiversity Plan, where that development is integrated with comprehensive and expert identification, of indigenous biodiversity is undertaken that demonstrates how that use and development will be integrated with: sustainable management and

- ~~a) — the long-term protection of values associated with significant indigenous vegetation and significant habitats of indigenous fauna through a Farm Biodiversity Plan.;~~
- b) the maintenance of other indigenous biodiversity; and
- c) opportunities for enhancement of indigenous biodiversity, where appropriate.

### **Policy 9**

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

### **Policy 29**

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~~

### **Policy 10**

To recognise and provide for activities, including voluntary initiatives, that contribute towards the maintenance and 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**

##### **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, stockyards, farm buildings, water troughs and associated reticulation piping or airstrips; 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
  5. ~~The clearance is essential for compliance with the Regional Pest Management Strategy;~~  
The clearance is of indigenous vegetation within a defined Farm Base Area (see Appendix R); or
  6. 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 ~~(refer Definitions).~~

~~7. The clearance is not within a Site of Natural Significance or on land above 900m in altitude;~~

~~8. The clearance is not within:~~

- ~~a. 100m of a lake~~
- ~~b. 20m of the bank of a river~~
- ~~c. 100m of an ecologically significant wetland~~
- ~~d. 50m of all other wetlands~~

## **1.2 Restricted Discretionary Activity – Indigenous Vegetation Clearance**

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

- ~~1. The farm enterprise has a A Farm Biodiversity Plan (see Definitions) is prepared in accordance with Appendix Y for the whole of a farming operation and submitted with the application for resource consent.~~
2. The clearance is not within ~~an area of Site of Natural Significance~~ significant indigenous vegetation or significant habitat of indigenous fauna or on land above 900m in altitude.
3. The clearance is not within:
  - ~~a) 40075m of a lake~~
  - b) 20m of the bank of a river
  - ~~c) 100m of an ecologically significant wetland~~
  - ~~d) 50m of all other any wetlands~~

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 ~~the indigenous~~ biodiversity values and actual and potential threats to those values, and in particular including:
    - ~~i. Areas of significant indigenous vegetation or habitat of indigenous species using the criteria provided in Appendix 3 of the Canterbury Regional Policy Statement; and~~
    - ~~ii. Other~~ biodiversity values important for ecosystem connectivity, function, diversity, and integrity;
  - ~~c) Includes methods that will adequately protect the significant indigenous biodiversity values identified; and~~

- d) Includes appropriate monitoring and reporting methods to ~~adequately~~ protect the indigenous biodiversity values identified.
- e) 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.

ii. Compliance with a Farm Biodiversity Plan

- ~~a) Whether the proposal achieves no net loss of indigenous biodiversity values identified as significant.~~
- b) The actual or potential ~~impacts~~ effects on indigenous biodiversity ~~or 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.
- 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.
- ~~g) The benefits that the activity provides to the local community and beyond.~~

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.

1.2.2. Unless provided for in Rule ~~49~~1.2.1 any indigenous vegetation clearance up to 5000m<sup>2</sup> within any site in any 5-year continuous period is a restricted discretionary activity, provided the following conditions are met:

1. The clearance is not within ~~an area of Site of Natural Significance~~ significant indigenous vegetation or significant habitat of indigenous fauna or on land above 900m in altitude.
2. The clearance is not within:
  - a) ~~75~~100m of a lake
  - b) 20m of the bank of a river
  - c) ~~100m of an ecologically significant wetland~~

d) ~~50m of all other~~ any wetlands

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 ~~impacts-effects~~ on indigenous biodiversity ~~or~~ 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, ~~or~~ habitat availability or ecological function could be adversely impacted, modified or damaged by the proposal.
  - 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.
  4. ~~The benefits that the activity provides to the local community and beyond.~~
- 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 adequacy of the identification of biodiversity values, including, but not limited to identification of areas of significant indigenous vegetation or ~~significant habitats~~ 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 are~~ 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. Whether the ~~where~~ are alternate locations for the fencing which would avoid the removal of indigenous vegetation.
- iv. The extent to which the location for the fence:
  - a) avoids the removal of significant indigenous vegetation; and
  - b) minimises the amount of other indigenous vegetation removal.

1.2.4. 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 ~~significant~~ habitats 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.

### **1.3 Non-Complying Activity – Indigenous Vegetation Clearance**

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

- 1.3.1 Any indigenous vegetation clearance of more than 5000m<sup>2</sup> within any site in any 5-year continuous period.
- 1.3.2 Any indigenous vegetation clearance in the following location:
  - a. Within an area of significant indigenous vegetation or significant habitat of indigenous fauna ~~Site of Natural Significance~~.
  - b. Above 900m in altitude.
  - c. Within 75-100m of a lake, 20m of the bank of a river, ~~100m of an ecologically significant wetland~~ or 50m of all other any wetlands.

## **2 INDIGENOUS VEGETATION CLEARANCE ASSOCIATED WITH THE WAITAKI POWER SCHEME**

### **2.1 Permitted Activities – Indigenous Vegetation Clearance**

2.1.1. The clearance of indigenous vegetation associated with the Waitaki 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 Power Scheme; or
2. ~~The~~ Clearance is required for the operation and maintenance of the Waitaki Power Scheme, within the following areas;
  - The existing footprint of the Waitaki Power Scheme.
  - On core sites associated with the Waitaki Power Scheme.
  - On areas covered by an operating easement associated with the Waitaki Power Scheme; 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 Power Scheme within the following areas:

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

The Council will restrict its discretion to the following matters:

- i. 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.
- ii. 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 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~~ 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.
- 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, including methods to protect significant indigenous vegetation and significant habitats of indigenous fauna.
- 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.

## 2.3 Discretionary Activity – Indigenous Vegetation Clearance

- 2.3.1 The clearance of Any indigenous vegetation clearance associated with any new facility, structure or works associated with the Waitaki 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 activity ~~with the identification and protection of significant indigenous vegetation and significant habitats of indigenous fauna ecological areas to ensure no net loss of indigenous biodiversity,~~ 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, ~~(refer footnote)~~ 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 enterprise (see Definitions)~~.
3. A Farm Biodiversity Plan must contain as a minimum:

**A Description of the property and its features:**

1. Physical address;
2. Description of the ownership and name of a contact person;
3. Legal description of the property; and
4. A map(s) or aerial photograph at a scale that clearly shows, where relevant:
  - a) The boundaries of the farming ~~operation enterprise~~;
  - b) The boundaries of the main land management units on the property or within the property;
  - c) The location of all water bodies, including riparian vegetation;
  - d) Constructed features including buildings, tracks and any fencing to protect 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~~ significant indigenous vegetation and significant habitats of indigenous fauna 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 (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 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
- ~~overall goals of~~ maintenance, and over time, enhancement, of indigenous biodiversity on the property/~~catchment~~.

1. This assessment shall be undertaken by a suitably qualified and experienced ecologist.
- ~~2. This assessment shall describe existing ecological values within the farming enterprise and identify any significant sites in accordance with Policy 9.3.1 (1) and 9.3.1 (2) and the criteria in Appendix 3 of the Canterbury Regional Policy Statement 2013.~~
3. This assessment shall contain:
  - ~~a) Recommended and measurable outcomes to demonstrate achievement of no net loss of significant indigenous biodiversity identified values of significance, 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, ~~including any Sites of Natural Significance,~~ has been managed, what the future management will be, and how this will affect the indigenous biodiversity.

1. Describe historic and current land use management, including stocking policy, water supply, grazing regimes, improved pasture, 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, ~~including any Sites of Natural Significance.~~

### **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 in areas identified as significant; and maintained in other areas.~~

1. A description of how ~~the objective of 'no net loss' will be met by~~ the proposal/s in areas identified as significant and maintained in other areas, including a description of tools and methods ~~to~~will achieve ~~this~~maintenance of indigenous biodiversity. These may include:
  - a) Formal legal protection;
  - b) Pest or weed control;
  - c) Grazing regimes/~~management to protect values;~~
  - d) Fencing;

- e) Restoration planting or other restoration measures;
  - f) Confirmation ~~of which that~~ area/s will not be subject to future land use change or development ~~activity that would will~~ impact on the identified values present;
  - g) Confirmation that the tools and methods will endure beyond any fragmentation of the farming ~~enterprise 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.