

Mackenzie District Council

Mackenzie District Plan

Proposed Plan Change 17

VEGETATION CLEARANCE – TEMPORARY SUSPENSION OF EXEMPTION

BACKGROUND

The Council is aware of concerns regarding the interpretation of an exemption relating to pasture improvement contained in two indigenous vegetation clearance rules in the Rural Section of the Mackenzie District Plan. The rules containing this exemption are Rural Zone rules 12.1.1.g (Short tussock grasslands) and 12.1.1.h (Indigenous Cushion and Mat Vegetation and Associated Communities) and only apply in the Mackenzie Basin. In particular there are concerns that these exemptions, as they are being applied, enable the clearance of indigenous vegetation which has significant value and which therefore should receive a degree of protection. The Council is currently reviewing the District Plan, including a detailed review of the biodiversity policies and provisions. As a temporary measure to avoid the potential loss of valued indigenous vegetation until the reviewed Plan is in place, the Council have decided to suspend the exemption for a period of 12 months.

PURPOSE

The District Plan currently controls vegetation clearance in a number of sensitive environments as well as controlling clearance of specific forms of indigenous vegetation. Two of these latter rules control clearance of short tussock grasslands (rule 12.1.1.g) and cushion and mat vegetation and associated communities (rule 12.1.1.h). These rules set a maximum area of clearance of the specific indigenous vegetation type as a permitted activity, with any clearance greater than this area being a discretionary activity. The maximum permitted area of short tussock grasslands is 40 hectares and the maximum permitted area for cushion and mat vegetation is 10 hectares.

In addition to the usual exemptions relating to track maintenance and removal of weeds, there is a specific exemption in these two rules which specifies that the rules do not apply where that vegetation has been:

oversown, and topdressed at least three times in the last 10 years prior to new clearance so that:

- *In the case of short tussock the inter-tussock vegetation is dominated by clovers and/or exotic grasses, and*
- *In the case of indigenous cushion and mat vegetation the site is dominated by clovers and/or exotic grasses.*

Plan Change 17 proposes to suspend the effect of the exemptions in rules 12.1.1.g and 12.1.1.h for a period of 12 months by which time it is expected that new provisions in the reviewed District Plan will be in place. The intention of this Plan Change is that clearance of these types of vegetation beyond the specified maximum areas will require resource

consent, regardless of previous oversowing and topdressing. The consent process will provide an opportunity for assessment of the value of the indigenous vegetation proposed to be cleared and the degree to which this vegetation requires protection.

Although perhaps not exclusively, this Plan Change will have a role in protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna. On this basis the Environment Court has made a Declaration that the rules in Plan Change 17 shall, pursuant to s86B(3) RMA, have immediate legal effect upon notification of the Plan Change to the extent that rules 12.1.1.g and 12.1.1.h protect areas of significant indigenous vegetation or protect areas of significant habitats of indigenous fauna. Further the Environment Court has ordered pursuant to section 86D(2) RMA that the rules in Plan Change 17 shall have immediate effect upon notification to the extent that they control vegetation clearance of areas indigenous vegetation or habitats of indigenous fauna that are not significant under s6(c) RMA.

CHANGES TO THE PLAN

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

Amend Rural (Section 7) as follows:

12 VEGETATION CLEARANCE

12.1 Permitted Activities – Vegetation Clearance

12.1.1.g **Short Tussock Grasslands**

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

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

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

Performance Standards for Permitted Activity

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

Exemptions

This rule shall not apply to:

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

- Any short tussock grassland where the site has been oversown, and topdressed at least three times in the last 10 years prior to new clearance so that the inter-tussock vegetation is dominated by clovers and/or exotic grasses. **This exemption shall not apply within the period 24 December 2016 [or notification date] to 24 December 2017 (inclusive).**

12.1.1.h

Indigenous Cushion and Mat Vegetation and Associated Communities

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

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

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

Performance Standards for Permitted Activity:

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

Exemptions

This rule shall not apply to:

- Any removal of declared weed pests; or
- Vegetation clearance for the purpose of track maintenance or fenceline maintenance within existing disturbed formations; or
- Any vegetation clearance including burning which has been granted resource consent for a discretionary or non-complying activity from the Canterbury Regional Council/Environment Canterbury under the Resource Management Act 1991; or
- Any indigenous cushion or mat vegetation where the site has been oversown, and topdressed at least three times in the last 10 years prior to new clearance so that the site is dominated by clovers and/or exotic grasses. **This exemption shall not apply within the period 24 December 2016 [or notification date] to 24 December 2017 (inclusive).**

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

- The intention of the landholder notifying the Mackenzie District Council of permitted clearance activities is to allow interested parties to assess their interest in the proposed area, to discuss the proposal with the landholder and to undertake an inspection where appropriate. All inspections will be the result of voluntary agreement between the parties.
- The Mackenzie District Council will maintain a publicly available register of permitted clearance activities as notified by landowners under these Rules.
- For Discretionary Activities, the Mackenzie District Council will require areas of short tussock and indigenous cushion and mat vegetation to be significant in terms of the primary and secondary criteria for significance in Rural Policy 1B (i.e. the criteria used to identify Sites of Natural Significance) if these areas are to be protected from

clearance. When assessing 'significance', the Mackenzie District Council shall restrict its assessment solely to the criteria set out in Rural Policy 1B.

CHANGES TO THE PLANNING MAPS

No changes to the planning maps are proposed.