

# PROPOSED ASHBURTON DISTRICT PLAN

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Section 3: Rural Zone  
Areas of Significant Nature Conservation Value  
(ASCV Sites)  
and Biodiversity Issues

Report No 23

*Prepared by*  
Boffa Miskell Limited  
*For*  
Ashburton District Council

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## **1.0 INTRODUCTION**

- 1.1 This report has been commissioned by the Ashburton District Council (ADC) in accordance with Section 42A of the Resource Management Act 1991 (RMA). It considers all submissions received on certain parts of Section 3: Rural of the Proposed District Plan and makes recommendations on those submissions.
- 1.2 This report only includes consideration of any submission points that seek changes to rules and standards that manage Areas of Significant Nature Conservation Value and indigenous vegetation clearance, as listed below:
- 3.1 Introduction and 3.2 Issues, where the submission points generally relate to vegetation clearance or biodiversity.
  - Objective 3.2 and Policies 3.2A, 3.2B, 3.2C and 3.2D
  - Anticipated Environmental Results and Methods of Implementation, where the submission points generally relate to vegetation clearance and biodiversity
  - 3.9 Site Standards and associated reasons for rules: 3.9.10: Indigenous Vegetation Clearance and 3.9.12 Earthworks
  - 3.10 Zone Standards and associated reasons for rules: 3.10.7: General Indigenous Vegetation and Tree Planting
  - 3.11 Assessment Matters: 3.11.9: Indigenous Vegetation Clearance and 3.11.12: Riparian Management
  - Appendix 3.2: Areas of Significant Nature Conservation Value
  - Planning maps
- 1.3 The evaluations and recommendations presented in the report are based on the information available prior to the hearing, including that contained in the submissions and further submissions. The purpose of this report is to bring to the attention of the Hearings Panel the relevant information and issues regarding this section of the proposed District Plan. It must be emphasised that the conclusions and recommendations made in this report are my own and are not binding upon the Hearings Panel. It should not therefore be assumed that the Hearings Panel will reach the same conclusion following consideration of all the evidence to be presented at the hearing. It should also be noted that subsequent reports prepared on other topics may include recommendations that differ due to additional information becoming available during the course of hearings.
- 1.4 This report has been prepared by Claire Kelly. Please refer to the Section 42A Preface Report for more information on the report author, along with background to the development of the Proposed District Plan.

## **2.0 HOW TO READ THIS REPORT**

- 2.1 This report is structured as follows:

- Background to the plan section
- Analysis of submissions, including recommendations and reasons
- Statutory considerations

2.2 Appendices attached to this report include:

- **Appendix One:** Summary of Recommendations on Submissions and Further Submissions
- **Appendix Two:** District Plan Amendments
- **Appendix Three:** Ecology Report by Boffa Miskell Ltd

### 3.0 BACKGROUND

3.1 This report relates to parts of Section 3: Rural Zones, of the proposed District Plan, in so far as they relate to Areas of Significant Nature Conservation Value (ASCV's) and Biodiversity issues generally. The Council under section 6c of the Resource Management Act has a requirement to protect 'areas of significant indigenous vegetation and significant habitats of indigenous fauna'. The Council has therefore assessed a number of areas containing significant nature conservation values and listed these in the Plan and identified them on the Planning Maps. These are known as Group 1 ASCV's and specific standards apply to these areas. The Plan also identifies Group 2 ASCV's, which are those sites that may have significant biodiversity values but are yet to be assessed by an expert. In a broad sense, the Council is also required under section 31 of the Act to control any actual or potential effects of the use, development or protection of land, including for the purpose of the maintenance of indigenous biological diversity. Therefore Group 2 ASCV's and the Rural C Zone in general is subject to standards that seek to manage potential effects on indigenous vegetation, albeit these are less stringent than for the Group 1 ASCV's.

3.2 These parts of the Plan rely on technical advice from specialist ecologists who have carried out investigations into identified sites and provided advice on criteria, rules and assessment matters. Various reports have been prepared with the most recent provided to the hearings on Plan Change 10 in 2009, which comprehensively reviewed a large number of ASCVs. A further report has been prepared by Dr Judith Roper-Lindsay, a Principal Ecologist with Boffa Miskell Ltd to assist in the writing of this report (see Appendix Three).

### 4.0 ANALYSIS OF SUBMISSIONS

4.1 A range of submissions and further submissions were received on this section of the proposed District Plan. Consideration of these submissions has been undertaken by topic or issue with submitters grouped as appropriate. The following analysis focuses on those parts of the submissions that seek specific outcomes and does not discuss any parts of submissions that comment on aspects of the Plan in passing or provide

general discussion. My analysis of submissions below is generally in relation to broad issues or topics raised, with some specific relief sought being mentioned where necessary. Based on this analysis, included in Appendix One to this report are my specific recommendations on each submission point (accept, accept in part, or reject).

- 4.2 Many aspects of this section did not attract submissions and therefore these aspects of the District Plan have not been discussed below, and I recommend that they be accepted as notified.

### **Section 3: General Issues**

- 4.3 The submission from Warren Jowett<sup>1</sup> contains two points which raise general issues. These include the “Removal of all wilding seed source trees on ADC reserve land surrounding Lake Camp” and to “Establish the position of biodiversity officer for Ashburton District”. Whilst both of these issues are related to biodiversity controls, neither is relevant to the District Plan process.
- 4.4 However, as discussed in the Rural: General report, I am aware of other Council initiatives whereby the focus is directed more towards non-regulatory strategies to achieve maintaining biological diversity – Hurunui is such an example, whereby last year the Hurunui District Council signed off on a new biodiversity strategy designed to ensure that the unique natural values of the district are maintained and enhanced by the council, landowners and other parties working together in partnership, voluntarily and cooperatively, in a non-regulatory framework. I understand that Hurunui Council is looking to appoint a sponsored Biodiversity Officer on a part time basis to facilitate processes and programmes with a view to strengthening and encouraging voluntary biodiversity protection while respecting private property rights.
- 4.5 Furthermore, whilst the District Plan is not the correct place to require the removal of wilding trees as again this requires funding, I would suggest that if the Council owns the land on which the wilding trees grow, they are able to remove the trees as part of a reserve management plan. Therefore, I recommend that both of these submission points be rejected for the reasons noted above.

### **Section 3.1: Introduction**

- 4.6 The submission from Forest and Bird<sup>2</sup> raises three points in relation to the introduction section to this section. These seek the acknowledgement of biodiversity loss on the Plains and in waterbodies, and the importance of managing land use. The introduction section provides a general description of the Plains area and the activities occurring in that area. I do not consider that it needs to be expanded to deal with such additional matters as raised by the submitter including risk, threats, and topical issues. If it were to be expanded to deal with these matters then it would call into question a whole

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<sup>1</sup> Submission 7, points 1 and 2.

<sup>2</sup> Submission 640, points 6, 7 and 8.

range of other subjects that could equally be discussed in this section and it could lead to unnecessary expansion. Whilst I understand and agree with the submitters sentiments, I do not consider such additional text to be necessary.

### **Section 3.2: Issues**

- 4.7 The submission from Forest and Bird<sup>3</sup> also raises three points in relation to the issues section to this section of the Plan. These seek acknowledgement of the importance of the remaining biodiversity on the Plains, articulation of biodiversity loss, and discussion on Council's intentions for management of land use in relation to water-bodies. Similarly to the matters raised above, I consider such additions to be unnecessary and inappropriate. The discussion presently in the Issues is balanced to deal briefly with the range of issues. I do not consider it appropriate to over emphasise remnants on the Plains and I consider the level of discussion provided in relation to water-bodies is appropriate for the issues section. Again, whilst I understand and agree with the submitter's sentiments, I do not consider such additional text to be necessary.
- 4.8 Federated Farmers<sup>4</sup> state that the list of suggested reasons for soil nutrient decline under 3.1.2 is incomplete. The Plan should specify areas being referred to where there is vegetation loss.
- 4.9 I acknowledge that this matter has been discussed in general terms in the Rural: General report, but consider that specific consideration should be given to the matter in terms of biodiversity and an expert opinion provided by an ecologist. The ecologist states that in relation to indigenous vegetation, there is evidence from publications, mapping, historical photography, monitoring and personal observations that a loss of indigenous vegetation cover correlates with development and intensification of farming. This loss is likely to also correlate with a change in soil condition where soils under the vegetation have been changed through land management. The ecology expert therefore considers that there could be some changes to the text in the "Issues" section to indicate the dynamic nature and variability in soil status across the Rural Zones. I am guided by the expert in this matter but agree that the Issues section should be more general in its discussion of soil nutrient decline. Therefore, consistent with suggested text amendments in the Rural: General report, I recommend that 3.2.1 be amended as follows:

#### ***3.2.1 Sustaining the Life Supporting Capacity of Ecosystems, Soil and Water***

....

##### ***Ecosystems and Soil***

....

~~*The Council is concerned that in some areas loss of vegetation health and cover; changes to vegetation composition; and, over time, decline in soil fertility and health, will damage the land so that it cannot sustain the District's soil, vegetation and landscape resources into the future. Council considers that the health of the both indigenous and pastoral vegetation needs*~~

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<sup>3</sup> Submission 640, points 11, 12 and 16.

<sup>4</sup> Submission 553, Point 27

*to be maintained to ensure that the underlying soil is sustained in order to meet the needs of future generations.*

- 4.10 Federated Farmers<sup>5</sup> oppose Council's suggestion that it needs to protect every area of indigenous vegetation.
- 4.11 The Council, under section 6(c) of the Resource Management Act is obliged to protect significant indigenous vegetation and under Section 31 is obliged to control uses and development, including for the purposes of 'maintaining indigenous biological diversity'. This, in the opinion of Dr Judith Roper-Lindsay, effectively requires the protection of indigenous vegetation and therefore no changes are required to the Plan in terms of this submission point. I concur with this opinion.
- 4.12 The submission from Federated Farmers<sup>6</sup> also raises a question in relation to the issues section. In relation to this section it states "*3.3.3 Rural C Zone is also a managed working environment where production farming is an integral part of the landscape. Being as it is just one of a series of Canterbury montaine basins and river headwaters, much more evidence beyond assertion is required, that the area in Rural C has developed a "unique biodiversity". Without this proof the paragraph and subsequent objectives etc built on this assertion must be deleted as unsubstantiated. The high country landscape is a modified landscape that is constantly evolving, regardless of whether or not we want it to remain exactly as it was at any one point in time*".
- 4.13 This section of the Plan states "*The Rural C Zone applies to the High Country where agricultural activities can be restrained by the topography, climate and soils. The Zone is renowned for its vast landscapes, wide open spaces, vistas, geology/geomorphology and unique biodiversity. Subsequently, large areas are defined as Outstanding Landscapes, in addition to Areas of Significant Nature Conservation Value, which seek to protect the unique flora and fauna...*" Dr Judith Roper-Lindsay suggests that there are a number of aspects of indigenous biodiversity in the Rural C Zone that can be considered 'unique', for example the zone supports birds that are unique on a global scale i.e. Wrybills and habitat types that are nationally unique such as montane basin lakes. Furthermore, some alpine and montane combinations of plants, animals and habitats are found nowhere else in New Zealand. Therefore, based upon this opinion, I recommend that the term 'unique biodiversity' is retained in section 3.3.3 of the Plan.

### **Section 3.4: Objectives and Policies**

#### **Objective 3.2**

- 4.14 Objective 3.2 states:

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<sup>5</sup> Submission 553, Point 32

<sup>6</sup> Submission 553, point 12 (opposed by further submission F75 from Forest and Bird).

*Protect, sustain and/or enhance indigenous biodiversity by controlling and managing activities that have the potential to affect the life supporting capacity of soils, water quality in the lakes, rivers and wetlands and significant nature conservation values.*

- 4.15 The mandate for the objective falls from both sections 6(c) and 31 of the Act. Section 6(c) requires the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, whereas section 31 requires Councils to undertake the ‘maintenance of indigenous biodiversity’. I note that the objective uses the term ‘sustain’ rather than ‘maintain’ and I recommend the objective be amended to refer to ‘maintain’ as this reflects the wording of the Act.
- 4.16 A number of submissions were received in relation to Objective 3.2. The submission from Federated Farmers<sup>7</sup> seeks the deletion of the word “enhance” from the objective, as exceeding the powers of a District Council in relation to biodiversity.
- 4.17 I consider that the use of the term “enhance” in the context of the policy is appropriate, especially as it is linked to “protect” and “maintain” (stating “*Protect, maintain and/or enhance...*”). There may be opportunities for the Council to ‘enhance’ biodiversity through resource consent processes that include offsets or benefits (fencing areas, pest reduction, replanting, etc) and it is appropriate that the objective recognise this as a worthwhile and important goal. In fact, section 7(f) of the Act places on Council a responsibility of ‘enhancing’ the quality of the natural environment, which in the opinion of the ecology expert, includes the enhancement of indigenous biodiversity. Furthermore, the Proposed Regional Policy Statement (RPS) Policy 9.3.4 seeks to ‘promote ecological enhancement and restoration’, although, the Council is only required to have regard to a proposed RPS. I therefore recommend that the objective remains unchanged and that the submission point be rejected.
- 4.18 The submission from TrustPower<sup>8</sup> seeks to tease out objective 3.2 into two parts, keeping this objective focused on maintenance of indigenous biodiversity and adding a new objective focused on protection of areas identified as being of significant nature conservation value.
- 4.19 I do not consider that it is necessary to split the objective into two as there is considerable linkage between the two issues. Indeed the difference between protection and maintenance is subtle at best and the methods in the Plan could be set to fulfil either or both functions. The suggested rewording does highlight the terminology of the Act which I agree is important but I have recommended amended wording above to also deal with this issue. The suggested rewording removes the goal of enhancement and I do not consider this appropriate as discussed above.
- 4.20 The submission from the Department of Conservation<sup>9</sup> seeks the amendment of the objective to include reference to “and ecosystems”. The ecology expert agrees with the submitter and considers that the wording reflects the New Zealand Biodiversity

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<sup>7</sup> Submission 553, point 18 (supported in part by further submission F16 from TrustPower).

<sup>8</sup> Submission 598, points 5 (opposed by further submission F75 from Forest and Bird) and 6 (supported by further submission F12 from the Department of Conservation).

<sup>9</sup> Submission 638, point 1 (opposed by further submission F16 from TrustPower).

Strategy. I therefore recommend that the objective be amended to include the words ‘and ecosystems’.

- 4.21 The submission from Forest and Bird<sup>10</sup> seeks the deletion of the objective and its replacement with a reworded objective. In my opinion, the revised wording suggested by the submitter mixes the wording of sections 6(c) and 31 in a way that is confusing and not as easy to understand or implement as the wording proposed in the Plan. The process of identification is not necessary at an objective level but is more appropriate at a policy level to implement the objective.
- 4.22 From an ecological perspective, it is agreed that in order to protect significant areas, Council needs to understand the full range of biodiversity in the District. However, the ecologist does not feel that a District-wide survey (as envisaged by the submitter) is appropriate on practical grounds, as it would be very expensive to ground-survey the whole District for ecologically valued areas. Furthermore, there are the reasons discussed below under Policies 3.2B, C and D that relate to the process to date and possible changes to legislation that the Council is required to give effect to.
- 4.23 However, I understand that there is a large amount of ecological information outside the Department of Conservation’s PNA reports that could contribute to a better understanding of the District’s ecologically valuable places and processes. This includes published reports, resource consent information, and the knowledge and information held by a range of individuals and groups. Accessing, coordinating, reviewing, confirming and assessing this information could be addressed over a period of time, as has been done by other local authorities e.g. Hurunui, Timaru.
- 4.24 It is in my view appropriate to also look beyond the District Plan to address better biodiversity management – again this has been done by other local authorities – Environment Canterbury has coordinated territorial authority inputs to a Regional Biodiversity Strategy, while Hurunui District Council employs a “Biodiversity Ambassador” to consult with, and provide advice to, the community. It therefore seems appropriate to investigate ways to manage habitats, biodiversity and ecosystems using ASCVs and other known sites of biodiversity value as a basis. Consequently, I recommend adding two methods of implementation as follows:

### **3.6 Methods of Implementation**

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#### ***Through the Council’s LTCCP process***

- *Investigate the possible options for employing a Biodiversity Officer or advisor.*
- *Accessing, coordinating, reviewing, confirming and assessing published reports, resource consent information, and the knowledge and information held by a range of individuals and groups to better understand biodiversity, ecological and indigenous vegetation values.*

- 4.25 Overall, I recommend that Objective 3.2 be amended as follows:

*Protect, maintain ~~sustain~~ and/or enhance indigenous biodiversity and ecosystems by controlling and managing activities that have the potential to affect the life supporting*

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<sup>10</sup> Submission 640, point 18 (opposed by further submission F16 from TrustPower).

*capacity of soils, water quality in the lakes, rivers and wetlands and significant nature conservation values.*

### Policy 3.2A

4.26 Policy 3.2A states:

*Protect and maintain indigenous biodiversity, in particular areas of significant nature conservation values or land above 900 metres in altitude, by controlling vegetation clearance, the establishment of buildings, planting of trees and earthworks.*

4.27 Three submissions were received in relation to Policy 3.2A. The submission from the Department of Conservation<sup>11</sup> supports the policy in its current form. This support is acknowledged. The submissions from Canterbury Regional Council and TrustPower<sup>12</sup> seek amendments to the text of the policy to enable enhancement and recognise subdivision and development. I agree with the suggestions from the Regional Council and note that they would better align with the operative Plan provisions and the Regional Policy Statement. Whilst I understand that TrustPower are seeking greater clarity within the policy, the methods in the Plan which implement the policy provide for both protection and enhancement and I do not consider amending the wording as suggested is appropriate or necessary. Overall, I recommend that Policy 3.2A be amended as follows:

*To protect and enhance indigenous biodiversity, in particular areas of significant nature conservation values or land above ~~900 metres in altitude~~ the altitudinal land use line, by controlling vegetation clearance, the establishment of buildings, planting of trees, earthworks, and subdivision and development.*

4.28 The submission from Forest and Bird<sup>13</sup> seeks the addition of a new policy after Policy 3.2A that would read “*Council will initiate a comprehensive survey, in consultation with landowners and other interested parties, to identify areas of significant natural conservation value throughout the district within three years of this Plan becoming operative*”.

4.29 I consider such a policy to be inappropriate and unnecessary at this time. The Council has carried out extensive work on existing ASCV areas extending as far back as the previous District Plan review, and the Council has acknowledged that further work will be necessary to deal with the remaining Group 2 areas in the Plan, as well as the results of tenure review which is continuing. Such current processes are time consuming and costly to the Council and therefore to ratepayers.

4.30 To then require, through a policy in the Plan, the Council to commit to a district wide study would commit ratepayers to a significant additional cost. Even if the Council were to make such a commitment, a 3 year timeframe may well be too short in the context of all the other work being undertaken by the Council and the work that would be necessary to do a district wide study of significant nature conservation values.

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<sup>11</sup> Submission 638, point 2.

<sup>12</sup> Submission 637, point 5 (opposed by further submission F16 from TrustPower), and submission 598, point 7.

<sup>13</sup> Submission 640, point 19.

4.31 However, I do note that there may eventually be a requirement on Council, under the proposed National Policy Statement on Indigenous Biodiversity and/or the proposed RPS to undertake a District wide survey of indigenous vegetation and biodiversity values. In my opinion to put such a requirement into the proposed Plan would be pre-emptive and the Council should wait until the NPS is gazetted and/or the RPS is operative, so the scope and requirements of any survey are known and understood. I therefore recommend that Council continue the work it has underway but that no policy be included within the Plan expressing a commitment that is not able to be kept, would be unduly onerous and potentially later need modification in the light of settled national and regional policy directives.

#### Policy 3.2B

4.32 Policy 3.2B states:

*Use the following primary criteria to identify areas with significant nature conservation values:*

- *Intactness – The area is little modified by human activity, comprises a predominantly intact indigenous system and is not affected in a major way by weed or pest species.*
- *Rarity – The area supports an indigenous species, habitat or community of species, which is rare and vulnerable within the ecological district or threatened nationally.*
- *Representatives – The best examples of particular vegetation types, habitats or ecological processes which are typical of their ecological district.*
- *Distinctiveness / Special Ecological Characteristics – The type and range of unusual features of the area itself and the role of the area in relationship to other areas locally, regionally or nationally, including:-*
  - *presence of species at their distribution limit;*
  - *levels of endemism;*
  - *supporting protected indigenous fauna for some part of their life-cycle (e.g. breeding, feeding, moulting, roosting), whether on a regular or infrequent basis;*
  - *playing an important role in the life-cycle of protected migratory indigenous fauna;*
  - *containing an intact sequence, or a substantial part of an intact sequence, of unusual ecological features or gradients.*
- *Diversity and pattern – areas exhibiting a high degree of biological diversity in terms of:*
  - *vegetation;*
  - *habitat types;*
  - *species;*
  - *ecological processes.*

4.33 A number of submissions were received seeking changes to this policy.

- 4.34 The submission from Federated Farmers<sup>14</sup> seeks to amend the policy to recognise the Council has already identified ASCV's under the previous plan and recognise this as a counter-reason to any proposal to look for new areas and states that the use of primary and secondary criteria is unnecessary, the criteria are onerous and also limiting. The submissions from the Department of Conservation and Forest and Bird<sup>15</sup> seek extensive and similar changes to Policy 3.2B.
- 4.35 It is important to note that Policy 3.2B sets out primary criteria for consideration and Policy 3.2C sets out secondary criteria. These criteria have been established for many years, are contained in the operative Plan, and have been applied to all recent considerations of ASCV sites. However, the Plan is not prescriptive about how the criteria should be applied and the approach used to date is documented on a specific basis in reports on a number of sites. The matters covered by the criteria are drawn from well-established conservation assessment methodologies (e.g. O'Connor *et al*<sup>16</sup>) and require the assessment of characteristics that are found in a range of methods used by local authorities and their consultants across the country (e.g. Kapiti, Hurunui, Wellington, Waitakere<sup>17</sup>). Nationally, all ecologists consider matters such as representativeness, rare species/habitats/ecosystems, naturalness, size of area, diversity and distinctiveness and these are encompassed by the criteria as proposed in the proposed District Plan.
- 4.36 However, the Ecology Report recognises that there have been recent developments in defining criteria, such as: the National Priorities for Protection of Biodiversity on Private Land 2007 (NPPBPL); Proposed National Policy Statement on Indigenous Biodiversity 2001 (PNPS) and the Canterbury Regional Council's Proposed Regional Policy Statement 2011 (PRPS). Whilst, the District Plan is not yet required to be consistent with, or give effect to any of these documents, in my opinion, it is worth noting at this point that these criteria are in the public realm and at least signal future refinement that is possible in this area. The NPPBPL, in particular, contains four priorities as follows:
- indigenous vegetation in Land Environments in which less than 20% original cover remains;
  - indigenous vegetation associated with wetlands and sand dunes, and ecosystems types that have become uncommon due to human activity;
  - vegetation or habitats supporting threatened flora and fauna; and
  - originally rare ecosystems
- 4.37 Whilst the NPPBPL is not a statutory document, these criteria are incorporated into the PRPS, and therefore Canterbury Council's will be required, if these criteria are

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<sup>14</sup> Submission 553, points 20 and 35.

<sup>15</sup> Submission 638, point 3 (opposed by further submission F16 from TrustPower), and submission 640 point 20 (opposed by further submission F16 from TrustPower).

<sup>16</sup> O'Connor KF, Overmars FB, Ralston MM (1990). Land evaluation for nature conservation: a scientific review for application in New Zealand. Department of Conservation, Wellington.

<sup>17</sup> <http://www.qualityplanning.org.nz/plan-topics/indigenous-biodiversity.php#bpe>

adopted by the Regional Council, to consider these areas as 'significant'. The PRPS also proposes a specific set of ecological criteria for assessing significance, as well as a process by which Councils should put assessments and criteria into District Plans.

4.38 However, for the time being the Ecology Report considers that it is important that the criteria applied to consideration of ASCV sites are consistently used and applied as to change the criteria now would call into question all previous evaluation undertaken in terms of a consistent approach and equity. There is also the potential that in the future other surveys could be initiated either by Council or by landowners and so the criteria must be set out in the Plan to ensure that all parties know how areas will be assessed and this is consistently applied. I accept that in the future, the Council may be required to undertake a District-wide ecological survey using different criteria to assess 'significance' but that this may be some time into the future. It would, in my view, be pre-emptive to change the criteria under Policy 3.2B to reflect that of the PRPS or the PNPS as neither has been approved/gazetted and are potentially still subject to change.

4.39 I therefore do not consider it appropriate or necessary to change the criteria or to limit their application to historical processes and to any future consideration of those areas. Consequently, I do not recommend that any changes are made to Policy 3.2B, but I do suggest that the following text be added to the Explanations and Reasons to note that the criteria apply to all parts of the Rural Zones and to recognise that changes to the criteria may occur during the lifetime of the proposed Plan.

**Amend Policy 3.2C Explanation and Reasons as follows:**

Policies 3.2B and 3.2C set out the criteria that the Council will use to identify areas with significant nature conservation values in the rural zones. These criteria reflect the range of important attributes or characteristics that must be apparent in an area for it to be considered significant. This is not a checklist which must be completed to "qualify" as a significant area nor does meeting only one of the criteria result in a qualification of significance. The policies provide direction on the qualities that are important in the assessment of an area.

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However, it is acknowledged that the introduction of a National Policy Statement and a new Regional Policy Statement are likely to set a new planning framework for use of ecological criteria during the lifetime of this District Plan and will potentially provide both national and regional direction for biodiversity management, including a review of the criteria used for assessment.

Policy 3.2C

4.40 Policy 3.2C states:

*Consider the following secondary criteria to assist in identifying areas with significant conservation values:*

- *Scientific Value – The area is a type locality or other recognised scientific reference area;*
- *Connectivity – The extent to which the area has ecological value due to its location and functioning in relation to its surroundings. An area may be ecologically significant because of*

*its connections to a neighbouring area, or as part of a network of areas of fauna habitat, or as a buffer;*

- *Size and shape – The degree to which the size and shape of an area is conducive to it being, or becoming, ecologically self-sustaining.*

4.41 Following on from their submissions above seeking to rewrite Policy 3.2B, the Department of Conservation and Forest and Bird submissions<sup>18</sup> seek the deletion of Policy 3.2C. The Federated Farmers submission<sup>19</sup> seeks the deletion of the word “buffering” from Policy 3.2C.

4.42 This policy sets out secondary criteria for consideration in determining ASCV sites. These criteria have been established for some time, are in the operative Plan, and have been applied to all recent considerations of ASCV sites. Therefore for the reasons discussed above, I do not consider it appropriate or necessary for Policy 3.2C to be deleted or the wording altered.

#### Policy 3.2D

4.43 Policy 3.2D states:

*In considering:-*

- *whether to list in the District Plan those areas identified as having significant nature conservation value under Policy 3.2B;*
- *whether to include rules in the District Plan to avoid, remedy or mitigate adverse effects on the values of those areas identified as having significant nature conservation value under Policy 3.2B, and*
- *resource consent applications where the Council has discretion to consider the effects of activities on nature conservation values,*

*The Council shall have regard to:*

- *the economic effects on the landholder (if these are relevant under section 7(b) of the Act);*
- *the resources required to implement protection;*
- *the compatibility of the existing land use with the values identified;*
- *the degree of modification of the site;*
- *the extent to which the vegetation type, habitat or ecological process is already protected elsewhere;*
- *the restoration potential of the site;*
- *the long term ecological viability of the site;*

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<sup>18</sup> Submission 638, point 4 (opposed by further submission F16 from TrustPower), and submission 640 point 21 (opposed by further submission F16 from TrustPower).

<sup>19</sup> Submission 553, point 21.

- *the presence and level of animal pests and weeds;*
- *the range of alternative protection mechanisms available and their relative costs and benefits;*
- *in the case of resource consent applications, the relevant assessment matters*

- 4.44 The submission from Federated Farmers<sup>20</sup> seeks the retention of this policy and this support is acknowledged.
- 4.45 The submissions from the Department of Conservation and Forest and Bird<sup>21</sup> seek extensive and similar changes to Policy 3.2D.
- 4.46 It is important to note that the factors in this policy are not criteria for identifying sites but matters to have regard to in deciding whether to list sites in the Plan, apply rules, or in processing applications for resource consents. This is quite a different process to that provided for under policies 3.2B and 3.2C and involves quite different considerations, for example consideration is not just confined to ecological matters but encompasses wider matters such as economic effects.
- 4.47 These factors are the same as those applied in the operative District Plan and have been used for many years; therefore, they are well established. I consider it is important to retain consideration within the policy of whether to apply rules and what to consider in assessing resource consent (as well as whether to list sites) otherwise there would be no policy basis for these considerations. However, some amendments to the text for the purposes of clarifying and extending the matters for consideration may be acceptable.
- 4.48 The ecologist has provided expert opinion on the submission points raised by the submitters and these are addressed, in turn, below.
- 4.49 All the suggested additions appear to add to the breadth of matters to consider if the described values of ASCVs, the Council's responsibility for their protection, and Council's other Part II responsibilities are to be taken into account. They add to the mix of costs and benefits that Council considers when weighing ASCV values against potential adverse effects on them.
- 4.50 The deletion of "*the degree of modification of the site*" is not explained in the DOC or F&B submission, but does repeat a test that should have been part of the identification of the area as an ASCV originally, as a highly modified site would not generally be considered significant. However, over the period of a number of years, a site, even though protected, may become modified, (for example by pest invasion) so that this matter would need to be re-assessed when any resource consent application is considered. Therefore, I recommend that the matter be retained under Policy 3.2D.
- 4.51 Nor is the reason for seeking deletion of "*the compatibility of the existing land use with the values identified*" given. However, the wording of this point is not entirely clear as it is currently written. I understand that its purpose is to consider the extent to which

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<sup>20</sup> Submission 553, point 36 (opposed by further submission F12 from the Department of Conservation).

<sup>21</sup> Submission 638, point 5, and submission 640 point 22.

ecological values might be adversely affected by existing land uses and thus the level and type of protection that needs to be afforded to the site. Council is obliged to consider both economic well-being of the landowners and protection of ecological values, and whilst in many cases both can be achieved, this often requires consideration of site-specific information and conditions. Therefore, I recommend that the bullet point be reworded for the purposes of clarity.

- 4.52 I recommend two further minor changes for the purposes of clarity. The replacement of the term “long-term viability” with “sustainability” as this reflects the more commonly used wording of other plan provisions and that bullet points two and ten be combined as they both consider risks and threats to the identified values in sites of significant nature conservation value.
- 4.53 I also accept Forest and Bird’s suggestion that a bullet point that reads as ‘the potential benefits of including an area as an ASCV in the Plan’ be added to the policy. In my opinion, the positive aspects of protecting ASCV’s should be considered i.e. protecting the ecosystem of fauna.
- 4.54 Furthermore, I recommend that the last bullet point, *‘in the case of resource consent applications, the relevant assessment matters’* be deleted. This matter is unnecessary as it is stated under 3.8.3 that the Council will have regard to the relevant Assessment Matters in the Plan, and repetition is not required under this policy.
- 4.55 I therefore recommend that Policy 3.2D be reworded as follows

*In considering:-*

- *whether to list in the District Plan those areas identified as having significant nature conservation value under Policy 3.2B;*
- *whether to include rules in the District Plan to avoid, remedy or mitigate adverse effects on the values of those areas identified as having significant nature conservation value under Policy 3.2B, and*
- *resource consent applications where the Council has discretion to consider the effects of activities on nature conservation values,*

*The Council shall have regard to:*

- *the economic effects on the landholder (if these are relevant under section 7(b) of the Act);*
- *the threats or risks to the identified values including the presence and level of animal pests and weeds;*
- *the resources required to implement protection;*
- *the potential benefits of including an area as an ASCV in the Plan;*
- *the compatibility of the existing land use with the values identified; the extent to which existing land uses would adversely affect the ecological values on the site;*
- *the degree of modification of the site;*
- *the extent to which the vegetation type, habitat or ecological process is already protected elsewhere;*

- *the restoration potential of the site;*
- *the ~~long-term ecological viability~~ sustainability of the site;*
- *~~the presence and level of animal pests and weeds;~~*
- *the appropriateness and range of alternative protection mechanisms available, the resources required to implement them and their relative costs and benefits; to ensure that ecological values are recognised and protected;*
- *the potential benefits of including an area as an ASCV in the Plan;*
- *in the case of resource consent applications, the relevant assessment matters*

### Policy 3.2F

4.56 Policy 3.2F states:

*Control land uses on land adjoining lakes, rivers and wetlands to maintain or improve water quality and sustain and/or enhance biodiversity values.*

4.57 A number of submissions were received in relation to this policy.

4.58 The submission from Warren Clapham Jowett<sup>22</sup> seeks that the policy makes specific mention of the requirement to establish riparian strips. This policy is about the management of activities around waterways and biodiversity values generally, and in that context, there is no need to be specific about certain methods such as riparian strips. There are a range of rules and other methods to give protection to these areas and these come through other parts of the Plan such as the Section 9: Subdivision. I therefore do not consider there is any need to change the policy as suggested.

4.59 The submission from Federated Farmers<sup>23</sup> seeks the deletion of the word “enhance” from the policy as exceeding Council requirements, and opposes the policy generally. The submission from TrustPower<sup>24</sup> also suggests text changes to the policy.

4.60 Federated Farmer’s reason for opposing the policy is “Needs to acknowledge wild bird transfer and should not be broad - brush but linked to effects from specific activities”. It is unclear what is meant by this in the context of the policy. In particular it is not clear what issues relating to wild bird transfer this relates to or how this could be integrated into the policy. This is deliberately a general policy to support a range of methods and does not, in my opinion, need to be altered.

4.61 However, I agree that the term ‘sustain’ should be amended to ‘maintain’ to better accord with the Act. Likewise, I agree that the term ‘biodiversity values’ should be amended to ‘indigenous biodiversity’ to accord with the wording of the Act and to be consistent with the intent of Objective 3.2. However I do not agree with the removal of the term ‘enhance’. I consider that the use of the term “enhance” in the context of the policy is appropriate, especially as it is linked to “sustain” (stating “...*sustain and/or enhance*...”). There may be opportunities for the Council to gain enhancement e.g.

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<sup>22</sup> Submission 511, point 2.

<sup>23</sup> Submission 553, points 22 (opposed by further submission F12 from the Department of Conservation) and 37.

<sup>24</sup> Submission 598, point 8 (supported by further submission F56 from RDRML).

through resource consent processes that include offsets or benefits and it is appropriate that the policy recognises this as a goal.

- 4.62 The submission from the Department of Conservation<sup>25</sup> seeks text amendments to this policy. I agree with the replacement of “control” with “manage and encourage” as this is suitable wording for the policy. I do not however agree with the deletion of “maintain” as removing that wording would imply that the policy is always about improvement and that may not always be possible or appropriate.
- 4.63 The submission from Forest and Bird<sup>26</sup> seeks a rearrangement to the wording of the policy. The suggested rearrangement would place greater emphasis on improvement of water quality rather than maintenance and encouragement of enhancement of indigenous biodiversity. I do not consider that the suggestion is necessary as it adds complexity to the policy rather than clarity. I also note that in some situations maintenance of water quality may be appropriate rather than improvement.
- 4.64 Furthermore, for the purposes of being consistent with the objective, the policy should refer to ‘ecological values’. Consequently, I recommend that the policy should be reworded as follows:

*Manage and encourage ~~Control~~ land uses on land adjoining lakes, rivers and wetlands to maintain or improve water quality and maintain ~~sustain~~ and/or enhance indigenous biodiversity and ecological values.*

### Policy 3.2G

- 4.65 Policy 3.2G states:

*Mitigate the adverse effects of motorised watercraft and vehicles by controlling, limiting or avoiding their use in areas of high passive recreation use, significant natural values and known significant wildlife habitats.*

- 4.66 The submission from the Department of Conservation<sup>27</sup> supports this policy and their support is acknowledged.
- 4.67 The submission from Forest and Bird<sup>28</sup> seeks the inclusion of an additional policy that would read “*The Council will promote the protection and enhancement of nature conservation values by education, advocacy and assistance to land managers and interested community groups*”. I consider that this is inappropriate as a policy within the Plan as it cannot easily or effectively be implemented through rules or other Plan methods. However, I note that it is a relevant implementation method and is already listed in that section of the Plan. I therefore do not recommend any changes be made to the Plan to give effect to this submission point.

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<sup>25</sup> Submission 638, point 7.

<sup>26</sup> Submission 640, point 25 (opposed by further submission F16 from TrustPower).

<sup>27</sup> Submission 638, point 8.

<sup>28</sup> Submission 640, point 23.

- 4.68 Following the Objective and Policies is a set of Explanation and Reasons which describes the purpose of these provisions and Federated Farmers<sup>29</sup> have provided comment on this section. Firstly they seek that the explanation and reasons be amended as it “contains poor logic”, secondly that retention of recognition of other methods than rules is important, and thirdly that it be amended to acknowledge the “wild bird life problem”. In terms of their second point, their support is acknowledged.
- 4.69 It is unclear what specific aspects of the explanation and reasons are considered by the submitter to “contain poor logic” nor are any specific changes suggested in the submission. On this basis it is not possible to respond to this submission in its present form.
- 4.70 Similarly, the submission contains no explanation of what the “wild bird life problem” is or how this fits into the explanation and reasons section. Nor are any specific changes suggested to this text within the submission. On this basis it is again, not possible to respond to this submission in its present form. I therefore suggest that the submitter may wish to provide text suggestions at their hearing scheduled for May 2012.
- 4.71 Castleridge Station Ltd<sup>30</sup> seek that the paragraph beginning ‘Although, the Department..’ should be changed to reflect the actual proportion and portions that are not already in crown protection.
- 4.72 The paragraph discusses that whilst DOC has a crucial role in ensuring the long term protection of areas of significant conservation value, the Council also has a vital role to play. As such, it is a generic discussion rather than an attempt to describe the actual protection and features that are not protected. I therefore do not recommend that any changes be made to the paragraph.

#### Objective 3.5 and Policies 3.5A and C

- 4.73 Objective 3.5 states:

*Provide for and manage the effects of extractive activities, including earthworks whilst protecting the amenity values of the rural environment and rural resources.*

Policy 3.5A states:

*Control the potential effects of mineral extraction, including mineral prospecting, in order to ensure that the operations avoid, remedy or mitigate any adverse effects on the amenity values and environment of rural areas and on Takata Whenua values.*

Policy 3.5C states:

*Control earthworks within the District to ensure minimal adverse effects on amenity values and land stability, whilst protecting important geoconservation sites, landscapes, riparian areas and areas of significant nature conservation value*

- 4.74 This objective and its subsequent policies have been discussed in the General Rural Report but as many of the submissions on these provisions relate to Areas of

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<sup>29</sup> Submission 553, points 38, 39 and 40.

<sup>30</sup> Submission 331, Point 5

Significant Conservation Value, part of that the discussion is reiterated in this report for completeness.

- 4.75 Forest and Bird<sup>31</sup> seek to include specific mention of areas such as Outstanding Natural Landscapes, Geoconservation Sites and Areas of Significant Conservation Value in Objective 3.5 and Policy 3.5A. Policy 3.5A refers to mineral extraction whereas Policy 3.5C makes reference to the protection of such areas but in doing so refers to the control of ‘earthworks’. Arguably this could capture extractive activities, but in my view this could be made more explicit and reflect the controls proposed for that activity, which essentially require discretionary activity consent in the rural zones, beyond mineral prospecting. I suggest Policy 3.5C could be amended as below.
- 4.76 Federated Farmers<sup>32</sup> oppose the inclusion of landscapes and the blanket use of geoconservation sites in Policy 3.5C but do not provide any reasons. This is opposed by Department of Conservation<sup>33</sup>. TrustPower<sup>34</sup> oppose Policy 3.5C and seek that it refers to the Rural Zone only and does not seek to protect specific areas such as geoconservation sites.
- 4.77 With regard to removing reference to specific areas, I do not consider this to be appropriate. The Council has an obligation under s6 to ‘protect’ outstanding natural landscapes of which geoconservation sites and biodiversity can be important elements. Therefore specific consideration should be given to these matters because as DOC rightly points out, there is the potential for their values to be compromised by extractive activities.

#### **Policy 3.5C**

*Control earthworks including mineral extraction within the District to ensure minimal adverse effects on amenity values and land stability, whilst protecting important geoconservation sites, landscapes, riparian areas and areas of significant nature conservation value.*

### **Section 3.5: Anticipated Environmental Results**

- 4.78 The submission from Forest and Bird<sup>35</sup> seeks the addition of a bullet point to the Anticipated Environmental Results section to acknowledge protection as an expected outcome. I agree that this would fit this section and recommend this addition be made.

#### **3.5 Anticipated Environmental Results as follows:**

- Protection of the highly productive and versatile soils of the District.
- .....
- Protection of outstanding natural landscapes, geoconservation sites, indigenous vegetation and habitats of indigenous fauna.

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<sup>31</sup> Submission 640, points 30 and 31

<sup>32</sup> Submission 553, point 49

<sup>33</sup> Further Submission F12

<sup>34</sup> Submission 598, point 16

<sup>35</sup> Submission 640, point 32.

### **Section 3.6: Methods of Implementation**

4.79 The submission from Forest and Bird<sup>36</sup> also seeks that the Methods of Implementation section be amended to incorporate the approach sought by Forest and Bird in other submission points. Whilst, as discussed in the paragraphs above, I do not always support Forest and Bird's approach to the protection of indigenous biodiversity, I have recommend adding two methods of implementation to address the issues of employing a biodiversity officer or advisor, and utilising a wide range of information to better understand biodiversity, ecological and indigenous vegetation values. In my opinion, these are matters that Council can achieve through other processes beyond the District Plan.

### **Section 3.7: Reasons for Rules**

4.80 The submission from Federated Farmers<sup>37</sup> seeks an amendment to the reasons for rules section in relation to the indigenous vegetation clearance provisions as the submitter considers this to be too broad and it does not recognise the consent imposition. The current wording of the reason for the rule is general and descriptive. I consider the statements made are accurate and that they explain and support the rule. As discussed below, the rule is important in meeting the Council's obligations under the Act and I do not consider it appropriate or necessary for the reasons to be altered. I also note that the submitter has not provided any suggested text changes that would assist in considering their submission further.

### **Section 3.8: Rules**

4.81 Section 3.8 sets out the activity status for various activities, including permitted, restricted discretionary, discretionary, non-complying, and prohibited activities.

#### **Permitted Activities**

4.82 Clause 3.8.2 sets out a list of permitted activities within the Rural Zones. The submission from the Department of Conservation<sup>38</sup> seeks an addition to this list to enable the Crown to undertake any work or activity as described in the Canterbury Conservation Management Strategy, or relevant management plans where it falls wholly within the boundaries of any area of land held or managed under the Conservation Act 1987 and/or any other Act specified in the First Schedule to that Act.

4.83 While I can understand the submitter's position i.e. freeing up the ability of the Crown to carry out works on Crown land, it is important to recognise that processes such as the Conservation Management Strategy and management plans are not the same as

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<sup>36</sup> Submission 640, point 33.

<sup>37</sup> Submission 553, point 50 (opposed by further submission F12 from the Department of Conservation).

<sup>38</sup> Submission 638, point 21.

consideration under the RMA, or the provisions of the District Plan. The Council could not presume that the same issues are considered or that the same assessment of effects would be undertaken under such processes as would occur under resource consent applications. I do not consider it appropriate to apply different standards to the same activities in the same District just because the Crown is the manager/owner of the land. Such a situation would be potentially unfair and not equitable to other landowners in the area.

#### Restricted Discretionary Activities

- 4.84 The submission from Ashburton District Council<sup>39</sup> seeks all necessary changes to the structure of rules in all Zones to provide clarification and avoid any contradiction/confusion over the interpretation of rules. In relation to this part of this chapter, the restructuring necessary relates to the listing of “c) indigenous vegetation clearance” as a restricted discretionary activity in clause 3.8.3 as well as having rules relating to indigenous vegetation clearance in the site standards section where non-compliance with such rules would make the activity restricted discretionary<sup>40</sup>.
- 4.85 This issue has also been recognised in the submission from Federated Farmers<sup>41</sup> which seeks the deletion of clauses b) to e) in the list of restricted discretionary activities, clause 3.8.3.
- 4.86 Likewise, TrustPower<sup>42</sup> have also picked up this issue suggesting that if indigenous vegetation clearance is listed in clause 3.8.3 then standards 3.9.10 and 3.10.7 could be deleted.
- 4.87 I consider that the removal of the listed activities is appropriate given that the activity status is set by the site standard. It is contradictory and confusing having site standards for an activity that has already been given a restricted discretionary status: if the site standards are breached, the activity remains a restricted discretionary activity. Whereas an activity that is controlled through the site standards is permitted until it cannot meet a site standard and then it becomes a restricted discretionary activity or non-complying if it does not meet a zone standard. The status of the activity is clearer and it provides clarity to plan users. Therefore for the reasons discussed above and consistent with recommendations made in the Rural: General report, I recommend that 3.8.3c) be deleted but that Site Standard 3.9.10 and Zone Standard 3.10.7 remain in the Plan, albeit subject to amendments as discussed below.

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<sup>39</sup> Submission 639, point 74 (opposed by further submissions F3 from the Oil Companies, F5 from Transpower, and F16 from TrustPower, and supported by further submissions F65 from the Ashburton Licensing Trust, F71 from Electricity Ashburton, and F80 from Federated Farmers).

<sup>40</sup> There are also provisions in the Zone Standards that may apply in which case non-compliance would be a non-complying activity.

<sup>41</sup> Submission 553, point 70 (opposed by further submission F16 from TrustPower).

<sup>42</sup> Submission 598, point 19.

### **3.8.3 Restricted Discretionary Activities**

*The following activities shall be Restricted Discretionary Activities, provided that they are not listed as a Prohibited Activity, with the exercise of the Council's discretion being restricted to the matter(s) specified in the relevant standard or rule:*

*a) Any Activity which is listed as a Permitted Activity and which complies with all of the relevant Zone Standards, but does not comply with any one or more of the relevant Site Standards.*

...

*~~c) Indigenous Vegetation Clearance.~~*

...

### **Prohibited Activities**

- 4.88 Federated Farmers<sup>188</sup> considers that the use of motorised craft on lakes should not be prohibited. The submitter is concerned that those persons permitted under the Conservation Act can undertake control of pests.
- 4.89 This submission point was discussed in the Rural: General Report, which, in summary, stated that the 'exemption to this rule as provided for in the Plan already provides an exemption for 'those persons authorised in terms of the Conservation Act'. In that respect, I believe the concern expressed is already met'
- 4.90 However, Dr Judith Roper-Lindsay addresses this matter in the Ecology Report in Appendix 3, stating that in March 2011 Canada Geese were removed from Schedule 1 of the Wildlife Act 1953 and listed in Schedule 5. This means that Fish and Game no longer manage the geese as a hunting resource and a permit is not required to shoot them. Therefore farmers/landowners are now responsible for control on their land and any water-bodies on their land. Rule 3.8.6(a) currently exempts Fish and Game to allow it to manage game birds under Schedule 1 using motorised craft, but there is no exemption for private individuals or groups to manage them.
- 4.91 Canada Geese are a recognised pest throughout the country so it would be appropriate to amend the rule to facilitate their control. Any rule should be worded in a way that does not allow other uses of motorised craft for hunting purposes, although it is recognised that enforcement will be difficult.
- 4.92 I am guided by Dr Judith Roper-Lindsay and in recognition of the change to the Wildlife Act 1953 that moved Canada Geese from Schedule 1 to Schedule 5, I recommend that the following amendment be made to Rule 3.8.6:

### **3.8.6 Prohibited Activities**

*The following activities shall be Prohibited Activities:*

#### **a) Surface of Lakes**

- *the use of motorised craft on any lake, other than on Lake Camp or any artificial lake;*
- *the use of non-motorised craft powered by any means other than oars or paddles on any lake, other than on Lakes Camp and Clearwater or any artificial lake.*

*The following activities shall be exempt from this rule:*

.....

- *the control and management of Canada Geese*

.....

### Forest and Bird

4.93 The submission from Forest and Bird<sup>43</sup> seeks a number of changes to the activity status clauses, including:

- Removal of indigenous vegetation clearance from the restricted discretionary status (clause 3.8.3),
- Addition of indigenous vegetation clearance limited to track maintenance to the permitted activity list (clause 3.8.2),
- Addition of indigenous vegetation clearance in the Rural C Zone to the discretionary activity list (clause 3.8.4), and
- Addition of indigenous vegetation clearance in areas of significant nature conservation value and in the Rural C Zone above the Altitudinal Land Use Line as shown on the Planning Maps, except for vegetation clearance within the extensions to the Altitudinal Land Use Line, to the non-complying activity list (clause 3.8.5).

4.94 As discussed above, there is a need to rationalise the activity status and site standards and it is recommended that “indigenous vegetation clearance” be deleted from the list of restricted discretionary activities in clause 3.8.3. However, I consider it is appropriate to keep indigenous vegetation clearance as a restricted discretionary activity through the standards. I do not consider it appropriate to make clearance full discretionary as that implies there are issues to consider beyond effects on indigenous vegetation values etc. Such an implication would be incorrect. The restricted discretionary status for clearance generally is more appropriate for most indigenous vegetation clearance. Likewise, I do not consider it necessary to raise the activity status for clearance in ASCVs. It remains appropriate to consider effects under restricted discretionary status and it is possible to decline consent if there are likely to be significant adverse effects. There is a need to balance protection with the ability to use the land appropriately and it is quite clear that there is already an issue for landowners; therefore I do not consider it appropriate or necessary to make the rules more onerous. These matters are discussed in greater detail below under consideration of Site Standard 3.9.10 and Zone Standard 3.10.7.

4.95 In relation to making indigenous vegetation clearance for track maintenance permitted, I note that Castleridge Station<sup>44</sup> similarly seeks that clause 3.8.3 c) should “provide for limitations on size/site to allow for good farm practice such as clearing scrub off existing fences, particularly boundaries as a permitted activity”. I am concerned that this could be too open to interpretation and cause more problems for interpretation and

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<sup>43</sup> Submission 640, points 47, 48, 49, and 50 (opposed by further submission F16 from TrustPower).

<sup>44</sup> Submission 331, point 11.

enforcement. It is difficult to know what tracks are legally established, particularly if they are overgrown and therefore allowing clearance to be permitted could lead to large areas of unexpected clearance. However, I note that this rule would not remove any existing use rights under the Act and I discuss this further later in this report.

### **Section 3.9: Site Standards**

- 4.96 The submission from John Robert Waugh<sup>45</sup> seeks that provision be made to protect remnant areas of Indigenous Vegetation in the Ashburton District and that all wetlands larger than 1,000 square metres and the riparian margins of small streams with a bed width of less than 3 metres be protected. The rules set in the Plan do provide protection of indigenous vegetation and wetlands and streams of any scale. In my opinion, therefore the intent of the submission has been met through the rules in the proposed Plan.
- 4.97 The Federated Farmers submission<sup>46</sup> contains a general point in relation to the indigenous vegetation clearance rules. This states that the “landowner should not be inhibited by Council rules i.e. consent to farm”. It is assumed that this submission point is based on a view that it is too onerous to have general vegetation clearance rules. I consider that the rules included in the Plan are appropriate as they are triggers to allow assessment of values that could be lost through use and development. The necessity for rules to control land use is set by the obligations under the Act and this approach also aligns with the current and proposed direction of the RPS and the proposed NPS on Indigenous Biodiversity.
- 4.98 The submission from Barrosa Station<sup>47</sup> seeks that the Council “adopt regional rules and parameters for activities in or near wetlands, rivers and lakes”. I do not consider this to always be an appropriate approach, as regional plan rules have a different purpose to district plan rules, reflecting the differing statutory resource management functions of the two tiers of government. For example, in the case of water-bodies, regional plans are focussed on issues such as water quality, whereas District Councils have a function in maintaining amenity and biodiversity values.

#### **Section 3.9.10: Indigenous Vegetation Clearance**

- 4.99 Section 3.9 sets out the site standards for the rural zones. In relation to this report, the relevant site standard is 3.9.10 Indigenous Vegetation Clearance, which sets out the main rules applying to clearance of indigenous vegetation. A number of submissions were received in relation to all or parts of this rule and I am guided in my recommendations by the discussions and recommendations in the Ecology Report.
- 4.100 Currently the proposed provisions for indigenous vegetation clearance can be summarised as:

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<sup>45</sup> Submission 18, points 1 and 2.

<sup>46</sup> Submission 553, point 72.

<sup>47</sup> Submission 631, point 6.

- In Group 1 ASCVs and the Inland Mountain ONL: no clearance except within specific ASCVs for specific purposes with specified limits; anything outside these has restricted discretionary activity status.
- In the Rural C Zone generally, and within the Group 2 ASCVs, Hakatere, River Valley and Front Range ONLs: limited clearance over a specified timeframe is permitted; any larger area or more frequent clearance has restricted discretionary status.
- In the Rural A, B, or C zones within 100m of a lake or 20m of a wetland, river or stream: limited clearance with time and area thresholds; any larger area or more frequent clearance has restricted discretionary activity status.
- In the Rural A and B Zones: any clearance, other than amenity or shelter planting, has a restricted discretionary status.
- In the Rural A, B, or C zones: any clearance within 20m of a wetland that exceeds 1,000m<sup>2</sup> in area, in any 5 year period has non-complying activity status.
- In Rural C above 900m/ALUL: almost any clearance has non-complying activity status.

4.101 The submission from the Canterbury Regional Council<sup>48</sup> supports the rule and seeks that it be adopted. This support is acknowledged.

4.102 A number of submissions on this rule<sup>49</sup> seek that the area of clearance permitted be increased, and that it be a percentage of the site rather than a set area. In relation to the submission from Lake Heron Station which simply seeks “*To increase the area of indigenous vegetation that can be cleared within a site*”, I note that the relief sought is too general to be able to respond to it specifically.

4.103 I understand that both the percentage and the maximum area approaches are by their nature blunt instruments for protection of indigenous vegetation. However, the specific area and time thresholds prescribed in the proposed Plan are based on ecological values and function appropriate to the specific vegetation type and aimed at minimising the amount of clearance of any of the listed vegetation types across the zone as well as at a specific site. This has necessarily been based on expert judgment and experience in other areas, and takes into account conditions found generally across the high country, plant and animal species and ecological processes found in specific vegetation types and potential effects of clearance over time. The

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<sup>48</sup> Submission 637, point 12.

<sup>49</sup> From Castleridge Station (submission 331, point 13, opposed by further submission F12 from the Department of Conservation), Lake Heron Station (submission 563, point 1, opposed by further submission F12 from the Department of Conservation), Federated Farmers (submission 553, point 88, opposed by further submission F12 from the Department of Conservation), and Barrosa Station (submission 631, point 4, opposed by further submission F12 from the Department of Conservation).

areas are considered to be small enough that their loss will not have significant adverse effects on the vegetation type or area and to manage the actual loss across the zone. This approach is also consistent with that adopted in the operative Plan.

- 4.104 If a percentage approach were to be taken, this would require a better understanding of the ecology of a range of indigenous vegetation types, so that percentages could be prescribed for different circumstances. However, there would still need to be additional thresholds for the total amount of clearance at any site, to maintain overall areas of indigenous vegetation across the zone and District.
- 4.105 Therefore, I consider that it is appropriate to retain the maximum area approach as currently proposed in the District Plan. Furthermore, I do not recommend any change to the maximum permitted areas of indigenous vegetation clearance as the ecological opinion is that they are currently set at a level that the loss will not have significant adverse effects on the values of the vegetation.
- 4.106 DOC seeks to include Group 2 ASCVs with Group 1 sites, thus subjecting them to the higher standards or thresholds for clearance<sup>50</sup>. As previously, in discussing the ASCV identification process, the automatic transfer of sites from Group 2 to Group 1 with attendant regulatory controls would potentially be inequitable to landowners who have been or are in this on-going process. Given the likely future re-assessment that will be required under the Canterbury RPS, and possibly the NPS, I do not recommend that any changes are made to the site standard to give effect to these submission points in this District plan review. The NPS and RPS are currently working through submission processes and the documents are not yet finalised.
- 4.107 Forest and Bird also seeks the introduction of shrublands in clause a) of the rule<sup>51</sup>, but then seeks that clause a) relate to the whole of the Rural C zone. They seek the removal of consideration of tall tussock and that the remainder of the rule (clauses b), c) and d)) be deleted. DOC also seeks to introduce a 1.5 m height criterion for shrublands<sup>52</sup>.
- 4.108 I understand that many shrublands never naturally achieve a 3 m canopy height and thus the requested change would more accurately reflect their ecology in the area and time thresholds in Rural C Group 2 ASCVs and ONL.
- 4.109 DOC also submits that the exception for ASCVs 25 and 26 should require the preparation of *“an approved scrub management plan for farming purposes”*<sup>53</sup>. Currently the exception provides for specified scrub clearance in specified places and times for farming purposes. In making this exception through Plan Change 10 the specific farming purpose of allowing stock movement in a specific place was discussed and reported. In relation to the changes sought to the wording around scrub management in clause b), I do not consider it is necessary to amend this in the way

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<sup>50</sup> Submission 638, Point 26

<sup>51</sup> Submission 640, Point 51

<sup>52</sup> Submission 638, Point 26

<sup>53</sup> Submission 638, Point 26

proposed by the submitter. I do not believe that the Council is expecting farmers to produce scrub management plans or get such plans approved as that would be onerous on both the farmers and the Council. I consider it to be acceptable for this wording to be left as relating to scrub management for farming purposes. I also note that the areas to which this wording relates are not significant areas in scale and these are precisely defined on plans attached to Appendix 3-2 which limits the area to which this wording applies.

- 4.110 Forest and Bird submit that there has been so much indigenous vegetation lost across the Rural C zone that the standards should be tightened<sup>54</sup>. They seek limits to clearance and the application throughout the “Rural zone”, of thresholds currently applying in the most valuable areas. They also seek no exceptions to these limits. Additionally they submit that there should be no clearance of tall tussock, or near to wetlands or waterbodies. While I agree with Forest and Bird that indigenous vegetation clearance has been widespread, and that Council has a responsibility to protect significant areas and to maintain biodiversity, I am concerned that the tight controls they propose are impractical in the Rural C zone.
- 4.111 As proposed, the Site Standards in relation to wetlands and water-bodies recognise that normal farming activities may require limited indigenous vegetation clearance but, in the same way as other thresholds are applied, are intended to avoid the possibility of repeated clearance or amalgamation of cleared areas to allow clearance of a larger area “by stealth”. This applies to wetlands of any size, recognising that size is not essential for wetland vegetation to have value.
- 4.112 Federated Farmers also note in this section that the standard relating to indigenous vegetation in wetlands includes a reference to “exotic pest plants”. As it stands this observation is correct, but the proposed new indigenous vegetation definition allows for a small component of exotic plants within indigenous vegetation, so that reducing that component would not comprise “indigenous vegetation clearance”.
- 4.113 The submission from Federated Farmers<sup>55</sup> seeks that in relation to clause c) of the rule, “wetlands be listed as significant or permanently wet and more than a certain size, as in the Regional Land Management Plans”. Clause c) states:
- c) In, or within 100m of any lake, or 20m of any naturally occurring wetland, river or stream, there shall be no clearance of indigenous vegetation exceeding 100m<sup>2</sup> in area in any one hectare in any one calendar year, other than the clearance of exotic pest plants*
- 4.114 It is appropriate that this clause relates to wetlands generally as that is the definition used in the Plan and in relation to the RMA. Restricting application of the rule to only some wetland areas would be inappropriate in terms of the Council’s responsibilities under the Act. The definition of wetlands has been addressed in Hearing Report 7 on Definitions.

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<sup>54</sup> Submission 640, Points 52 and 62

<sup>55</sup> Submission 553, point 90 (opposed by further submission F75 from Forest and Bird).

4.115 The submission from the Ashburton District Council<sup>56</sup> suggests three text amendments to parts a), b) and c) of rule 3.9.10 to clarify the intent of the rule in relation to the Mt Hutt ski-field, in reference to uncontrolled grazing, and in relation to pest plants. I consider that 3.9.10 a) be amended to exempt Mt Hutt ski-field from the standards as this reflects other standards in the Plan that manage tree planting and earthworks. Furthermore, I recommend that the references to uncontrolled grazing should be removed as it would be extremely difficult to enforce such an activity. However, I recommend retaining the reference to the clearance of exotic pest plants under 3.9.10c) as it is appropriate to provide for the removal of non-indigenous vegetation. This is particularly important as the definition of 'indigenous vegetation' is recommended to include some exotic plants.

4.116 Overall therefore I recommend that in relation to the matters in the proposed District Plan on which submissions have been received, that Site standard 3.9.10 should remain unchanged except to introduce the 1.5m shrublands text as sought by DOC and remove the references to 'uncontrolled grazing'. However, I do acknowledge at this point that whatever standards are set for indigenous vegetation clearance, enforcement will be an issue since areas, vegetation heights and averages, time frames and ecological values will often be contestable.

***Amend 3.9.10 Indigenous Vegetation Clearance as follows:***

*a) No clearance of indigenous vegetation in the Rural C Zone, Group 2 Areas of Significant Nature Conservation, or Hakatere, River Valley, and Front Range Outstanding Natural Landscapes as defined on the Planning Maps shall exceed:*

- *1,000m<sup>2</sup> in area on any site in any continuous period of 5 years; or*
- *100m<sup>2</sup> in area in any continuous period of 2 years, where the indigenous vegetation has a closed canopy over that area and the average maximum height of that canopy is greater than or equal to 3m or in the case of shrublands 1.5m; or*
- *100m<sup>2</sup> in area of matagouri or beech (in one continuous block), in any continuous period of 2 years, where the average maximum height of the canopy of the matagouri is greater than or equal to 1.5m; or*
- *500m<sup>2</sup> of Chionochloa spp (tall tussock) in any continuous period of 5 years, except where this occurs as a secondary component within an area of improved pasture.*

*Except that:*

- *within each area separately identified on the Planning Maps as being of significant nature conservation value (Group 2 areas only), no clearance of Chionochloa spp (tall tussock) shall exceed 100m<sup>2</sup> in any continuous period of 5 years.*

- *this rule shall not apply to the Mt Hutt ski-field area.*

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<sup>56</sup> Submission 639, points 20, 21 and 22.

*b) In the Inland Mountain Outstanding Natural Landscapes or any Group 1 Area of Significant Nature Conservation as defined on the Planning Maps there shall be no clearance of indigenous vegetation (including by way of uncontrolled grazing).*

.....

### **Section 3.10: Zone Standards**

#### **Section 3.10.7: Indigenous Vegetation Clearance and Tree Planting**

4.117 This rule sets standards in some areas, beyond which consent is needed as a non-complying activity.

4.118 As proposed, rule 3.10.7 a) precludes any clearance of indigenous vegetation above the Altitudinal Land Use Line (other than for amenity plantings and clearance within the 'extensions' to the Altitudinal Land Use Line above 900 metres above sea level). Castleridge Station Ltd<sup>57</sup> questions whether that would prevent minor clearances as part of normal farming practices, such as clearance along fence lines during regular maintenance, and if so, they suggest that is an unnecessary degree of restriction.

4.119 The wording of the proposed rule is unambiguous and any clearance of indigenous vegetation is captured unless it is of amenity plantings, and therefore I do have some sympathy with the submitter's position. However I would anticipate that existing use right entitlements would enable the sorts of on-going and established farm practices involving clearance as identified by the submitter to continue provided the Act's qualifiers to such entitlements were met. In saying that I acknowledge that some such individual practices may not necessarily happen in all areas on a regular (even annual) basis, but in my view, they nevertheless constitute integral elements of the continuing farm operations that exist in the high country and are on-going. If in the alternative the Hearings Panel wished to provide a specific exemption from the clearance rule for such practices, they would need to be clearly listed in the rule or otherwise some allowable threshold identified (e.g. maximum area).

4.120 The submission from Ashburton District Council<sup>58</sup> again suggests text amendments for clarity to clause a) of the rule and I agree that these are appropriate and that the standard be amended as follows:

#### ***3.10.7 General Indigenous Vegetation and Tree Planting as follows:***

*a) In the Rural C Zone, above the Altitudinal Land Use Line (900 metres above sea level) a shown on the Planning Maps, there shall be no removal/clearance of indigenous vegetation (including by way of uncontrolled grazing) except for...*

*Except that this rule shall not apply to the Mt Hutt ski-field area*

4.121 The submission from the Canterbury Regional Council<sup>59</sup> suggests that clause b) of this rule should be amended to reflect the thresholds for riparian management set out in Rule 7.6.5.1.14 of the operative Ashburton District Plan. Rule 3.10.7 b) states:

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<sup>57</sup> Submission 331, Point 13

<sup>58</sup> Submission 639, point 29.

*There shall be no clearance of indigenous vegetation and no earthworks in, or within 20m of, any naturally occurring wetland which exceeds 1,000m<sup>2</sup> in area in any continuous period of 5 years.*

Rule 7.6.5.1.14 of the operative Plan states:

*No clearance of vegetation, other than the clearance of exotic pest plants, shall exceed 100m<sup>2</sup> in area in any one hectare in any one year.*

- 4.122 The Department of Conservation submission<sup>60</sup> has commented on the lack of clarity in the standard. The submission from Forest and Bird<sup>61</sup> suggests significant changes to this rule following on from their suggestions in relation to site standard 3.9.10 (discussed above). Similarly to the discussion above, I do not consider these changes to be appropriate or necessary.
- 4.123 I note at this point that the proposed Plan contains a site standard that provides for the clearance of 100m<sup>2</sup> of indigenous vegetation in any one hectare in any one calendar year, in or within 20 metres of a naturally occurring wetland. There is also a zone standards that there shall be no clearance of indigenous vegetation in or within 20 metres of any naturally occurring wetland which exceeds 1,000m<sup>2</sup> in area. The overlap between these two standards confuses interpretation of the Plan and therefore needs to be addressed.
- 4.124 In Dr Judith Roper-Lindsay's opinion, setting a minimum size of wetland (1000 m<sup>2</sup>) to which clearance standards apply does not seem appropriate in ecological terms, given that the margins of small wetlands may be just as vulnerable to clearance as a larger one. Therefore, it must be determined if any indigenous vegetation clearance within a wetland or within 20 metres of a wetland is acceptable, given the loss of wetlands and the degraded state of many existing ones in the District and wider region, and if a small area is acceptable, how much is appropriate without requiring scrutiny through a resource consent process?
- 4.125 Ideally the setback width should vary from location to location according to slope, soils, vegetation types, and adjacent land uses etc. However, the generic 20m setback has been adopted from other District and Regional Plans and is considered to be practical and reflects the variability of soils, run-off characteristics and other buffering features of vegetation around wetlands. Furthermore, given the recommended new definition of wetland, it is likely that the vegetation within the setback or buffer zone is not wetland vegetation or habitat. I therefore consider that allowing for minor areas of clearance within them is unlikely to significantly affect the buffering role of vegetation adjacent to a wetland.
- 4.126 The standard is also designed to prevent clearance of contiguous 100m<sup>2</sup> blocks so that cleared areas remain minimal. I accept that there is the possibility that the 100m<sup>2</sup> cleared could contain an example of a special plant, but believe that given the extent

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<sup>59</sup> Submission 637, point 15.

<sup>60</sup> Submission 638, point 33.

<sup>61</sup> Submission 640, point 52.

of ASCV coverage of wetlands and the degraded nature of many wetlands margins; the chances of this occurring are low. The ecology report recommends that the standard should be amended to delete the wording pertaining to the removal of indigenous vegetation 'in' wetlands but I do not agree. I am not an ecologist but from a planning perspective, whilst the removal of indigenous vegetation within a wetland could be considered a regional council matter, as discussed previously, the District Council has a different focus. Such a rule is intended to manage effects on natural character and indigenous biodiversity rather than water quality, and the removal of the words 'in wetlands' would mean that any removal of indigenous vegetation would be a permitted activity. I do not consider this to be appropriate and I do not believe that this is the outcome sought by Dr Judith Roper-Lindsay. Consequently, I recommend that the standard should still apply to indigenous vegetation in wetlands.

4.127 In consideration of the two overlapping standards, 3.9.10 and 3.10.7b), Dr Judith Roper-Lindsay considers that given the recommended revisions to strengthen the Assessment Matters (discussed below) that it would be appropriate for activities breaching Standard 3.10.7b) to be considered as restricted discretionary activities. From a planning perspective, I agree given that it is difficult to envisage what other matters may need to be considered other than those contained in the Assessment Matters. The restricted discretionary status is not too onerous on landowners but provides for clearance that exceeds the standards set in the Plan to be considered through a consent process and such an application can be declined. Therefore, I recommend that Zone Standard 3.10.7b) be deleted, including that part of the standard that relates to earthworks as this is also covered by its own specific site standard as follows:

***3.10.7 General Indigenous Vegetation and Tree Planting:***

*a) In the Rural C Zone, above the Altitudinal Land Use Line (900 metres above sea level) a shown on the Planning Maps, there shall be no removal/clearance of indigenous vegetation (including by way of uncontrolled grazing) except for...*

*Except that this rule shall not apply to the Mt Hutt ski-field area.*

*b) ~~There shall be no clearance of indigenous vegetation and no earthworks, in, or within 20m of, any naturally occurring wetland which exceeds 1,000m<sup>2</sup> in area in any continuous period of 5 years.~~*

**Section 3.11: Assessment Matters**

4.128 Section 3.11 sets out the assessment matters that apply to resource consents for restricted discretionary activities. Section 3.11.9 includes those assessment matters that relate to consents for Indigenous Vegetation Clearance (stemming from rule 3.9.10).

4.129 The submission from TrustPower<sup>62</sup> seeks the deletion of section 3.11 and 3.11.9 or clarification that they have no application to restricted discretionary activities. I

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<sup>62</sup> Submission 598, point 20.

disagree in that the whole purpose of this section is to set out the matters to which discretion is restricted. I appreciate that this may have been confused by the inclusion of a paragraph at the end of rule 3.9.10 which sets out matter to which discretion is limited. This is a general statement and its inclusion at this point is an error and it should be deleted, leaving the assessment matters within 3.11.9.

***Amend 3.9.10 Indigenous Vegetation Clearance as follows:***

*a) No clearance of indigenous vegetation in the Rural C Zone, Group 2 Areas of Significant Nature Conservation, or Hakatere, River Valley, and Front Range Outstanding Natural Landscapes as defined on the Planning Maps shall exceed:*

.....

*~~The Council shall restrict the exercise of its discretion in relation to these matters to the effect on nature conservation and landscape values, ecological functioning, Takata Whenua values, natural character, natural hazards and effects on public access, recreation and enjoyment of riparian margins, where appropriate.~~*

### 3.11.9 Indigenous Vegetation Clearance

4.130 The submission from the Department of Conservation<sup>63</sup> seeks to amend 3.11.9a) as follows:

- 'a) ~~The degree of significance of a species or community of indigenous plants and animals at the specific locality of the proposed activity. In particular:~~
- ~~the status of a particular species, whether it is rare, vulnerable, or endangered, at risk or data deficient in the District, Region or nationally;~~
  - ~~the general rate of decline of a particular species in the District, Region or nationally;~~
  - ~~the distinctiveness or uniqueness of a particular community, or group of communities of plants or animals, to the District, Region or nationally;~~
  - ~~the natural diversity expected for range or diversity of species in a particular plant or animal community;~~
  - ~~the importance of an area providing habitat to animals;~~
  - ~~the importance of the area to Takata Whenua. ...'~~

4.131 Forest and Bird<sup>64</sup> seek to amend the same assessment matter as follows:

The following changes are sought to Assessment Matters 3.11.9: Indigenous Vegetation Clearance but are limited to the following.

- 'a) ~~The degree of significance of a species or community of indigenous plants and animals at the specific locality of the proposed activity. In particular:~~
- ~~the status of a particular species, whether it is rare, vulnerable, or endangered, at risk or data deficient in the District, Region or nationally;~~
  - ~~the general rate of decline of a particular species in the District, Region or nationally;~~

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<sup>63</sup> Submission 638, point 34 (opposed by further submission F16 from TrustPower),

<sup>64</sup> Submission 640, point 64 (opposed by further submission F16 from TrustPower).

- the distinctiveness or uniqueness of a particular community, or group of communities of plants or animals, to the District, Region or nationally;
- the natural diversity except for the particular community range or diversity of species in a particular plant or animal community;
- the importance of an area providing habitat to ~~animals~~ indigenous fauna
- the importance of the area to Takata Whenua.'

4.132 The assessment matter would generally be referred to when it is proposed to remove indigenous vegetation outside a Group 1 ASCV. Therefore the values of the indigenous vegetation may not be known and the assessment matter sets out a number of criteria that reflects the matters included within Policy 3.2D. I note that these are supported by Dr Judith Roper-Lindsay. As to the phrase 'degree of significance', I would suggest that the words 'degree of' are removed as the assessment matter is about determining whether a species or community of indigenous plants and animals is significant.

**4.133** I consider that the words 'at risk or data deficient' should not be added as the assessment matters should reflect those under Policy 3.2C and it was recommended that these remain unchanged for reasons of consistency, equity and given that it is likely that the Council will be required to include new criteria to assess the significance of indigenous vegetation within the life of this Plan. However, I do find it appropriate to amend the word 'animals' to 'indigenous fauna' wherever it appears in the assessment matter. Therefore, I recommend that Assessment Matter 3.11.9a) be amended to read as follows:

#### **3.11.9 Indigenous Vegetation Clearance**

a) *The ~~degree of significance~~ of a species or community of indigenous plants and ~~animals~~ fauna at the specific locality of the proposed activity. In particular:*

- *the status of a particular species, whether it is rare, vulnerable, or endangered in the District, Region or nationally;*
- *the general rate of decline of a particular species in the District, Region or nationally;*
- *the distinctiveness or uniqueness of a particular community, or group of communities of plants or animals, to the District, Region or nationally;*
- *the range or diversity of species in a particular plant or ~~animal~~ fauna community;*
- *the importance of an area providing habitat to ~~animals~~ indigenous fauna*
- *the importance of the area to Takata Whenua.*

4.134 The submission from Forest and Bird<sup>65</sup> seeks further guidance on assessment matter 3.11.9 b). This matter states "*The extent to which the activity threatens the indigenous plants or animals identified at the site*". It is unclear what aspect of this matter the submitter wants guidance on. This is an area that would be assessed by an ecological expert who would use their professional expertise to advise on this matter, along with all the other appropriate assessment matters.

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<sup>65</sup> Submission 640, point 65 (opposed by further submission F16 from TrustPower).

4.135 The submission from Federated Farmers<sup>66</sup> seeks the deletion of “overall natural character of the area” from clause c). This matter states “*The extent to which the activity will adversely affect the overall natural character of an area, and indigenous ecosystem integrity and functioning*”. The submitter is concerned this phrasing is “undefinable”.

4.136 Consideration of this matter would again be applied by an ecologist and so would be defined against best practice in consideration of natural character. This is an area which is evolving at present through case law and application but in my opinion, it is appropriate to retain such terminology in the consideration of such applications. The use of the term ‘natural character’ is discussed in more detail in the later report on ‘Outstanding Natural Landscapes’.

4.137 The submission from the Department of Conservation<sup>67</sup> seeks the addition of “natural” to assessment matter e). I do not consider this to be appropriate as the use of the term “environment” under the Act is wider than just the natural environment and it is not necessary to limit the use of this assessment matter. I consider that it is important to consider the ‘built’ environment given, for example the location of Lake Clearwater hut settlement in the Rural C Zone.

4.138 The submission from Forest and Bird<sup>68</sup> suggests rationalisation of assessment matters g), h) and k). The submission from the Department of Conservation<sup>69</sup> seeks similar changes to g) and h) whereas the submission from Federated Farmers<sup>70</sup> supports assessment matters h) and k)

4.139 These matters state:

*g) The extent to which previous management practices have already significantly modified the characteristics of the site and the cost to the landholder of being unable to undertake the proposed activity.*

*h) the economic effects on the landholder.*

*k) the degree of modification of the site.*

4.140 I agree that matter g) be altered to relate only to modification and that k) be deleted with economic effects being retained in h) with altered wording. However, I recommend that consideration under h) not be restricted to consideration under s7(b) of the Act and that it be kept necessarily wide. I therefore recommend that Assessment Matters g), h) and k) be amended as follows:

g) The extent to which previous management practices have already significantly modified of modification of the characteristics of the site and the cost to the landholder of being unable to undertake the proposed activity.

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<sup>66</sup> Submission 553, point 118 (opposed by further submission F12 from the Department of Conservation).

<sup>67</sup> Submission 638, point 34 (opposed by further submission F16 from TrustPower).

<sup>68</sup> Submission 640, points 68, 69 and 70 (opposed by further submission F16 from TrustPower).

<sup>69</sup> Submission 638, point 34 (opposed by further submission F16 from TrustPower).

<sup>70</sup> Submission 553, point 119.

h) the economic effects of not carrying out the proposed activity on the landholder

...

j) the compatibility of the ~~existing~~ land use with the values identified

k) ~~the degree of modification of the site.~~

4.141 The submissions from Forest and Bird and the Department of Conservation<sup>71</sup> seek that matter l) be deleted whereas Federated Farmers<sup>72</sup> supports assessment matter l). This matter states “*the extent to which the vegetation type, habitat or ecological process is already protected elsewhere*”.

4.142 I consider that the assessment matter reflects the wording under Policy 3.2D, which the ecologist has not sought to alter. Therefore for reasons of consistency, in that it reflects the wording used in the operative District Plan, and given that it is likely that the Council will be required to include new criteria to assess the significance of indigenous vegetation within the life of this Plan, I recommend the assessment matter be retained.

4.143 The submission from Federated Farmers<sup>73</sup> seeks the deletion of assessment matter j) as it is perceived to influence existing uses. The matter states “*the compatibility of the existing land use with the values identified*”. I agree that there is an apparent conflict within the assessment matter in relation to existing uses. I consider it appropriate to remove “existing” rather than deleting the assessment matter outright, as it is appropriate to consider compatibility between the land use proposed with the values identified.

4.144 The Federated Farmers submission<sup>74</sup> also seeks the deletion of assessment matter m) stating it is not relevant as an effect. This matter states “*the restoration potential of the site*”. Restoration potential is a common consideration for assessing activities that could cause ongoing or dramatic change to an area. Restoration potential is just one of many considerations under these matters and I consider it appropriate to retain this matter.

4.145 Forest and Bird<sup>75</sup> note that assessment matter n) is dependent on the resources and management put into the site, and sound information is required about site values, ecology and also restoration ecology. This matter states “*the long term ecological viability of the site*”. I agree that information is important but in accordance with advice from the ecology expert on Policy 3.2D, I recommend that the Assessment Matter be amended as follows:

*n) ~~the long term ecological viability~~ sustainability of the site.*

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<sup>71</sup> Submission 640, point 71 (opposed by further submission F16 from TrustPower), and submission 638, point 34 (opposed by further submission F16 from TrustPower).

<sup>72</sup> Submission 553, point 119.

<sup>73</sup> Submission 553, point 120.

<sup>74</sup> Submission 553, point 121.

<sup>75</sup> Submission 640, point 72 (opposed by further submission F16 from TrustPower).

4.146 The Forest and Bird submission<sup>76</sup> also seeks to amend assessment matter p) as follows 'the appropriateness and range of alternative mechanisms available and their relative costs and benefits' to clarify that it may not always be appropriate to use alternative mechanisms of protection. I agree that this is appropriate clarification for this clause and recommend Assessment Matter 3.11.9p) be amended accordingly:

*p)the appropriateness and range of alternative mechanisms available and their relative costs and benefits*

### 3.11.12: Riparian Management

4.147 Section 3.11.12 sets out the assessment matters that relate to Riparian Management (stemming from rules 3.9.10 and 3.9.12). Some of these matters are also addressed in other hearings reports.

4.148 The submission from the Department of Conservation supports section 3.11.12 and this support is acknowledged.

4.149 The submission from Federated Farmers<sup>77</sup> opposes matter f) and seeks to make it clear that the benefits not available to the public, i.e. available only to the land user making the application, will not be the subject of this assessment. This matter states "*The extent to which river, lake or wetland habitat, amenity, or recreational values may be adversely affected*". It is unclear exactly what the submitter is seeking as assessment matter f) relates to adverse effects on waterway values and does not refer to benefits. In the absence of more information on the submitter's concerns, I consider it appropriate to retain this assessment matter.

4.150 The Federated Farmers submission<sup>78</sup> also seeks the deletion of assessment matter g) on the basis that natural character is a variable, subjective criteria. This matter states "*The extent to which the natural character of the waterway margin will be retained*".

4.151 Natural character will be addressed through the subsequent report to the Hearings Panel on landscape related matters and submissions. However, it is important to recognise that natural character has a strong ecological component and a developing integrated methodology for description and assessment. This is being endorsed by developing case law and therefore I recommend that the assessment matter be retained.

### **Appendix 3-2: Areas of Significant Nature Conservation Value**

4.152 A range of submissions were received in relation to Appendix 3-2 which sets out the list of areas of Significant Nature Conservation Value identified in the Plan.

4.153 The submission from Federated Farmers<sup>79</sup> identifies that the map references in the appendix are now out of date. This is correct and these need to be removed. I

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<sup>76</sup> Submission 640, point 73 (opposed by further submission F16 from TrustPower).

<sup>77</sup> Submission 553, points 123 (opposed by further submission F75 from Forest and Bird) and Point 124.

<sup>78</sup> Submission 553, point 127 (opposed by further submission F12 from the Department of Conservation).

<sup>79</sup> Submission 553, point 128 (opposed by further submission F75 from Forest and Bird).

consider it is more appropriate to make reference to the location of the sites as shown within the District Plan rather than referencing external maps and in this regard I recommend that there be a new column inserted titled “Map reference” and containing a link to each appropriate planning map (as is done for other appendices e.g. utilities).

- 4.154 The submission from Forest and Bird – Ashburton Branch<sup>80</sup> states “To help preserve the natural character of the Ashburton District, a survey should be conducted to identify remaining native vegetation and notable native trees that are indigenous to the District, and give them protection status”. While I agree that such a survey might be a good thing for the Council to do as it would increase knowledge levels, this would be a very extensive, time consuming and costly process which is not appropriate at this point in the review process. However as discussed earlier in this report, I do note that there may be a requirement on Council, under the proposed National Policy Statement on Indigenous Biodiversity and/or the proposed RPS to undertake a District wide survey of indigenous vegetation and biodiversity values. In my opinion to undertake such a study now would be pre-emptive and the Council should wait until the NPS is gazetted and/or the RPS is operative, so the scope and requirements of any survey are known and understood.
- 4.155 The submission from Christopher Mark Olley<sup>81</sup> seeks a review of the boundaries of ASCV site 49. In this regard I note that ASCV site 49 is extensive in area but the submitter seeks confirmation of boundaries as they relate to his property. While a review of the boundaries of the site as a whole may be merited, this has not been requested in the submission and if undertaken would need to be part of a future plan change process.
- 4.156 The Lower Rangitata riverbed comprises ASCV 47, a Group 1 site, described in both the operative District Plan (2001) and Proposed District Plan as having value for breeding riverbed birds including threatened wrybill, black-fronted tern and black billed gull. I understand that the area of conservation value was originally mapped by the Department of Conservation in 1993 and this mapping was carried over into the District Plan.
- 4.157 An ecologist visited part of Mr Olley’s property in October 2008 (to advise Council in relation to a resource consent in the area) and this gave an opportunity to view some of the ASCV on his land and to view aerial photography of the area. The land was high and steep terrace faces covered with pine trees and some rock outcrops supporting scattered, common native shrubs (including kohutu, five- finger and broadleaf) and ferns. There is considerable modification to the area and dumped rubbish and wild pigs were seen.
- 4.158 The habitat for which ASCV 47 is significant is riverbed, including vegetated areas /older terraces immediately adjacent to the channels. Generally this would be open gravel with occasional native plants; in some places there may be native shrubs or

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<sup>80</sup> Submission 123, point 1.

<sup>81</sup> Submission 94, point 3 (supported by further submission F14 from Liz Macalister, and opposed by further submission F75 from Forest and Bird).

trees; and some of the low terraces may now be covered with exotic grasses or weeds.

- 4.159 The ecologist’s view is that ASCV 47 Rangitata riverbed is wrongly mapped on the steep lands on Mr Olley’s property – the steep lands do not support riverbed bird habitat. Therefore I recommend that the boundary and status of ASCV 47 on Mr Olley’s land should be reviewed by an ecologist and redrawn (as necessary) in the Plan.
- 4.160 The submission from Robert John Brown<sup>82</sup> seeks that the Council properly define “Areas of Significant Nature Conservation Value” and redraw the lines on the submitter’s property. Mr Brown owns property adjacent to the Rakaia River just above the Rakaia Gorge. The Rakaia riverbed is ASCV 03 and an area of indigenous vegetation around the gorge is ASCV 13. Both are Group 1 sites. However, Mr Brown submits that the boundaries of these two sites are incorrectly mapped on his property and requests they be reviewed and boundaries redrawn.
- 4.161 Mr Brown has supplied an aerial photograph to illustrate his contention that part of both of these ASCVs within his property includes areas of shelterbelts, weeds and gorse infestation. Given that the original mapping of these sites was taken from Department of Conservation survey work done approximately 20 years ago, it is likely that mapping errors have been perpetuated through successive planning documents.
- 4.162 I therefore recommend that the boundaries of ASCV 03 and ASCV 13 on Mr Brown’s land should be reviewed by an ecologist and redrawn (as necessary) in the Plan.
- 4.163 Mr Hawkes and Ms McLennan<sup>83</sup> own land on which ASCV 12 and ASCV 14 are located or partially located. In relation to ASCV 12 they submit that there has been no visit by an ADC contract ecologist so that it is not clear why freehold Mt Alford land has been added to the main body of ASCV12 which is Mt Hutt Scenic Reserve. It appears to be indistinguishable from vegetation in the adjoining reserve and was not procured by DOC during the Tenure Review process. Placing this freehold land in an ASCV will prevent fencing, track construction and minimal vegetation clearance that they are planning to do. They request that the area of freehold Mt Alford land be removed from the ASCV 12.
- 4.164 In relation to ASCV 14, Mr Hawkes and Ms McLennan submit that the area is not unique and is indistinguishable from adjacent reserve land. It also includes areas which are already preserved through public ownership. They also note that there have been contradictory opinions expressed about ecological values in the past in reports, site observations and the tenure review process. They request that the areas shown on the map provided be removed from ASCV 14.
- 4.165 The ecologist notes that ASCV 12 was included as a Group 2 site on early planning maps (operative plan 2008) because it was identified as a Recommended Area for Protection by DOC surveys. However, because Mt Alford was in the tenure review

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<sup>82</sup> Submission 168, point 1 (opposed by further submission F75 from Forest and Bird).

<sup>83</sup> Submission 318, Points 1 and 2 (opposed by further submission F75 from Forest and Bird)

process, Council agreed not to pursue the identification of values or determination of Group 2/Group 1 status. This was a process applied to all properties undergoing Tenure Review. After completion of Tenure Review ASCV 12 was not identified for re-assessment. This may have been due to oversight or a change in ownership but given the concerns that Mr Hawkes has in relation to ASCV 14, it would be appropriate to consider the two together.

- 4.166 ASCV 14 is made up of a number of scattered sites based on DOC surveys and is listed as Group 2 in the Operative District Plans of 1995 and 2008. Due to Tenure Review nothing further was done on these sites until late 2008 (Tenure Review was completed on 21 August 2008). It appears that Council then carried out a desktop assessment of the Tenure Review outcomes and this formed the basis of a review of the Group 2 status, including possible extensions. A site visit by an ecologist was also carried out, and discussions held with Mr Hawkes in relation to proposed boundaries. It appears that there may be differences between discussed boundaries and those appearing in the Plan. There are undoubtedly biodiversity values in/around the site that would warrant ASCV 12 having Group 1 status. Further discussions on site and with good mapping are needed to clarify this situation.
- 4.167 Consequently, I recommend that the Council should invite Mr Hawkes to meet with an ecologist to finalise boundary discussions for both ASCVs. A report should be sent to Mr Hawkes for sign-off and any determination dealt with as part of the review in response to the submission.
- 4.168 The submission from TrustPower<sup>84</sup> seeks amendment to the boundaries of the ASCV site in the Rakaia River as it relates to the area identified as a scheduled area for the Highbank Power Station. I agree that generally it is not necessary or appropriate for the ASCV area to overlap with the scheduled activity area. This area has been identified for specific purposes (power generation) and has been modified. I do note that the relevant ASCV site is large and it is not practical or necessary to review the status of the boundaries of the entire ASCV as that is extensive and would take considerable time and cost which is not sought by this submission
- 4.169 The ecologist has examined aerial photographs of the site and had discussions with an ecologist colleague who is familiar with the Highbank section of the Rakaia River. It would appear that its values indicate that there is a mapping error in this area and that TrustPower's activities are carried out on a section of the lower terrace where weed shrubs (e.g. broom) dominate. Accordingly I recommend that it would be appropriate to realign the boundary of the ASCV along the edge of the Activity area.

## 5.0 STATUTORY CONSIDERATIONS

- 5.1 The relevant statutory considerations in relation to these submissions are whether the outcomes will be consistent with sections 31 and 32 of the Act, along with Part II of the Act. I consider that the recommendations above are both effective and efficient and

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<sup>84</sup> Submission 598, point 75 (opposed by further submission F75 from Forest and Bird).

will ensure that the methods contained in this section are the most appropriate method for achieving the objectives of the Plan. I consider that this section of the Plan is appropriate under Part II of the Act in achieving sustainable management within the Ashburton District.

## **6.0 RECOMMENDATIONS**

- 6.1 Based on the discussion above, I consider that, subject to the recommended changes to text set out below, this section of the proposed District Plan should be accepted.

PROPOSED ASHBURTON DISTRICT PLAN – HEARINGS REPORT 23  
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**APPENDIX ONE: SUMMARY OF RECOMMENDATIONS ON SUBMISSIONS**

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S7	Warren Jowett	1	Removal of all wilding seed source trees on ADC reserve land surrounding Lake Camp.	Reject Para 4.3
S7	Warren Jowett	2	Establish the position of biodiversity officer for Ashburton District.	Reject Para 4.3
S18	John Robert Waugh	1	Wish ADC to make provision to protect remnant areas of Indigenous Vegetation in the Ashburton District	Accept in part Para 4.96
S18	John Robert Waugh	2	That the District Plan protects all wetlands larger than 1,000 square metres and the riparian margins of small streams with a bed width of less than 3 metres.	Accept in part Para 4.96
S94	Christopher Mark Olley	3	Review status of Group 1 or Group 2 and correct mapping of ASCV 49 on Part Lot 1 DP2767.	Accept in part Para 4.155
F14	Liz Macalister	3	Support	Accept in part
F75	Royal Forest and Bird Protection Society of New Zealand Inc.	3	Oppose	Accept in part
S123	Forest and Bird - Ashburton Branch	1	To help preserve the natural character of the Ashburton District, a survey should be conducted to identify remaining native vegetation and notable native trees that are indigenous to the District, and give them protection status.	Reject Para 4.154
S168	Robert John Brown	1	Properly define "Areas of Significant Nature Conservation Value" and redraw the lines on the submitter's property.	Accept in part Para 4.160
F75	Royal Forest and Bird Protection Society of New Zealand Inc.	1	Oppose	Accept in part

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S318	Murray Robert Hawkes	1	Redraw the boundary of ASCV 12 to exclude the extension beyond the DOC reserve adjacent to the Pudding Hill Stream.	Accept in part Para 4.163
F75	Royal Forest and Bird Protection Society of New Zealand Inc.	1	Oppose	Accept in part
S318	Murray Robert Hawkes	2	Change the boundary of ASCV 14.	Accept in part Para 4.163
F75	Royal Forest and Bird Protection Society of New Zealand Inc.	2	Oppose	Accept in part
S331	Castleridge Station Ltd	5	The paragraph beginning 'Although, the Department..'; under the Explanations and Reasons for Objective and Policies 3.2 should be changed to reflect the actual proportion and features that are not already in crown protection'.	Accept in part Para 4.72
S331	Castleridge Station Ltd	11	The Council should provide for limitations on size/site to allow for good farm practice such as clearing scrub off existing fences, particularly boundaries as a permitted activity.	Accept in part Para 4.95
S331	Castleridge Station Ltd	13	The size of vegetation clearance allowable should be a percentage of the site and allow for maintenance of fence lines etc, especially in the area above the altitudinal land use line and outstanding landscape areas.	Reject Para 4.102 and 4.119
F12	Department of Conservation	13	Oppose	Accept (para 4.99 - Error! Reference source not found.)
S511	Warren Clapham Jowett	2	Policy 3.2F should make specific mention of the requirement to establish riparian strips.	Reject

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
				Para 4.58
S553	Federated Farmers of New Zealand	12	More evidence beyond assertion is required that the area in Rural C has developed a 'unique biodiversity'. Without this proof, the paragraph and subsequent objectives built on this assertion must be deleted as unsubstantiated.	Reject Para 4.11
F75	Royal Forest and Bird Protection Society of New Zealand Inc.	12	Oppose	Accept
S553	Federated Farmers of New Zealand	18	Delete the word 'enhance' in Objective 3.2 Biodiversity as exceeding the powers of a District Council in relation to biodiversity.	Reject Para 4.16
F16	TrustPower Limited	18	Support in part	Reject
S553	Federated Farmers of New Zealand	20	Amend Policy 3.2B to recognise the Council has already identified ASCV's under the previous plan and recognise this as a counter-reason to any proposal to look for new areas.	Reject Para 4.34
S553	Federated Farmers of New Zealand	21	Delete the word "buffering" from Policy 3.2C.	Reject Para 4.41
S553	Federated Farmers of New Zealand	22	Delete the word "enhance" in Policy 3.2F as it exceeds Council requirements.	Reject Para 4.59
F12	Department of Conservation	22	Oppose	Accept
S553	Federated Farmers of New Zealand	27	Incomplete list of suggested reasons for soil nutrient decline under 3.1.2. Specify areas being referred to where there is vegetation loss.	Accept in part Para 4.8
S553	Federated Farmers of New Zealand	32	Amend Issue 3.2.3 so that it does not suggest that Council needs to protect every area of indigenous vegetation.	Reject

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
				Para 4.10
S553	Federated Farmers of New Zealand	35	Use of primary and secondary criteria under Policy 3.2B is unnecessary, criteria are onerous and limiting.	Reject Para 4.34
S553	Federated Farmers of New Zealand	36	Retain Policy 3.2D.	Accept in part Para 4.44
<i>F12</i>	<i>Department of Conservation</i>	36	Oppose	<i>Accept in part</i>
S553	Federated Farmers of New Zealand	37	Policy 3.2F needs to acknowledge wild bird transfer and should not be broad-brush but linked to effects from specific activities.	Reject Para 4.60
S553	Federated Farmers of New Zealand	38	Amend Explanation and Reasons for Policies 3.2A-F as it contains poor logic, in particular Paragraphs 1, 9 and 10.	Reject Para 4.68
S553	Federated Farmers of New Zealand	39	Retain acknowledgement in last paragraph of Explanation and Reasons for Policies 3.2A-F that rules are not the best method of control.	Accept Para 4.68
S553	Federated Farmers of New Zealand	40	Amend Explanation and Reasons for Policies 3.2A-F to acknowledge wild bird life problem.	Reject Para 4.68
S553	Federated Farmers of New Zealand	49	Landscapes and blanket use of geopreservation sites should not be included under Policy 3.5C Extractive Activities.	Reject Para 4.76
<i>F12</i>	<i>Department of Conservation</i>	49	<i>Oppose</i>	<i>Accept</i>
S553	Federated Farmers of New Zealand	50	Amend the Reasons for Rules for Indigenous Vegetation clearance as it is too broad and does not recognise the huge consent imposition.	Reject Para 4.80
<i>F12</i>	<i>Department of Conservation</i>	50	<i>Oppose</i>	<i>Accept</i>

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S553	Federated Farmers of New Zealand	70	Delete b) to e) of 3.8.3 Restricted Discretionary Activities.	Accept Para 4.85 See also other rural hearings reports
<i>F16</i>	<i>TrustPower Limited</i>	<i>70</i>	<i>Oppose</i>	<i>Reject</i>
S553	Federated Farmers of New Zealand	72	The landowner should not be inhibited by Council rules i.e. consent to farm.	Reject Para 4.97
S553	Federated Farmers of New Zealand	73	Remove subjective language from 3.8.3(e)	Accept Para 4.854.97
S553	Federated Farmers of New Zealand	78	Use of motorised craft on lakes should not be prohibited enabling the control of animals in the pest schedules of the Conservation Act by this method.	Accept Para 4.88 4.97
S553	Federated Farmers of New Zealand	88	Amend Site Standard 3.9.10 Indigenous Vegetation Clearance to delete the numerical areas and instead use a percentage of the site, 20% being the recommended percentage leaving a substantial majority of the site intact.	Reject Para 4.102
<i>F12</i>	<i>Department of Conservation</i>	<i>88</i>	<i>Oppose</i>	<i>Accept</i>
S553	Federated Farmers of New Zealand	89	Amend Site Standard 3.9.10 Indigenous Vegetation Clearance by removing the reference to outstanding landscape areas and making it more apparent how "uncontrolled grazing" would be managed.	Accept in part Para 4.112
<i>F12</i>	<i>Department of Conservation</i>	<i>89</i>	<i>Oppose</i>	<i>Accept in part</i>
S553	Federated Farmers of New Zealand	90	That the wetlands be listed as significant or permanently wet and more than a certain size, as in the Regional Land Management Plans.	Accept in part Para 4.113

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
F75	Royal Forest and Bird Protection Society of New Zealand Inc.	90	Oppose	Accept in part
S553	Federated Farmers of New Zealand	118	Delete following wording in 3.11.9 c) 'overall natural character of the area'.	Reject Para 4.135
F12	Department of Conservation	118	Oppose	Accept
S553	Federated Farmers of New Zealand	119	Retain Assessment Matters 3.11.9 h), k) and l).	Accept in part Paras 4.138 and 4.141
S553	Federated Farmers of New Zealand	120	Delete Assessment Matter 3.11.9 j).	Accept in part Para 4.143
S553	Federated Farmers of New Zealand	121	Delete Assessment Matter 3.11.9 m).	Reject Para 4.144
S553	Federated Farmers of New Zealand	124	Amend Assessment Matter 3.11.12 f) Riparian Management to make it clear that the benefits not available to the public, i.e. available only to the land user making the application, will not be the subject of this assessment.	Reject Para 4.149
S553	Federated Farmers of New Zealand	127	Delete the words 'natural character' within Assessment matter 3.11.12g) because it a variable, subjective criteria.	Reject Para 4.150
F12	Department of Conservation	127	Oppose	Accept
S553	Federated Farmers of New Zealand	128	All map references should be struck out, including s32, and replaced by the new Topomap series of maps and held or made available through the District Council.	Accept in part Para 4.153
F75	Royal Forest and Bird Protection	128	Oppose	Accept in part

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
	<i>Society of New Zealand Inc.</i>			
S563	Lake Heron Station Ltd	1	To increase the area of indigenous vegetation that can be cleared within a site.	Reject Para 4.102
F12	<i>Department of Conservation</i>	1	<i>Oppose</i>	<i>Accept</i>
S598	TrustPower Limited	5	Amend Objective 3.2: Biodiversity as follows: <del>Protect, sustain and/or enhance</del> <u>Maintain</u> indigenous biodiversity by controlling and managing activities that have the potential to affect the life supporting capacity of soils, and water quality in the lakes, rivers and wetlands, <del>and significant nature conservation values.</del>	Accept in part Para 4.19
F75	<i>Royal Forest and Bird Protection Society of New Zealand Inc.</i>	5	<i>Oppose</i>	<i>Accept in part</i>
S598	TrustPower Limited	6	Add the following new objective under Objective 3.2: <u>Protect areas identified as being of significant nature conservation value.</u>	Reject Para 4.19
F12	<i>Department of Conservation</i>	6	<i>Support</i>	<i>Reject</i>
S598	TrustPower Limited	7	Amend Policy 3.2A as follows: <del>Protect and M</del> <u>maintain</u> indigenous biodiversity <del>and protect in particular</del> areas of significant nature conservation values or land above 900 metres in altitude, by controlling vegetation clearance, the establishment of buildings, planting of trees and earthworks.	Reject Para 4.27

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S598	TrustPower Limited	8	Amend Policy 3.2F as follows:  Control land uses on land adjoining lakes, rivers and wetlands to maintain or improve water quality and maintain indigenous biodiversity, and sustain and/or enhance biodiversity values.	Accept in part  Para 4.59
F56	<i>Rangitata Diversion Race Management Limited (RDRML)</i>	8	<i>Support</i>	<i>Accept in part</i>
S598	TrustPower Limited	16	Amend Policy 3.5C as follows:  Control earthworks within the Rural Zone District to ensure minimal adverse effects on amenity values and land stability, whilst protecting important geoconservation sites, landscapes, riparian areas and areas of significant conservation value.	Reject  Para 4.76
S598	TrustPower Limited	19	Delete sections 3.9.10 and 3.10.7 or clarify in the Proposed Plan the role of the indigenous vegetation clearance site standards in relation to the restricted discretionary activity rule for such an activity	Reject  Para 4.86
S598	TrustPower Limited	20	Delete Section 3.11 and 3.11.9 from the Proposed Plan or clarify that they have no application to restricted discretionary activities under Rule 3.8.3.	Reject  Para 4.129
S598	TrustPower Limited	75	Amend the lines marking the Rakaia River as an area of significant nature conservation value and as a geoconservation site on Planning Map R39 so that they accurately follow the bed of the Rakaia River and do not intersect the area mapped as the Highbank Power Station scheduled activity area.	Accept in part  Para 4.168
F75	<i>Royal Forest and Bird Protection Society of New Zealand Inc.</i>	75	<i>Oppose</i>	<i>Accept in part</i>
S631	Barrosa Station Limited	4	Increase area of indigenous vegetation that can be cleared within a site in a five year period to 20 percent of the site.	Reject  Para 4.102

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
F12	Department of Conservation	4	Oppose	Accept
S631	Barrosa Station Limited	6	Adopt regional rules and parameters for activities in or near wetlands, rivers and lakes.	Reject Para 4.98
S637	Canterbury Regional Council	5	That proposed Policy 3.2A is amended to read:  <u>To protect and enhance</u> indigenous biodiversity, in particular areas of significant nature conservation values or land above 900 metres in altitude, by controlling vegetation clearance, the establishment of buildings, planting of trees, earthworks, and subdivision and development.  And that any other consequential amendments to the Ashburton District Plan required to explain or give effect to these changes be made.	Accept Para 4.27
F16	TrustPower Limited	5	Oppose	Reject
S637	Canterbury Regional Council	12	That Site Standard 3.9.10 is adopted.  And that any other consequential amendments to the Ashburton District Plan required to explain or give effect to these changes be made.	Accept in part Para 4.101
S637	Canterbury Regional Council	15	Amend Zone Standard 3.10.7(b) to reflect the thresholds for riparian management set out in Rule 7.6.5.1.14 of the operative Ashburton District Plan.  And that any other consequential amendments to the Ashburton District Plan required to explain or give effect to these changes be made.	Reject Para 4.121
S638	Department of Conservation	1	Amend Objective 3.2 Biodiversity as follows:  Protect, sustain and/or enhance indigenous biodiversity <u>and ecosystems</u> by controlling and managing activities that have the potential to affect the life supporting capacity of soils, water quality in the lakes, rivers and wetlands and significant nature conservation values.	Accept Para 4.20
F16	TrustPower Limited	1	Oppose	Reject

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S638	Department of Conservation	2	Retain the wording of Policy 3.2A in its current form.	Accept in part Para 4.27
S638	Department of Conservation	3	<p>Replace Policy 3.2B with the proposed Policy 3.2B outlined below:</p> <p><u>Use the following primary criteria to identify areas with significant nature conservation values. Note that the sixth criterion (sustainability) is not to be used for assessing significance:</u></p> <p><u>Representativeness</u></p> <p><u>The extent to which indigenous biodiversity represents what was originally characteristic of the ecological district.</u></p> <p><u>Diversity &amp; pattern</u></p> <ul style="list-style-type: none"> <li>• <u>The extent of natural diversity present within an area. This includes physical, habitat, biological, genetic and ecological processes</u></li> <li>• <u>Biological diversity can be further subdivided into species (number of species and abundance) and community diversity.</u></li> <li>• <u>Ecotones are particularly important as transitions between adjacent communities or patterns as they are usually very productive and support high species diversity.</u></li> <li>• <u>Some areas are naturally of low diversity, but support the full range of diversity expected for that habitat type.</u></li> </ul> <p><u>Rarity &amp; distinctiveness</u></p> <ul style="list-style-type: none"> <li>• <u>The extent to which an area supports an indigenous species, habitat or community which is rare in the ecological district or threatened/at risk nationally.</u></li> <li>• <u>The extent to which an area supports uncommon physical and ecological features in the ecological district.</u></li> <li>• <u>The extent to which an area is characterised by endemism, relict distributions, type localities, distribution limits, atypical bedrock/habitats, unique or specialised species. This includes geological, scientific or other.</u></li> </ul> <p><u>special features.</u></p>	Reject Para 4.34

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
			<ul style="list-style-type: none"> <li>• <u>supporting protected indigenous fauna for some part of their life-cycle (e.g. breeding, feeding, moulting, roosting), whether on a regular or infrequent basis.</u></li> <li>• <u>playing an important role in the life-cycle of protected migratory indigenous fauna;</u></li> </ul> <p><u>Naturalness</u></p> <ul style="list-style-type: none"> <li>• <u>The extent to which the area is modified by human activity, including the presence of weeds or pests</u></li> <li>• <u>This must be assessed at the ecological district scale to reflect the degree of modification that is characteristic of that district.</u></li> </ul> <p><u>Ecological context</u></p> <ul style="list-style-type: none"> <li>• <u>The extent to which the area has ecological value due to its location and functioning in relation to its surroundings, such as hydrology, pollination and dispersal</u></li> <li>• <u>An area may be ecologically significant because of its connections to a neighbouring area, or as part of a network of areas of fauna habitat, or as a buffer.</u></li> <li>• <u>The degree to which the size and shape of an area contributes to its natural diversity. Larger areas tend to support greater natural diversity. And compact areas are less influenced by edge effects.</u></li> <li>• <u>Small areas do contribute to total genetic diversity and may be viable habitats for invertebrates and threatened plants. They can also collectively have increased value such as scattered small wetlands used by waterbirds</u></li> </ul> <p><u>Sustainability</u></p> <ul style="list-style-type: none"> <li>• <u>The long-term ecological viability of an area requires an overview of its ecological values and functioning. Ideally an area should be able to retain its ecological health and values over time, but this will in part depend on management inputs, which may include restoration.</u></li> </ul>	
F16	TrustPower Limited	3	Oppose in part	Accept in part
S638	Department of Conservation	4	Delete Policy 3.2C	Reject

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
				Para 4.41
F16	TrustPower Limited	4	Oppose	Accept
S638	Department of Conservation	5	<p>Replace Policy 3.2D with proposed Policy 3.2D outlined below</p> <p><u>In considering whether to list in the District Plan those areas identified as having significant nature conservation value under Policy 3.2B, the Council shall have regard to:</u></p> <ul style="list-style-type: none"> <li>• <u>the economic effects on the landholder (if these are relevant under section 7(b) of the Act);</u></li> <li>• <u>the threats or risks to the identified values;</u></li> <li>• <u>the resources required to implement protection</u></li> <li>• <u>sustainability of the area (refer Policy 3.2B);</u></li> <li>• <u>the potential benefits of including the site in the Plan;</u></li> <li>• <u>the range of alternative protection mechanisms available and their relative costs and benefits, to ensure their values are recognised and protected;</u></li> <li>• <u>in the case of resource consent applications, the relevant assessment criteria.</u></li> </ul>	<p>Accept in part</p> <p>Para 4.45</p>
S638	Department of Conservation	7	<p>Amend Policy 3.2F to read:</p> <p><u>Manage and encourage Control</u> land uses on land adjoining lakes, rivers and wetlands to <del>maintain</del> improve water quality and sustain and/or enhance biodiversity values.</p>	<p>Accept in part</p> <p>Para 4.62</p>
S638	Department of Conservation	8	Retain the wording of Policy 3.2G in its current form.	<p>Accept</p> <p>Para 4.66</p>

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S638	Department of Conservation	21	<p>Add the following as a Permitted Activity under 3.8.2:</p> <p><u>m) The Crown may undertake any work or activity as described in the Canterbury Conservation Management Strategy, or relevant management plans where it falls wholly within the boundaries of any area of land held or managed under the Conservation Act 1987 and/or any other Act specified in the First Schedule to that Act.</u></p>	<p>Reject</p> <p>Para 4.82</p>
S638	Department of Conservation	26	<p>Amend the wording of Site Standard 3.9.10 to read:</p> <p>No clearance of indigenous vegetation in the Rural C Zone, <del>Group 2 Areas of Significant Nature Conservation</del>, or Hakatere, River Valley, and Front Range Outstanding Natural Landscapes as defined on the Planning Maps shall exceed:</p> <ul style="list-style-type: none"> <li>• 1,000m2 in area on any site in any continuous period of 5 years; or</li> <li>• 100m2 in area in any continuous period of 2 year's, where the indigenous vegetation has a closed canopy over that area and the average maximum height of that canopy is greater than or equal to 3m, <u>or in the case of shrublands 1. 5m</u></li> </ul> <p>b) In the Inland Mountain Outstanding Natural Landscapes or any Group 1 <u>or Group 2</u> Area of Significant Nature Conservation as defined on the Planning Maps there shall be no clearance Of indigenous vegetation (including by way of uncontrolled grazing).</p> <p>Except that this rule shall not apply to the maintenance of existing tracks up to 6 metres in width within Areas of Significant Nature Conservation numbers 17, 25 and 36 in the locations identified in Appendix 3-2 (Maps 1, 2 and 5), including but not limited to earthworks and the clearance of vegetation.</p> <p>Except that within Areas of Significant Nature Conservation numbers 25 and 26 in the location identified in Appendix 3-2 (Map 3), matagouri may be cleared <u>as if it forms part of an approved ongoing scrub management plan</u> for farming purposes. <del>As follows</del> <u>The following limits apply: ...</u></p> <p>c) In, or within 100m of any lake, or 20m of any naturally occurring wetland, river or stream, there shall be no clearance of <del>indigenous</del> vegetation exceeding 100m2 in area in any one hectare in any one calendar year, other than the clearance of exotic pest plants.</p>	<p>Accept in part</p> <p>Para 4.106, 4.107 and 4.109</p>

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S638	Department of Conservation	33	<p>Amend Part b) of Zone Standard 3.10.7 to read:</p> <p>There shall be no clearance of indigenous vegetation and no earthworks in, or within 20m, of any naturally occurring wetland <del>which exceeds 1,000m<sup>2</sup> in area in any continuous period of 5 years.</del></p>	<p>Reject</p> <p>Para 4.122</p>
S638	Department of Conservation	34	<p>Amend 3.11.9 as outlined below:</p> <p>a) The <del>degree of significance of a</del> species or community of indigenous plants and animals at the specific locality of the proposed activity. In particular:</p> <ul style="list-style-type: none"> <li>• the status of a particular species, whether it is rare, vulnerable, <del>or</del> endangered, <u>at risk or data deficient</u> in the District, Region or nationally;</li> <li>• the general rate of decline of a particular species in the District, Region or nationally;</li> <li>• the distinctiveness or uniqueness of a particular community, or group of communities of plants or animals, to the District, Region or nationally;</li> <li>• the <u>natural diversity expected for</u> <del>range or diversity of species in</del> a particular plant or animal community;</li> <li>• the importance of an area providing habitat to animals;</li> <li>• the importance of the area to Takata Whenua. ...</li> </ul> <p>e) The extent to which the <u>natural</u> environment in and adjoining the site is sensitive to modification.</p> <p>f) The degree to which the activity will adversely affect natural features, geological and geomorphological sites.</p> <p>g) The extent to which previous management practices have already significantly modified the characteristics of the site <del>and the cost to the landowners of being unable to undertake the proposed activity.</del></p> <p>h) the economic effects <u>of not carrying out the proposed activity</u> on the landholder</p> <p>i) the resources required to implement protection.</p> <p>j) the compatibility of the existing land use with the values identified</p>	<p>Accept in part</p> <p>Paras 4.130, 4.137, 4.138 and 4.141</p>

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
			k) the degree of modification of the site. <del>l) the extent to which the vegetation type, habitat or ecological process is already protected elsewhere. ...</del>	
F16	TrustPower Limited	34	Oppose	Accept in part
S638	Department of Conservation	35	Retain 3.11.12 Riparian Management in its current form.	Accept Para 4.148
F75	Royal Forest and Bird Protection Society of New Zealand Inc.	35	Support	Accept
S639	Ashburton District Council	20	Amend this clause as follows: 3.9.10 Indigenous Vegetation Clearance a) No clearance of indigenous vegetation in the Rural C Zone <u>other than as specified in b) and c) below</u> , Group 2 Areas of Significant Nature Conservation, or Hakatere, River Valley, and Front Range Outstanding Natural Landscapes as defined on the Planning Maps shall exceed: ... <u>Except that this rule shall not apply to the Mt Hutt ski-field area.</u>	Accept in part Para 4.115
S639	Ashburton District Council	21	Amend clause 3.9.10 b) as follows: Rule 3.9.10: Indigenous Vegetation Clearance b) In the Inland Mountain Outstanding Natural Landscape or any Group 1 Area of Significant Nature Conservation as defined on the Planning Maps there shall be no clearance of indigenous vegetation ( <del>including by way of uncontrolled grazing</del> ).	Accept Para 4.115
S639	Ashburton District Council	22	Amend clause 3.9.10 c) as follows: c) In, or within 100m of any lake, or 20m of any naturally occurring wetland, river or stream, there shall be no clearance of indigenous vegetation exceeding 100m <sup>2</sup> in area in any one hectare in any one calendar year, <del>other than the clearance of exotic pest plants.</del>	Accept Para 4.115

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S639	Ashburton District Council	29	Amend Standard 3.10.7 as follows: Standard 3.10.7: Indigenous Vegetation Clearance a) In the Rural C Zone, above the Altitudinal Land Use Line (900 metres above sea level) a shown on the Planning Maps, there shall be no removal/clearance of indigenous vegetation ( <del>including by way of uncontrolled grazing</del> ) except for... <u>Except that this rule shall not apply to the Mt Hutt ski-field area.</u>	Accept Para 4.120
S639	Ashburton District Council	74	Changes may be required to the structure of rules in all Zones to provide clarification and avoid any contradiction/confusion over the interpretation of rules.	Accept Para 4.84
F3	Greenstone Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd, Chevron NZ	74	Oppose	Reject
F5	Transpower New Zealand	74	Oppose	Reject
F16	TrustPower Limited	74	Oppose	Reject
F65	Ashburton Licensing Trust	74	Support	Accept
F71	Electricity Ashburton Limited	74	Support	Accept
F80	Federated Farmers	74	Support	Accept
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	6	Acknowledge the biodiversity loss and degradation on the Rural Plains and within the waterbodies due to land use change and intensification.	Reject Para 4.6

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	7	Discuss the importance of the remaining indigenous fauna and flora on the Rural Plains.	Reject Para 4.6
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	8	Discuss the importance of managing land use activities and change to protect and enhance the natural character and biodiversity values of waterbodies within the Rural District.	Reject Para 4.6
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	11	Acknowledge the importance and significance of the remaining biodiversity located on the Rural Plains.	Reject Para 4.7
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	12	Clearly articulate that even though the Ashburton District has 20,000 ha of indigenous vegetation, this vegetation only represents a fraction of the indigenous biodiversity that was once present within the District.	Reject Para 4.7
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	16	Include a discussion identifying Council's intentions regarding the management of land use effects on the natural character of water bodies and their margins, significant natural features and landscapes, and indigenous vegetation and habitats of indigenous fauna.	Reject Para 4.7
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	18	Delete Objective 3.2 and replace with new Objective 3.2 to read: <u>To identify, protect and enhance areas of significant nature conservation value, wetlands and ecosystems; and maintain and enhance indigenous vegetation and habitats of indigenous fauna generally.</u>	Reject Para 4.21
<i>F16</i>	<i>TrustPower Limited</i>	<i>18</i>	<i>Oppose</i>	<i>Accept</i>
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	19	Add new Policy 3.2 B following Policy 3.2.A to read: <u>Council will initiate a comprehensive survey, in consultation with landowners and other interested parties, to identify areas of significant natural conservation value throughout the district within three years of this Plan becoming operative.</u>	Reject Para 4.28

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	20	<p>Amend and renumber if necessary Policy 3.2 B to read:</p> <p><u>Use the following criteria to identify areas with significant conservation values:</u></p> <p><u>Representativeness</u></p> <ul style="list-style-type: none"> <li>• <u>The extent to which indigenous biodiversity represents what was originally characteristic of the ecological district</u></li> </ul> <p><u>Diversity &amp; Pattern</u></p> <ul style="list-style-type: none"> <li>• <u>The extent of natural diversity present within an area. This includes physical, habitat, biological, genetic and ecological processes.</u></li> <li>• <u>Biological diversity can be further subdivided into species (number of species and abundance) and community diversity.</u></li> <li>• <u>Ecotones are particularly important as transitions between adjacent communities or patterns as they are usually very productive and support high species diversity.</u></li> <li>• <u>Some areas are naturally of low diversity, but support the full range of diversity expected for that habitat type.</u></li> </ul> <p><u>Rarity &amp; Distinctiveness</u></p> <p><u>These two are often combined because of their similarities and relationships, e.g. uncommon, unusual or atypical</u></p> <ul style="list-style-type: none"> <li>• <u>The extent to which an area supports an indigenous species, habitat or community which is rare in the ecological district or threatened/at risk nationally.</u></li> <li>• <u>The extent to which an area supports uncommon physical and ecological features in the ecological district.</u></li> <li>• <u>The extent to which an area is characterised by endemism, relict distributions, type localities, distribution limits, atypical bedrock/habitats, unique or specialised species. This includes geological, scientific or other special features.</u></li> <li>• <u>supporting protected indigenous fauna for some part of their life-cycle (e.g. breeding, feeding, moulting, roosting), whether on a regular or infrequent basis</u></li> <li>• <u>playing an important role in the life-cycle of protected migratory indigenous fauna;</u></li> </ul>	<p>Reject</p> <p>Para 4.34</p>

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
			<p><u>Naturalness</u></p> <ul style="list-style-type: none"> <li>• <u>The extent to which the area is modified by human activity, including the presence of weeds or pests.</u></li> <li>• <u>This must be assessed at the ecological district scale to reflect the degree of modification that is characteristic of that district.</u></li> </ul> <p><u>Ecological context</u></p> <ul style="list-style-type: none"> <li>• <u>The extent to which the area has ecological value due to its location and functioning in relation to its surroundings e.g. hydrology, pollination and dispersal</u></li> <li>• <u>An area may be ecologically significant because of its connections to a neighbouring area, or as part of a network of areas of fauna habitat, or as a buffer.</u></li> <li>• <u>The degree to which the size and shape of an area contributes to its natural diversity. Larger areas and its life supporting or carrying capacity. Larger areas tend to support greater natural diversity, and compact areas are less influenced by edge effects. Small areas do contribute to total genetic diversity and may be viable habitats for invertebrates and threatened plants. They can also collectively have increased value e.g. scattered small wetlands used by waterbirds.</u></li> </ul> <p><u>Sustainability</u></p> <ul style="list-style-type: none"> <li>• <u>The long-term ecological viability of an area requires an overview of its ecological values and functioning. Ideally an area should be able to retain its ecological health and values over time, but this will in part depend on management inputs, this may include restoration.</u></li> <li>• <u>This will be more difficult in highly modified areas because of increased ecosystem fragmentation and the effects of adjacent land uses, and in such contexts, restoration initiatives may be of increased importance.</u></li> </ul>	
F16	TrustPower Limited	20	Oppose in part	Accept in part
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	21	Delete Policy 3.2C.	Reject Para 4.41

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
F16	TrustPower Limited	21	Oppose	Accept
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	22	<p>Replace Policy 3.2D with proposed Policy 3.2D outlined below:</p> <p><u>In considering whether to list in the District Plan those areas identified as having significant nature conservation value under Policy 3.28, the Council shall have regard to:</u></p> <ul style="list-style-type: none"> <li>• <u>the economic effects on the landholder (if these are relevant under section 7(b) of the Resource Management Act</u></li> <li>• <u>the threats or risks to the identified values;</u></li> <li>• <u>the resources required and opportunities to implement protection</u></li> <li>• <u>the potential benefits of including the site in the Plan</u></li> <li>• <u>the appropriateness and range of alternative protection mechanisms available and their relative costs and benefits, to ensure their values are recognised and protected</u></li> <li>• <u>in the case of resource consent applications, the relevant assessment criteria.</u></li> </ul>	Accept in part Para 4.45
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	23	<p>Insert new Policy and, renumber accordingly, to read:</p> <p><u>The Council will promote the protection and enhancement of nature conservation values by education, advocacy and assistance to land managers and interested community groups.</u></p>	Reject Para 4.67
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	25	<p>Amend Policy 3.2F to read:</p> <p>Control land uses on land adjoining lakes, rivers and wetlands to <del>maintain or</del> improve water quality and <u>maintain and encourage the enhancement of indigenous biodiversity.</u></p>	Accept in part Para 4.63
F16	TrustPower Limited	25	Oppose	Accept in part

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	30	Amend the wording of Objective 3.5 to read:  Provide for and manage the effects of extraction activities, including earthworks, whilst protecting <u>Areas of Significant Conservation Value, Geoconservation Sites, Outstanding Natural Landscapes</u> and the amenity values of the rural environment and rural resources.	Reject  Para 4.75
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	31	Amend Policy 3.5A to read:  Control the potential effects of mineral extraction, including mineral prospecting, in order to ensure that the operations avoid, remedy or mitigate any adverse effects on <u>Outstanding Natural Landscapes, Areas of Significant Conservation Value and Geoconservation Sites</u> , amenity values and environment of rural areas and on Takata Whenua values.	Reject  Para 4.75
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	32	Add the following bullet point to 3.5 Anticipated Environmental Results as follows:  • <u>Protection of landscapes, natural features, indigenous vegetation and habitats of indigenous fauna.</u>	Accept  Para 4.78
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	33	Amend the discussion in 3.6 Methods of Implementation to incorporate the approach sought by Forest and Bird, re: the process that Council proposes to follow to deal with areas identified as having significant nature conservation values.	Accept in part  Para 4.79
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	47	Amend Rule 3.8.3 as follows:  <del>3.8.3 Restricted Discretionary Activities</del>  <del>e) Indigenous Vegetation Clearance.</del>	Accept  Para 4.93
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	48	Amend Rule 3.8.2 as follows:  <u>3.8.2 Permitted Activities</u>  <u>Indigenous Vegetation Clearance; limited to</u>  • <u>Track maintenance</u>	Reject  Para 4.93

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	49	Amend Rule 3.8.4 as follows: <u>3.8.4 Discretionary Activities</u> <u>x) Indigenous Vegetation Clearance</u> indigenous vegetation clearance/removal in the Rural C Zone.	Reject Para 4.93
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	50	Amend Rule 3.8.5 as follows: <u>3.8.5 Non-Complying Activities</u> <u>x) Indigenous vegetation clearance/removal within an Area of Significant Nature Conservation and in the Rural C Zone, above the Altitudinal Land Use Line (900 metres above sea level) as shown on the Planning Maps, except for vegetation clearance within the extensions to the Altitudinal Land Use Line above 900 metres above sea level (Shown on the Planning Maps).</u>	Reject Para 4.93
F16	TrustPower Limited	50	Oppose	Accept
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	51	Amend Site Standard 3.9.10 as follows: 3.9.10 Indigenous Vegetation Clearance a) No clearance of indigenous vegetation in the Rural C Zone, <del>Group 2 Areas of Significant Nature Conservation, or Hakatere, River Valley, and Front Range Outstanding Natural Landscapes</del> as defined on the Planning Maps shall exceed: <ul style="list-style-type: none"> <li>• 1,000m<sup>2</sup> in area on any site in any continuous period of 5 years;</li> <li>• 100m<sup>2</sup> in area in any continuous period of 2 years, where the indigenous vegetation has a closed canopy over that area and the average maximum height of that canopy is greater than or equal to 3m <u>or 1.5m for grey and other shrublands</u></li> <li>• 100m<sup>2</sup> in area of matagouri or beech (in one continuous block), in any continuous period of 2 years, where the average maximum height of the canopy of the matagouri is greater than or equal to 1.5m;</li> <li>• <del>500m<sup>2</sup> of Chionochloa spp (tall tussock) in any continuous period of 5 years, except where this occurs as a secondary component within an area of improved pasture.</del></li> </ul> <p>Except that within each area separately identified on the Planning Maps as being of</p>	Accept in part Para 4.106

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
			<p><del>significant nature conservation value (Group 2 areas only), no clearance of Chionochloa spp (tall tussock) shall exceed 100m<sup>2</sup> in any continuous period of 5 years.</del></p> <p><del>b) In the Inland Mountain Outstanding Natural Landscapes or any Group 1 Area of Significant Nature Conservation as defined on the Planning Maps there shall be no clearance of indigenous vegetation (including by way of uncontrolled grazing).</del></p> <p><del>Except that this rule shall not apply to the maintenance of existing tracks up to 6 metres in width within Areas of Significant Nature Conservation numbers 17, 25 and 36 in the locations identified in Appendix 3-2 (Maps 1, 2 and 5), including but not limited to earthworks and the clearance of vegetation.</del></p> <p><del>Except that within Areas of Significant Nature Conservation numbers 26 and 26 in the location identified in Appendix 3-2 (Map 3), matagouri may be cleared as part of ongoing scrub management for farming purposes as follows:</del></p> <ul style="list-style-type: none"> <li><del>• 20,000m<sup>2</sup> (2 ha) in area where the average maximum height of the canopy is less than 1.5m, in any continuous 10 year period; and</del></li> <li><del>• 1,000m<sup>2</sup> where the average maximum height of the canopy is equal to or greater than 1.5m, in any continuous 10 year period.</del></li> </ul> <p><del>Note: The canopy height is to be determined over each area of 1 hectare where the vegetation is greater than 1 hectare in area, or over the lesser area where the area of vegetation is less than 1 hectare.</del></p> <p><del>Except that within Areas of Significant Nature Conservation numbers 25 and 26 in the location identified in Appendix 3-2 (Map 4), matagouri may be cleared as part of ongoing scrub management for farming purposes as follows:</del></p> <ul style="list-style-type: none"> <li><del>• 70,000m<sup>2</sup> (7 ha) in area where the average maximum height of the canopy is less than 1.5m, in any continuous 10 year period; and</del></li> <li><del>• 1,000m<sup>2</sup> where the average maximum height of the canopy is equal to or greater than 1.5m, in any continuous 10 year period.</del></li> </ul> <p><del>Note: The canopy height is to be determined over each area of 1 hectare where the vegetation is greater than 1 hectare in area, or over the lesser area where the area of vegetation is less than 1 hectare.</del></p>	

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
			<p><del>e) In, or within 100m of any lake, or 20m of any naturally occurring wetland, river or stream, there shall be no clearance of indigenous vegetation exceeding 100m<sup>2</sup> in area in any site one hectare in any one calendar year, other than the clearance of exotic pest plants.</del></p> <p><del>d) There shall be no clearance of indigenous vegetation on any sites in the Rural A and B Zones, except where it is planted in a domestic garden or used for shelter purposes.</del></p> <p><del>The Council shall restrict the exercise of its discretion in relation to these matters to the effect on nature conservation and landscape values, ecological functioning, Takata Whenua values, natural character, natural hazards and effects on public access, recreation and enjoyment of riparian margins, where appropriate.</del></p>	
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	52	<p>Amend Zone Standard 3.10.7 as follows:</p> <p>3.10.7 General Indigenous Vegetation and Tree Planting</p> <p>a) In the Rural C zone, above the Altitudinal Land Use Line (900 metres above sea level) as shown on the Planning Maps, there shall be no removal/clearance of indigenous vegetation (including by way of uncontrolled grazing) except for the clearance of amenity plantings and vegetation clearance within the “extensions to the Altitudinal Land Use Line above 900 metres above sea level” (as shown on the Planning Maps).</p> <p><u>X) There shall be no clearance of indigenous vegetation within an Area of Significant Nature Conservation.</u></p> <p><u>x) There shall be no clearance of indigenous vegetation in the Front Ranges, Hakatere Basin, Inland Mountains or Major Rivers Outstanding Natural Landscapes.</u></p> <p><u>x) There shall be no clearance of indigenous vegetation on any sites in the Rural A and B Zones, except where it is planted in a domestic garden or used for shelter purposes</u></p> <p><del>b) There shall be no clearance of indigenous vegetation and no earthworks in, or within 20m of, any naturally occurring wetland which exceeds 1,000m<sup>2</sup> in area in any continuous period of 5 years.</del></p>	Reject Para 4.122

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
			<p><u>x) There shall be no clearance of indigenous vegetation in, or within 100m of any lake, or 20m of any naturally occurring wetland, river or stream.</u></p> <p>c) There shall be no tree planting (other than the planting of indigenous vegetation) on any land above the Altitudinal Land Use Line (900 metres above sea level) (other than in the Mt Hutt ski-field ) or within an Area of Significant Nature Conservation as identified on the Planning Maps.</p>	
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	55	<p>Amend Rule 3.8.5 as follows:</p> <p><u>3.8.5 Non-Complying Activities</u></p> <p><u>x) Earthworks within an Area of Significant Nature Conservation, a Geoconservation Site or above the Altitudinal Land Use Line (900 metres above sea level) as shown on the Planning Maps.</u></p>	Reject Para 4.110
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	62	<p>Amend Zone Standard 3.10.7 as follows:</p> <p>3.10.7 General Indigenous Vegetation and Tree Planting</p> <p><del>e) There shall be no tree planting (other than the planting of indigenous vegetation) on any land above the Altitudinal Land Use Line (900 metres above sea level) (other than in the Mt Hutt ski-field ) or within an Area of Significant Nature Conservation as identified on the Planning Maps.</del></p> <p><u>There shall be no tree planting (other than the planting of indigenous vegetation) on or within any of the following areas:</u></p> <ul style="list-style-type: none"> <li><u>• on any land above the Altitudinal Land Use Line (900 metres above sea level) (other than in the Mt Hutt ski-field)</u></li> <li><u>• within an Area of Significant Nature Conservation as identified on the Planning Maps</u></li> <li><u>• within a significant landscape as identified on the Planning Maps</u></li> <li><u>• within an area of indigenous vegetation</u></li> <li><u>• within an area that has been identified as a geoconservation sites as listed in</u></li> </ul>	Reject Para 4.122

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
			<u>Appendix 3-3.</u>	
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	64	<p>The following changes are sought to Assessment Matters 3.11.9: Indigenous Vegetation Clearance but are limited to the following.</p> <p>a) <del>The degree of significance of a species or community of indigenous plants and animals at the specific locality of the proposed activity. In particular:</del></p> <ul style="list-style-type: none"> <li>• the status of a particular species, whether it is rare, vulnerable, or endangered, at <u>risk or data deficient</u> in the District, Region or nationally;</li> <li>• the general rate of decline of a particular species in the District, Region or nationally;</li> <li>• the distinctiveness or uniqueness of a particular community, or group of communities of plants or animals, to the District, Region or nationally;</li> <li>• the <u>natural diversity expect for the particular community range or diversity of species in a particular plant or animal community;</u></li> <li>• the importance of an area providing habitat to <del>animals</del> <u>indigenous fauna</u></li> <li>• the importance of the area to Takata Whenua.</li> </ul>	Accept in part Para 4.131
F16	<i>TrustPower Limited</i>	64	<i>Oppose</i>	<i>Accept in part</i>
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	65	Further guidance on Assessment Matter 3.11.9 b)	Reject Para 4.134
F16	<i>TrustPower Limited</i>	65	<i>Oppose</i>	<i>Accept</i>
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	68	<p>Amend Assessment Matter 3.11.9 as follows:</p> <p>g) <del>The extent to which previous management practices have already significantly modified or modification of the characteristics of the site and the cost to the landholder of being unable to undertake the proposed activity.</del></p>	Accept in part Para 4.138
F16	<i>TrustPower Limited</i>	68	<i>Oppose</i>	<i>Accept in part</i>

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	69	Amend Assessment Matter 3.11.9 h) as follows: h) the economic effects <u>if relevant in terms of s.7 (b) of the Resource Management Act 1991 on the landholder.</u>	Reject Para 4.138
F16	TrustPower Limited	69	Oppose	Accept
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	70	Delete Assessment Matter 3.11.9 k) k) <del>the degree of modification of the site</del>	Accept Para 4.138
F16	TrustPower Limited	70	Oppose	Reject
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	71	Delete Assessment Matter 3.11.9 l): l) <del>the extent to which vegetation type, habitat or ecological process is already protected elsewhere.</del>	Reject Para 4.141
F16	TrustPower Limited	71	Oppose	Accept
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	72	With regard to Assessment matter 3.11.9 n), it is dependent on the resources and management put into the site, and sound information is required about site values, ecology and also restoration ecology.	Accept in part Para 4.145
F16	TrustPower Limited	72	Oppose	Accept in part
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	73	Amend Assessment Matter 3.11.9 p) as follows: p) the <u>appropriateness and</u> range of alternative mechanisms available and their relative costs and benefits.	Accept Para 4.146

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<b>Submission Number</b>	<b>Submitter Name</b>	<b>Point Number</b>	<b>Decision Sought</b>	<b>Recommendation</b>
<i>F16</i>	<i>TrustPower Limited</i>	<i>73</i>	<i>Oppose</i>	<i>Reject</i>

## APPENDIX TWO: DISTRICT PLAN AMENDMENTS

### Section 3: Rural Zones

#### Amend 3.2 Issues

##### 3.2.1 Sustaining the Life Supporting Capacity of Ecosystems, Soil and Water

....

#### Ecosystems and Soil

....

~~The Council is concerned that in some areas loss of vegetation health and cover; changes to vegetation composition; and, over time, decline in soil fertility and health, will damage the land so that it cannot sustain the District's soil, vegetation and landscape resources into the future.~~ Council considers that the health of the both indigenous and pastoral vegetation needs to be maintained to ensure that the underlying soil is sustained in order to meet the needs of future generations.

#### Amend Objective 3.2 as follows:

Protect, maintain ~~sustain~~ and/or enhance indigenous biodiversity and ecosystems by controlling and managing activities that have the potential to affect the life supporting capacity of soils, water quality in the lakes, rivers and wetlands and significant nature conservation values.

#### Amend Policy 3.2A as follows:

To protect and enhance indigenous biodiversity, in particular areas of significant nature conservation values or land above ~~900 metres in altitude~~ the altitudinal land use line, by controlling vegetation clearance, the establishment of buildings, planting of trees, earthworks, and subdivision and development.

.....

#### Explanation and Reasons

.....

The District Plan includes rules controlling vegetation clearance and earthworks:

- in areas above ~~900 metres above sea level~~ the altitudinal land use line;
- in areas of significant nature conservation value;
- in and adjoining wetlands; and
- generally controlling the clearance of tall tussock grassland of the genus *Chionochloa*, and forest and shrubland vegetation greater than 3m in height.

.....

#### Amend Policy 3.2C Explanation and Reasons as follows:

Policies 3.2B and 3.2C set out the criteria that the Council will use to identify areas with significant nature conservation values in the rural zones. These criteria reflect the range of important attributes or characteristics that must be apparent in an area for it to be considered significant. This is not a

checklist which must be completed to “qualify” as a significant area nor does meeting only one of the criteria result in a qualification of significance. The policies provide direction on the qualities that are important in the assessment of an area.

.....

However, it is acknowledged that the introduction of a National Policy Statement and a new Regional Policy Statement are likely to set a new planning framework for use of ecological criteria during the lifetime of this District Plan and will potentially provide both national and regional direction for biodiversity management, including a review of the criteria used for assessment.

### **Amend Policy 3.2D as follows:**

*In considering:-*

- whether to list in the District Plan those areas identified as having significant nature conservation value under Policy 3.2B;
- whether to include rules in the District Plan to avoid, remedy or mitigate adverse effects on the values of those areas identified as having significant nature conservation value under Policy 3.2B, and
- resource consent applications where the Council has discretion to consider the effects of activities on nature conservation values,

The Council shall have regard to:

- the economic effects on the landholder (if these are relevant under section 7(b) of the Act);
- the threats or risks to the identified values including the presence and level of animal pests and weeds;
- the resources required to implement protection;
- the potential benefits of including an area as an ASCV in the Plan;
- ~~the compatibility of the existing land use with the values identified;~~ the extent to which existing land uses would adversely affect the ecological values on the site;
- the degree of modification of the site;
- the extent to which the vegetation type, habitat or ecological process is already protected elsewhere;
- the restoration potential of the site;
- the long term ecological viability sustainability of the site;
- ~~the presence and level of animal pests and weeds;~~
- the appropriateness and range of alternative protection mechanisms available, the resources required to implement them and their relative costs and benefits; to ensure that ecological values are recognised and protected;
- the potential benefits of including an area as an ASCV in the Plan;
- ~~in the case of resource consent applications, the relevant assessment matters~~

**Amend Policy 3.2F as follows:**

Manage and encourage ~~Control~~ land uses on land adjoining lakes, rivers and wetlands to maintain or improve water quality and maintain ~~sustain~~ and/or enhance indigenous biodiversity and ecological values.

**Amend Policy 3.5C as follows:**

**Policy 3.5C**

*Control earthworks including mineral extraction within the District to ensure minimal adverse effects on amenity values and land stability, whilst protecting important geoconservation sites, landscapes, riparian areas and areas of significant nature conservation value.*

**Amend 3.5 Anticipated Environmental Results as follows:**

- Protection of the highly productive and versatile soils of the District.
- ...
- Protection of outstanding natural landscapes, geoconservation sites, indigenous vegetation and habitats of indigenous fauna.

**Amend 3.6 Methods of Implementation as follows:**

...

**Through the Council's LTCCP process**

- Investigate the possible options for employing a Biodiversity Officer or advisor.
- Accessing, coordinating, reviewing, confirming and assessing published reports, resource consent information, and the knowledge and information held by a range of individuals and groups to better understand biodiversity, ecological and indigenous vegetation values.

**Amend 3.8 Rules – Rural Zone as follows:**

**3.8.3 Restricted Discretionary Activities**

The following activities shall be Restricted Discretionary Activities, provided that they are not listed as a Prohibited Activity, with the exercise of the Council's discretion being restricted to the matter(s) specified in the relevant standard or rule:

- a) Any Activity which is listed as a Permitted Activity and which complies with all of the relevant Zone Standards, but does not comply with any one or more of the relevant Site Standards.

...

- ~~c) Indigenous Vegetation Clearance.~~

...

**3.8.6 Prohibited Activities**

The following activities shall be Prohibited Activities:

**a) Surface of Lakes**

- the use of motorised craft on any lake, other than on Lake Camp or any artificial lake;
- the use of non-motorised craft powered by any means other than oars or paddles on any lake, other than on Lakes Camp and Clearwater or any artificial lake.

The following activities shall be exempt from this rule:

.....

- the control and management of Canada Geese

.....

**Amend 3.9.10 Indigenous Vegetation Clearance as follows:**

a) No clearance of indigenous vegetation in the Rural C Zone, Group 2 Areas of Significant Nature Conservation, or Hakatere, River Valley, and Front Range Outstanding Natural Landscapes as defined on the Planning Maps shall exceed:

- 1,000m<sup>2</sup> in area on any site in any continuous period of 5 years; or
- 100m<sup>2</sup> in area in any continuous period of 2 years, where the indigenous vegetation has a closed canopy over that area and the average maximum height of that canopy is greater than or equal to 3m or in the case of shrublands 1.5m; or
- 100m<sup>2</sup> in area of matagouri or beech (in one continuous block), in any continuous period of 2 years, where the average maximum height of the canopy of the matagouri is greater than or equal to 1.5m; or
- 500m<sup>2</sup> of Chionochloa spp (tall tussock) in any continuous period of 5 years, except where this occurs as a secondary component within an area of improved pasture.

Except that:

- within each area separately identified on the Planning Maps as being of significant nature conservation value (Group 2 areas only), no clearance of Chionochloa spp (tall tussock) shall exceed 100m<sup>2</sup> in any continuous period of 5 years.
- this rule shall not apply to the Mt Hutt ski-field area.

b) In the Inland Mountain Outstanding Natural Landscapes or any Group 1 Area of Significant Nature Conservation as defined on the Planning Maps there shall be no clearance of indigenous vegetation (~~including by way of uncontrolled grazing~~).

.....

c) In, or within 100m of any lake, or 20m of any naturally occurring wetland, river or stream, there shall be no clearance of indigenous vegetation exceeding 100m<sup>2</sup> in area in any one hectare in any one calendar year, other than the clearance of exotic pest plants.

.....

~~The Council shall restrict the exercise of its discretion in relation to these matters to the effect on nature conservation and landscape values, ecological functioning, Takata Whenua values, natural character, natural hazards and effects on public access, recreation and enjoyment of riparian margins, where appropriate.~~

**Amend 3.10.7 General Indigenous Vegetation and Tree Planting as follows:**

a) In the Rural C Zone, above the Altitudinal Land Use Line (900 metres above sea level) as shown on the Planning Maps, there shall be no removal/clearance of indigenous vegetation ~~(including by way of uncontrolled grazing)~~ except for...

Except that this rule shall not apply to the Mt Hutt ski-field area.

~~b) There shall be no clearance of indigenous vegetation and no earthworks, in, or within 20m of, any naturally occurring wetland which exceeds 1,000m<sup>2</sup> in area in any continuous period of 5 years.~~

...

**Amend 3.11.9 Indigenous Vegetation Clearance as follows:**

a) ~~The degree of significance of a species or community of indigenous plants and animals~~ fauna at the specific locality of the proposed activity. In particular:

- ~~the status of a particular species, whether it is rare, vulnerable, or endangered in the District, Region or nationally;~~
- ~~the general rate of decline of a particular species in the District, Region or nationally;~~
- ~~the distinctiveness or uniqueness of a particular community, or group of communities of plants or animals, to the District, Region or nationally;~~
- ~~the range or diversity of species in a particular plant or animal fauna community;~~
- ~~the importance of an area providing habitat to animals~~ indigenous fauna
- ~~the importance of the area to Takata Whenua.~~

~~g) The extent to which previous management practices have already significantly modified of modification of the characteristics of the site and the cost to the landholder of being unable to undertake the proposed activity.~~

h) the economic effects of not carrying out the proposed activity on the landholder

...

j) the compatibility of the ~~existing~~ land use with the values identified

~~k) the degree of modification of the site.~~

...

~~n) the long term ecological viability~~ sustainability of the site.

.....

p) the appropriateness and range of alternative protection mechanisms available and their relative costs and benefits.

**Amend Appendix 3-2 as follows:**

- Delete all map references from the “Map reference” column
- Include in the “Map reference” column the appropriate planning map reference/s for each site and set this up as an automatic link to the planning maps

**Section 3: Rural Zones**

**Make all necessary corrections in relation to the 900m reference as follows:**

Page number	Section	Amendment necessary
3-4	3.2 Issues  3.2.1 Sustaining the Life Supporting Capacity of Ecosystems, Soil and Water  Ecosystems and Soil Paragraph 1 of section.	<u>“... and areas above 900 metres in altitude the altitudinal land use line shown on the Planning Maps.”</u>
3-18	Policy 3.2A	Protect and maintain indigenous biodiversity, in particular areas of significant nature conservation values or land above <u>900 metres in altitude the altitudinal land use line shown on the Planning Maps</u> , by controlling vegetation clearance, the establishment of buildings, planting of trees and earthworks.
3-21	Explanation and Reasons to Objective 3.2 and associated policies.  First bullet point on page.	<ul style="list-style-type: none"> <li>• in areas above <u>900 metres above sea level the altitudinal land use line shown on the Planning Maps</u>;</li> </ul>
3-38	3.7.10 Indigenous Vegetation Clearance Paragraph 4 of section.	Generally, areas above <u>900 metres in altitude the altitudinal land use line shown on the Planning Maps</u> are the least modified environments in the District.
3-55	3.9.13 Buildings Part b), third bullet point.	<ul style="list-style-type: none"> <li>• above <u>900 metres above sea level the altitudinal land use line shown on the Planning Maps</u> (except within the Mt Hutt ski-field area);</li> </ul>
3-58	3.10.7 General Indigenous Vegetation and Tree Planting	a) In the Rural C zone, above the Altitudinal Land Use Line ( <u>900 metres above sea level</u> ) as shown on the Planning Maps, there shall be no removal/clearance of indigenous vegetation (including by way of

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	Parts a) and c).	<p>uncontrolled grazing) except for the clearance of amenity plantings and vegetation clearance within the “extensions to the Altitudinal Land Use Line <del>above 900 metres above sea level</del>” (as shown on the Planning Maps).</p> <p>c) There shall be no tree planting (other than the planting of indigenous vegetation) on any land above the Altitudinal Land Use Line (<del>900 metres above sea level</del>) (other than in the Mt Hutt ski-field ) or within an Area of Significant Nature Conservation as identified on the Planning Maps.</p>
9-7	9.2.3 Servicing Power/Electricity Paragraph 3 of section.	It is therefore proposed that all new lines will be located underground within Residential, Open Space or Business Zones and within the Residential and Commercial Areas of the Aquatic Park Zone. In sensitive areas such as geoconservation sites or above the Altitudinal Land Use Line ( <del>900metres above sea level</del> ), this is not possible due to the topography therefore consent will be required for all new lines so any potential adverse effects can be assessed.
14-26	14.8.9 Sensitive Areas Part a), second bullet point.	<ul style="list-style-type: none"> <li>• on any land above the Altitudinal Land Use Line (<del>900metres above sea level</del>) as shown on the Planning Maps, other than within the Mt Hutt Policy Area;</li> </ul>
15-7	15.11 Assessment Matters – Temporary Activities Clause e), second bullet point.	<ul style="list-style-type: none"> <li>• Areas of Significant Nature Conservation Value or above the Altitudinal Land Use Line (<del>900 metres above sea level</del>).</li> </ul>

**APPENDIX THREE: ECOLOGY REPORT BY BOFFA MISKELL LTD**