



<b>Notes for:</b>	SDC Ecosystems & Indigenous Biodiversity Working Group –District Plan Review			<b>Date:</b>	11 Apr 2018
<b>Meeting held at:</b>	SDC Head Quarters, 2 Norman Kirk Drive, Rolleston				
<b>Time:</b>	3.00pm-6.25pm			<b>Room:</b>	Councillors Lounge
<b>Name</b>	<b>Initis</b>	<b>Title/Role</b>	<b>Name</b>	<b>Initis</b>	<b>Title/Role</b>
<b>Working Group Members:</b>					
Murray Lemon	<b>Chair</b>	Chair (Councillor SDC)	Jennifer Miller	<b>JM</b>	Forest & Bird
Ben Rhodes	<b>BR</b>	S & P Team Leader SDC	Lionel Hume	<b>LH</b>	Federated Farmers
Herb Familton (Substitute for Ken Murray)	<b>HF</b>	Department of Conservation	Peter Graham	<b>PG</b>	Landowner
Scott Pearson	<b>SP</b>	Fish & Game NZ	Johannes Welsh (Substitute for Sam Leonard)	<b>JW</b>	Environment Canterbury
Jenny Ladley	<b>JL</b>	Landowner (University Canterbury)	Hamish Rennie	<b>HR</b>	Waihora Ellesmere Trust
<b>Absent:</b>					
Lizzie Thomson	LT	Mahaanui Kurataiao Ltd	Sam Leonard	SL	Environment Canterbury
Paul Horgan	PH	Mahaanui Kurataiao Ltd	James Guild	JG	Landowner
Ken Murray	KM	Department of Conservation			
<b>In Attendance</b>					
Stephanie Styles	<b>SS</b>	Group Co-ordinator Planning Consultant (Boffa Miskell)	Andrew Spanton	<b>AS</b>	Biodiversity Co-ordinator SDC
Andrew Mactier	<b>AM</b>	Group Co-ordinator S & P Planner SDC	Elisha Young-Ebert	<b>EYE</b>	Federated Farmers
Tina Van der Velde	<b>TV</b>	District Plan Administrator SDC (Note taker)			



## Agenda:

Item #	Item	Lead
1.0	Representation to the Group	JM
2.0	State of the Environment	AM
3.0	Refresher on Statutory Requirements	SS
4.0	Summary of Other Approaches / Discussion on Approach to Rules	SS

## Notes:

Chair: Opened the meeting at 3.12pm.

Chair discussed that he would like to thank James Guild (not present) for the organisation of the last field trip. Landowners were willing to open up their farms and answer questions. Field trip was very valuable. All group members agreed.

### 1.0 Representation to the Group (Jen Miller, Forest and Bird)

JM: Explained that she is representing Canterbury / West Coast Regional Area for Forest and Bird and also looking after National Policy Statement for indigenous biodiversity as well as many other projects. JM Explained that at the last 2 field trips Nicky Snoyink attended on Forest and Bird's behalf in her absence. JM requested that on behalf of Forest and Bird that they have 2 representatives around the table so when Jen is not able to attend Nicky is able to. JM is concerned that Forest and Bird are the only conservation voice around the table, numbers around the table are more representative of farmers. Primarily it is having someone having a conservation voice around the table.

Chair: Advised that Terms of Reference (ToR) are clear and one of commitments is timeframe and number of meetings that members must attend. Chair has concerns that this could open up flood gates for representation around the table. If group agrees to update ToR and add or change representation, we may run into a shift in time frame which could be problematic due to requiring District Plan Committee approval and their meetings are booked for months ahead.

AM: Explained District Plan Committee process.

SP: Asked about having one representative per organisation as a proxy approach.

JM: Expressed her feelings on being the lone conservation voice at the table and other forums, and the only formal conservation voice.

PG: Has attended every Biodiversity meeting and believes conservation voice has been well represented throughout the forum.

Chair: Suggested alternative option such that of skype if JM is unable to attend meetings in person.

JM: Advised she has calendared dates in for the future Biodiversity Working Group meetings and unfortunately they clash with other meetings and she is not able to get out of NPS work.



BR: Agreed that proxies are fine but that multiple representatives are not ideal.

Chair: Advised that members are named in the working groups Terms of Reference (ToR) rather than organisation only. Chair noted JM's concerns.

BR: Raised the option for observers from organisations to sit around table but not have a voice.

JW: Supports the option of a proxy and advised that Sam Leonard from Environment Canterbury is a Planner and it would be handy if they could work together to bounce ideas off each other and debrief after meetings.

JM: Raised concerns with providing a proxy/substitute in working group as you want to build a relationship with each person in the group, building trust to have free and frank conversation. JM indicating there would not be a certain level of trust with someone who substitutes in every now and then.

Chair: Reminded group that as per ToR each member has agreed to a certain level of commitment as a named representative to the Working Group. Therefore must have consistent membership in the group.

EYE: Explained she was new to Federated Farmers, and only saw ToR in the last couple of days, she would like to attend more as an observer. Also Lionel has other commitments so may not be able to attend some future meetings, therefore she would step in. EYE was unaware that there should not be more than one person representing her organisation.

LH: Agreed.

HR: Has no problem with observers being here. He believes observers will help the group's work, if there are two representatives from one organisation only one is to have a voice- the main advocate for the organisation.

Chair: Hearing that a lot of the group are for observers, Chair has no issue with observers but asked AM for clarity of how we would go about this and what that means for numbers in the group.

AM: Responded by asking how do we go about landowner representatives / substitutes who are not represented by a specific organisation?

PG: Suggested that substitutes would not work for landowners as you cannot bring in substitutes who are not up to speed. But agree each organisation should be represented around the table at all meetings.

BR: Advised we must be clear who is speaker / observer for each organisation at each meeting.

AM: Suggested a pragmatic approach with no change in ToR required.

Chair: In summary provided we get a reasonable degree of notice one observer per organisation can attend in addition to the nominated speaker. It must be clear who is observer / speaker is. Will leave up to organisation to liaise with Tina prior to each meeting.



## 2.0 “State of the Environment” presentation

AM: Spoke to his presentation.

Monitoring and enforcement –AM provided a presentation of the Monitoring and Enforcement process with the focus on the Selwyn District Plan vegetation clearance rules.

Complaints – Compliance team generate service request and then attempts to prove or disprove that there has been a breach of the rules in the Selwyn District Plan beyond reasonable doubt.

Considerations made during the investigative process – Any historic records of SNA's (Significant Natural Areas) on property, historic records of previous offending and any resource consents applied for including those withdrawn.

Site visits- These are arranged to identify if vegetation has been removed and if these activities are permitted in the rules. Evidence is gathered and a findings report is produced. Discussion with regulatory manager for enforcement decision and debrief on findings and further prevention.

There are a number of reasons why enforcement has not progressed historically: The enforcement team need to be able to prove in court that something has happened and provide evidence. This can involve proving what vegetation existed prior to alleged removal and the quantity of indigenous vegetation in the area of alleged removal. This proof is difficult to gather.

AM: Discussed feedback provided to him from the Monitoring and Enforcement Team Leader.

### State of the Environment:

It is known that prior to humans arrived in the country there was a pristine environment, since then land and vegetation has continued to degrade throughout the years.

AM: Provided an explanation of the diagrams in his presentation showing rate of loss- diagram provided by Biodiversity Strategy of New Zealand (2008).

Timeframe of consideration of issue is 2004 (as this is when there were rules in the District Plan largely became operative) to 2018.

AM: Explained data sources.

Found that between 2001 - 2012 there are eight distinct geographic areas affected by loss - approximately 457 hectares of land suffered indigenous biodiversity loss.

AM: Provided a map of Mt Snowdon area and airstrips which was part of field trip last month. The coloured areas on the map indicate that these areas have been modified between 2001 and 2012.

AM: Explained 'other data sources'.

AS: Provided before and after snapshots of land that has been cleared - some information was provided by a Boffa Miskell survey. Land owners were not identified.



AS: Explained what type of vegetation / flora had likely been removed, and for areas where there had not been an ecological survey, ecologists advised AS what was likely to be there based on their expert opinion.

JM: questioned why fauna has not been included.

AS: Agreed that associated fauna would have been lost with the vegetation.

SS: clarified that there is a focus on vegetation as this is what has been done traditionally. SS provided an example of the bat protection in exotic vegetation in Timaru – cannot cut down trees that provide a native bat roosting site.

AM: added that the rules in current District Plan does not specifically mention fauna.

‘Discussion around habitats and SNA’s.’

LH: questioned how the type of vegetation was determined.

AM: responded that for the sites that are not identified as potential (from various historical sources) or confirmed SNAs it is an educated guess by ecologists of what was likely there, based on their expert opinion.

JM: questioned what the follow up was for Council in regards to the cleared sites. Was there resource consents applied for? Asked to clarify outcome.

AM: Land Cover Data Base showed nothing happened, but this information presented shows that it has happened (native vegetation removal) but there were no reports or resource consents applied for. The basic issue here is the lack of knowledge and proof, such as vegetation surveys.

AM: The District Plan knows what values need protecting but in terms of site specific – some of the ‘before’ photos were pre 2004 so it isn’t even certain that there has been a breach of the plan in those circumstances.

JM: Commented that with the District Plan Review we need to determine how fit for purpose is the current plan. What more information needs to be sought? Council has responsibility for Indigenous Biodiversity and halting the decline, enhancing biodiversity is the next step.

PG: Asked how many hectares of land has been lost and how many hectares have been protected. Landowners need figures to work with to get a better picture of where are we now? Need to identify what the actual problem is.

SS: Commented that there are a number of different protection processes and most are separate from the district plan.

PG: QEII Covenants come with a cost to the landowners. What farmers want to know is what the net position currently is?

AM: What we are trying to show here is that it is very difficult to provide specific and accurate data without ground trothing wide areas.

AS: Discussed area of QEII covenants and SNA’s.



AS: Provided snapshots of some planting areas. Adding Planting native plants – discussed areas that have been planted and creating new habitats but the original conditions will never be replaced.

AM: In summary there has been significant change to the Districts indigenous vegetation cover pre District Plan before vegetation clearance rules became operative.

There are still clearance issues and on-going issues with monitoring and enforcement and legibility of rules.

Good work being done by landowners with fencing, weeding, QEII covenants and pest control.

Statutory Agencies and Non-Government Organisations (NGO's) – there is now significantly enhanced coordination of biodiversity management planning and activities and sources of funding provided to support landowners with protection, management and enhancement.

Chair: Identifying first step - what loss there is and how we are going to enable those areas of biodiversity to be protected.

AM: It depends what approach we are going to take, whether its rules, monitoring and enforcement or putting more support in Andrew Spanton's role out there working with landowners.

Chair questioned if it is part of the group's scope to decide how monitoring and enforcement will take place. What is the resourcing for this work?

AM: Responded that the groups focus is to develop the new District Plan framework. The council is then required to monitor and enforce the Plan. This Group can make comments/recommendations that monitoring and enforcement needs to be improved (through various mechanisms), Council can take that recommendation on board, but the Plan Review process doesn't resource operational matters – that needs to be funded through Annual and Long Term Plan processes

BR: Questioned potential SNA's list - how do we identify them?

EYE: Did the committee ask are the current rules fit for purpose?

SS: Responded that this is essentially the group's purpose, because the rules are not fit for purpose.

JM: Touched on loss and added she does not agree with net loss and net protection. Indigenous vegetation is not all the same. We need to be considering this in an ecological perspective.

PG: Commented that there are on-going costs associated with protection of QEII covenants (discussed knowledge of this as a landowner with a 40 year old covenant on his property). Need to value the protection that is being provided by landowners. Balance cost of protection with the use of the rest of the land.

JM: Is not comfortable at this point with Council not knowing figures for what is out there. Without the knowledge the Council cannot follow up on enforcement.





AM: Responded that point of SNA's programme is to identify significant areas and their existing vegetation

One issue is Farmers are not willing to have a whole farm assessment. Council does not push back on this as it is unlikely they would get anything from pushing back.

SP: Questioned do we take the view of Biosecurity NZ – (used example of only looking at certain boats as opposed to all boats). If we do not have a current state of what is out there we cannot trust farmers to tell us what is out there?

AM: Responded that the District Plan tells us to work in a collaborative manner with landowners. Council have not always been able to do that because of resourcing issues.

JM: Commented Council is to have a sense of key sites and the methods that can be used. Council has to protect significant vegetation and a statutory requirement to protect biodiversity and the Biodiversity Working Group is a way to help the Council to do this.

SS: The Regional Policy Statement requires at least general rules that identify and protect Indigenous Biodiversity and can choose to protect SNA's.

PG Questioned do you think you would get more outcome in a volunteer system or a monitoring compliance system?

AM: Until a voluntary process is shown to work we need rules.

HR: This is not a net loss issue. Protecting becomes a fall back baseline if using the fall back (volunteering) – Way of identifying, Council has to identify them from the outset.

Chair: What baseline assessment / information do we need?

SS: Information for the Council to do its job in enforcing current or future rules (has to happen) currently not happening. We cannot make this happen but we can influence results.

SS: Asked the group is there any other information that group needs (baseline data) that is necessary to continue our piece of work?

JL: Responded that she would like to see more information in relation to current protection.

AM: We can look at Resource Consent and QEII data. An attempt in inventory of what we can gather.

JM: A presentation from an ecologist to set the scene of what is in the district, what is particularly special and what is left of particular significance.

SP: Raises the point of what we choose to prioritise and what we don't – what is of high value and what is our focus. Need to know what the farming communities goals are with their land. What are the likely changes to land use and management practices. A conversation that will be useful about management.

Chair: Added this was part of the reason for the High Country field trip.

AM: Threatened Environments of New Zealand. Most of the District is in priority 1 area especially Canterbury Plains and Malvern Hills.

There is a lot of data for a lot of sites. Once we have landowner buy-in then discussion will be raised with intention to provide an ecological assessment.



BR: Are they going to be identified in the plan and a degree of rules around vegetation. Resourcing point of view going forward once we have the framework.

JM: Questioned what is the intention of SNA's?

AM: Responded criteria an ecologist can apply.

JM: Would you do a desktop analysis

AM: We have to determine if we are going to list or not? Case law analysis shows that desktop analysis is enough proof.

SS: Added more recent case law shows desktop analysis can be risky.

SS: Group to decide whether the Council Plan should have SNA's.

JM: Encouraging Council to find out what they have first.

At this point I do not think we should be making a decision around SNA's / Vegetation. JM thinks it is too early at this point.

SS: Responded that the decision fundamentally sets out continued decisions.





### 3.0 Refresher on Statutory Requirements

SS: Provided a Refresher on Statutory Requirements and some summary guidance from presentation in very first Biodiversity Working Group meeting.

Primarily remind everyone of is the key direction of the RPS. District Plan has to “Give effect” to the RPS.

Have to have key objectives and policies to identify and protect.

Methods for District Plans:

- **will** include objectives and policies to identify and protect significant natural areas;
- **may** include methods to identify and protect significant natural areas;
- **will** include appropriate rule(s) that manage the clearance of indigenous vegetation.

SS: Commented there have been a lot of problems in regards to definitions and provided an example of a definition in a rule.

Chair: Commented that it is better to have clearly defined SNA's to know what there is or rely on applying for consent.

SS: Provided a summary of other approaches from other Councils in the surrounding areas of Selwyn. (Handout)

Different ends of spectrum Timaru to Hurunui in regards to identifying SNA's.

Hurunui similar lack of knowledge to Selwyn as to what is out there.

JM: Does Council have a figure of how many Resource Consent applies to clearances at stations?

AM: Responded have done approximately 52 assessments.

Chair: Provided an example of Mananui Ramsden from Environment Canterbury who is part of Te Waihora Zone committee. Mr Ramsden uses a collaborative approach with landowners. Asked Steph is that what you found in Timaru?

SS: It could be a method of a starting process.

JM: Be aware the SNA process in Timaru was done over a long period of time -11 years, trust and respect was built. Through this process you need leadership, time and money (resourcing).

Chair: Establishing a process so SNA criteria can be made.

SS: Believes group is not in a position to decide today but needs to keep thinking about this issue until the next meeting.

Chair: After break – Four positions are we able to say how this works in position for a landowner?

SS: Summarised draft provisions. –SS not to have a decision today but next meeting on a favoured approach.



*'Meeting adjourned for a 15 minute break at 5.10pm'*

*'Meeting reconvened at 5.25pm'*

#### **4.0 Summary of Other Approaches / Discussion**

SS: Spoke to the print out.

Differences that play out in a rule level:

Primary decision made next month at the next Biodiversity Working Group meeting should Council have any SNA's or none?

Options:

- No SNA's – only general rules
- Some SNA's (with specific rules) and some general rules
- Many SNA's (with specific rules) and fewer general rules

Discussed activities and draft provision summaries:

Christchurch - A similar approach to Timaru.

Provision for likely areas subject to further investigation.

The way the rules play out is different.

Ashburton: A lot of work done around what type of species and parts of the district – canopy etc.

A lot of it done with participation with landowners.

It got quite complex.

HF: Commented about tailoring rules to each district e.g. rural c zone. Something to think of.

SS: Ashburton quite simple – High Country with mixes of modification / plains.

Selwyn would term it about 4 distinct land parts.

Hurunui: Highly contested: No non-complying activities, a lot in the middle some at the start.

Theoretically farms may have to get consent every time they get a tool out. It meets the requirements under the RPS.

SS: Explained that these are examples we can come back to.

Where you have general rules you potentially require multiple consents. Where more defined SNA's there will be farms that will not need consent at all or potentially only for discrete activities.

JM: Definitions are very important and must get them right.

SS: Agreed.

PG: Questioned do all SNA's have the same value?

SS: Responded SNA's are identified through a set of criteria that are valued based: Assessed by an ecologist – if passes a threshold for significance it is a SNA but no scale against other SNA's value- line of significance either over it or under it. Technical assessment from experts.



Chair: Asked about Mud Fish in water races, through SNA's could we identify water races as an SNA's?

SS: Yes potentially.

PG: Asked about fencing.

SS: Identified SNA's will not require fencing as such, it may come later with QEII covenant or other processes. It is the obligation of farmer to protect the SNA's so sometimes it is the best approach for farmers own certainty to fence and protect SNA's.

AM: Incentive to manage SNA's accordance to farm management plans for Council to help out with costs.

JM: Focus on statutory requirements – body of knowledge for more innovative ideas.

BR: Council can recommend different ideas.

SP: When a complaint comes through this triggers compliance process, more monitoring resource. Or SNA's more Biodiversity officers like Andrew Spanton? Incentive of rate payers funding SNA's process.

HF: Talked about general rules and SNA's – other is looking at positive reward rules, providing for subdivision rules.

Chair: Questioned can we have a rate remission on having an SNA's on your property?

AM: Yes but is not a high remission, figure is set at \$300 a hectare.  
Gave an example of landowner having 50% of his land as SNA's worked out \$3 remission.  
We can suggest to provide a higher figure, but is it effective?

JM: Her observation – leaders of the farming community have a high impact and have a significant influence on farming community to take approaches.

SS: Relationship with ecologist built over time with trust and respect built up.

HR. Implementation of plan. People wield influence. But what happens if one person leaves. We should be focusing on what we can cover.

SS & AM: Will provide an agenda for next month to guide us making decisions on whether to include any SNA's to be listed in the District Plan or not.

Chair: Questioned will we just be deciding whether to include SNA's or we make those rules.

HF: SNA approach – have to look at what information is available. Example Cragieburn (through the Protected Natural Areas Programme) reasonably comprehensive look at what information is out there.

HR: Questioned the relevance of certain reports (Cragieburn PNAP).

JM: Can be used for desktop report but cannot reply on them.



SP: Wants to know timeframe / wants to know budget for Timaru during this timeframe.

SS: Reiterated process that this working group will make a recommendation to Council (DPC committee).

Chair: Thanked everyone and closed meeting at 6.25pm.

#### **6.25pm Meeting concluded.**

##### **Action Table:**

<b>Team Member</b>	<b>Action</b>
<b>AM &amp; SS</b>	Agenda for next Month's Biodiversity Meeting