



Notes for:	SDC Ecosystems & Indigenous Biodiversity Working Group –District Plan Review			Date:	16 May 2018
Meeting held at:	SDC Head Quarters, 2 Norman Kirk Drive, Rolleston				
Time:	3.10pm-6.32pm			Room:	Executive 1
Name	Initis	Title/Role	Name	Initis	Title/Role
Working Group Members:					
Murray Lemon	Chair	Chair (Councillor SDC)	James Guild	JG	Landowner
Ben Rhodes	BR	S & P Team Leader SDC	Ken Murray	KM	Department of Conservation
Elisha Young- Ebert	EYE	Federated Farmers	Peter Graham	PG	Landowner
Scott Pearson	SP	Fish & Game NZ	Hamish Rennie	HR	Waihora Ellesmere Trust
Jenny Ladley	JL	Landowner (University Canterbury)	Sam Leonard	SL	Environment Canterbury
Apologies					
Paul Horgan	PH	Mahaanui Kurataiao Ltd	Lionel Hume	LH	Federated Farmers
Jennifer Miller	JM	Forest & Bird			
In Attendance					
Stephanie Styles	SS	Group Co-ordinator Planning Consultant (Boffa Miskell)	Andrew Spanton	AS	Biodiversity Co-ordinator SDC (Note Taker)



Agenda:

Item #	Item	Lead
1.0	Refresher on last meeting:	SS
2.0	Discussion on whether to incorporate SNAs or not:	SS
3.0	Discussion on process:	SS
4.0	Discussion on approach to rules:	SS
5.0	Next meeting:	SS

Notes:

Chair – Opened meeting at 3.10pm

Chair - It was noted that there was no representation from F&B and MKT.

SP – noted that he didn't receive notes from last meeting. Tina will check contact details.

PG – complimented Tina on the quality of the minute taking from the previous meeting, and this was endorsed by others.

SS – Did a refresher from the last meeting. She notes that SDC staff are continuing to add more baseline information as requested by the Group but noted the difficulty of obtaining some of the information requested for example around vegetation loss.

KM – Tabled the "Public Conservation areas" document as previously requested by SDC staff.

SS –Continued the refresher from the last meeting. She discussed the parameters and statutory drivers that require policies and methods to identify and protect SNA's and appropriate rules to do this. Clarity was provided that Plans may have methods to identify SNA's but must have rules for vegetation clearance.

Need to be clear that SNA's are a tool for managing and identifying and protection but are not a be all and end all.

There had been a comparison of approaches by the different TA's.

The Group is here to come up with a valid approach for the Selwyn District.

Chair – are there any questions from last meeting?

Does JG need any information from last meeting (which he was unable to attend)?

JG – is 'significance' defined?

SS – the RPS criteria determines this.



JG – Expressed that ‘devil was in the detail’ particularly around what is significant. There can be some different results relevant to the views of the different assessors/ecologists.

SS – Agreed but the RPS has the criteria assessment to provide that clarity. The criteria is narrower than it used to be plus there are more ecologists with relevant experience available now. However although narrower and clear assessments are still down to expert opinion.

JG – how tested has the criteria been?

SS – SDC is not responsible for the criteria. SDC has to use the RPS criteria, which has come through the RMA process in developing the RPS.

No one has challenged the criteria at a District level as it has to be give effect to the RPS.

Chair – Regardless of rules, significance has to be determined by the RPS criteria

HR – how many SNA's have been assessed?

AS – at this stage we have around 60 and SDC is currently assessing more now.

HR – If 60 are added to the plan what about the unknowns?

SS – Item 3 on Agenda will discuss how to deal with unknowns. First question is ‘do we want to have SNA's in the plan’? Some landowners do want them, others don't. There are different approaches from Councils.

PG – have any SNA's been done that landowners aren't aware of?

AS – no – all landowners are fully involved in the process.

SS – although aware of the assessments they may not be fully aware of the potential impacts/outcomes (e.g. listing in the plan).

PG – do covenants need to be SNA's too? What are the benefits?

KM – discussed other plans and rules – on conservation estate there is no absolute protection as such, particularly around mining.

PG – asked JG if anyone has mined QEII covenants.

JG – no.

SS – some covenants allow grazing and some don't. There is room to work in with the land management needs. QEII provides very good protection but there are questions in some camps regarding whether it is as strict as SNA protection through district plan provisions.

JG – In other areas many landowners prefer covenants. And 98% of covenants in the last 4 years meet at least 1 of the RPS criteria. Covenants cannot be overturned.

EYE – the District Plan rules do note covenants as a protection method in Appendix 12



SS – that no longer applies but the Group can determine this - the significance of covenants and their relationship to the district plan provisions.

Chair – QEII could be involved in the conversation going forward.

JG – yes that can happen. QEII is very careful with the quality of the sites. Surveying and ongoing monitoring is very important and is carried out.

JL – can QEII covenants be a subset of SNA's?

JG – each site is on its own merits. Commercial activity is difficult to accommodate in covenants but it does happen in some cases. JG is wary of this. There is a lot of cluster effects – growth of covenants in certain areas, and the 'soft' approach is key.

Chair – are there any thoughts?

SL – discussion of whether or not to have SNA's is a red herring. Because all vegetation is significant. What you call it or how you treat it doesn't matter as long as there is a rule(s).

Chair – it's best to be upfront and clear with landowners.

JG – PNA surveys in the past did damage relationships and trust with landowners.

EYE – how do covenants sit with SES's in the CCC plan?

KM – CCC plan is effectively ultra-vires so CCC has a major problem. SES's have no rules linking back to them. It's an inoperative plan basically.

SS – CCC are trying to achieve a range of outcomes based on the known, and unknown approaches. This indicates options to the Group.

Chair – how would that process work regarding setting the level of detail? Should we park that level of detail?

SP – yes let's focus on the high level of detail.

KM – yes, it needs to be more than just SNA's but should include SDC operations. We need agreements to bring in the major landowners such as the University of Canterbury (UC).

JL – no one has talked about the Overseas Investment Office process. Some farm owners/managers have not taken any notice of the conditions on the agreements.

KM – are the UC lands protected?

JL – no, it's in the detail of the individual leases.

PG – if everything is significant then nothing is significant. There is an inverse relationship between compulsion and cooperation. Desktop analysis is not enough. For this to work you need to have landowner cooperation.



EYE – the high level starting point is useful including objectives and policies for Selwyn. We need to make sure that we don't create unintended problems. There should be commitment from Councils to this partnership and commitment in the long term.

BR – there may be new sites but you need landowners cooperation. SDC needs to step up with regard to resourcing and staff are considering this.

Chair – he will advocate for this with the Councillors especially from an LTP perspective.

BR – this Group makes a recommendation to Council on an approach. Council will make a decision on what approach will be taken and that will then be open for public submissions.

Chair – AS how do you see it?

AS – the importance of the SNA process is not just in the assessment of the SNA's but in the ecologist's recommendations regarding how the site should be managed. And working with the landowners to discuss and plan biodiversity protection and enhancement work regarding the site management recommendations in the assessment document.

Part of the success of the Timaru process has been the ability of the ecologist Mike Harding to get landowner enthusiasm and 'buy in' to protection and management of the sites.

PG – you can use incentives or rules – which work better?

SL – being up front is key – what do the rules surrounding a SNA mean for the landowner?

There needs to be a level of trust, and relationship and support from the Council.

KM – there are some issues at Te Waihora regarding resourcing.

JG – start with 2 non negotiables – significance and the need for rules is out of our hands.

This largely has to be driven through incentives and assistance. And to make linkages with people who have money to spend who are able to help provide funding – as has happened in other areas.

On a district basis there are many people and organisations who want to get involved and assist.

Chair – we can achieve that over the long term and we have time to achieve that.

BR – if you don't list SNA's then the rules apply. If you do list then incentives apply.

SS – 'if you have that, then you get this'.

HR – landowners need some certainty.

SS – in Timaru they started with general rules but landowners needed some certainty. Assessments by (ecologist) Mike Harding said that under current management the SNA



is ok. So SNA's provided certainty on what you can do in them but elsewhere on the land you can develop.

They have looked at general rules for areas of high levels of significance – on steep slopes, above 900m, and waterways. This approach leads to less rules and greater certainty.

JL – in the Selwyn there are two extremes of land - modified plains and big high country farms who have biodiversity but are also developing pasture land.

SP – he recently visited Middle Rock station. They have a 3 paddock approach and it works impressively with regard to drought and ecology. If they keep doing what they are doing that is great.

If we take the Timaru approach then there is a massive amount of work regarding getting SNA assessments done.

We could have 3 categories of farms – very good, good, and not so good. Maybe the focus needs to go on the lowest category of farms.

The recently released "Our Land 2018" paper has shown large vegetation change and loss, and associated land intensification pressure.

<http://www.mfe.govt.nz/publications/environmental-reporting/our-land-2018>

Once we recognised the tiered approach (very good, good, and not so good farms) then we could focus on the areas where we are not winning. We need to prioritise our approach.

HR – this is the CCC approach – to prioritise.

Chair – have we got to the point where we decide to have SNA's identified in the plan or not?

SS – we can have no SNAs and general broad rules or some SNA's and general rules that are differently targetted.

PG – if there are no SNA's then it is difficult to apply incentive funding?

SS - yes identifying SNA's identifies who needs what help, and where.

KM – can it help nutrient offsetting with FEPs?

SL – FEP's can require the need for recognition of SNA's.

JG – are SNA's optional?

SS – almost all of SNA assessments cost is covered by Council. Otherwise the landowner can pay all the costs like consenting.

Chair – do we have consensus on this? Do we support SNA's?

JL – yes, we have to have SNA's.

JG – yes, let's not do it through the courts.

SL – yes, we need to give effect to the RPS.

EYE – yes, ecological reports need to work within a robust framework (for example, peer-reviewed ecological reports and full agreement/collaboration with landowners).

PG – yes, in a small number.

KM – yes.



HR – to provide certainty. Criteria is the criteria. They exist regardless if they are in the plan or not.

BR – yes.

SP – yes.

EYE – what mechanisms are behind the SNA's?

Chair – we have a unanimous consensus for Yes to identifying SNAs in the proposed plan.

Break - tea, coffee and food.

Chair – called the meeting back to order.

Chair – thank you (to the Group) for the decision and consensus.

Apologies for BR for not being involved in the voting process, for being overlooked. BR indicates that he votes yes.

We need to give those not present the opportunity to respond to the decision.

We now have had some commitment about process.

SS – Moving on from this decision, we have some options around the future assessment process for other SNA's. We have 60 sites eligible to go on the plan and we can add to that number if Council chooses to continue identifying and assessing SNA sites prior to the plan being publicly notified.

Some assessments may be done concurrently to the DPR.

The DP can remain silent on SNA's going forward or alternatively this plan could give direction as to what process will be used to identify SNA's – for example putting a review process in place.

How you write that into the DP can be difficult.

Key question for the group is; do you codify that into the DP? Or not?

AS – what do we do with landowners who choose not to list in the plan?

SS – then they lose incentives for having an SNA and the site may be classified separately.

KM – discussed water races and their classification.

Chair – does anyone around the table need clarification around the ability to make SNA information public?

SS – Council may need to get a legal opinion on this. There are other legal opinions on this matter.

With an SNA you need a lot of detail regarding mapping it.

KM – SDC does need to consult.

JG – to AS – how long would it take to get the SNA's assessed?

AS – we would have 600 plus sites given the diversity and size of the landscapes. We have completed 12 in last 12 months so it could be a long process.

Chair – what triggers can be used to get more SNA's? The OIO process? Or consenting?



AS – FEPs can help to assist the need for SNA's and biodiversity protection, but aren't doing this currently as well as they could. FEPs often recognise the need to show SNA's but this is almost irrelevant when we have few of them in the District.

JG – if you have an SNA what can make it attractive? Rates remission?

Buying groups like Fonterra can pay more for milk off farms with good environmental management practice.

It's not all up to the Council. There are other alliances out there.

What happens when a SNA is created over time - for example when kanuka grows and a wetland forms, or with native planting projects?

HR – can the plan recognise good land stewardship?

SS – this can be seen in DP provisions for sub divisions where SNA's are protected. Bonus lots can be allowed.

PG – it needs to have some serious dollars behind it. A true incentive.

KM – Western Bay of Plenty DC has done this.

SS - Councils can try and explore this - good process.

To answer JG about the creation of SNA's like natives growing over time – that's where we need reviews of the sites in the future.

JG – described a situation with removing willows - nutty situation.

If you need landowner 'buy in' then you need to remove hurdles.

SP – was in the High Country last week. If you leave matagouri then it gets too thick for stock movement. How can a farmer still farm a SNA where necessary?

SS – rules can be tailored for properties as a 'work through' process.

Chair – reflected on good management practice at High Peak Station.

How prescriptive are the Group to get regarding the management of SNA's?

SS – not discuss rules in detail now but we will need to address this.

We can talk about what is happening in SNA's.

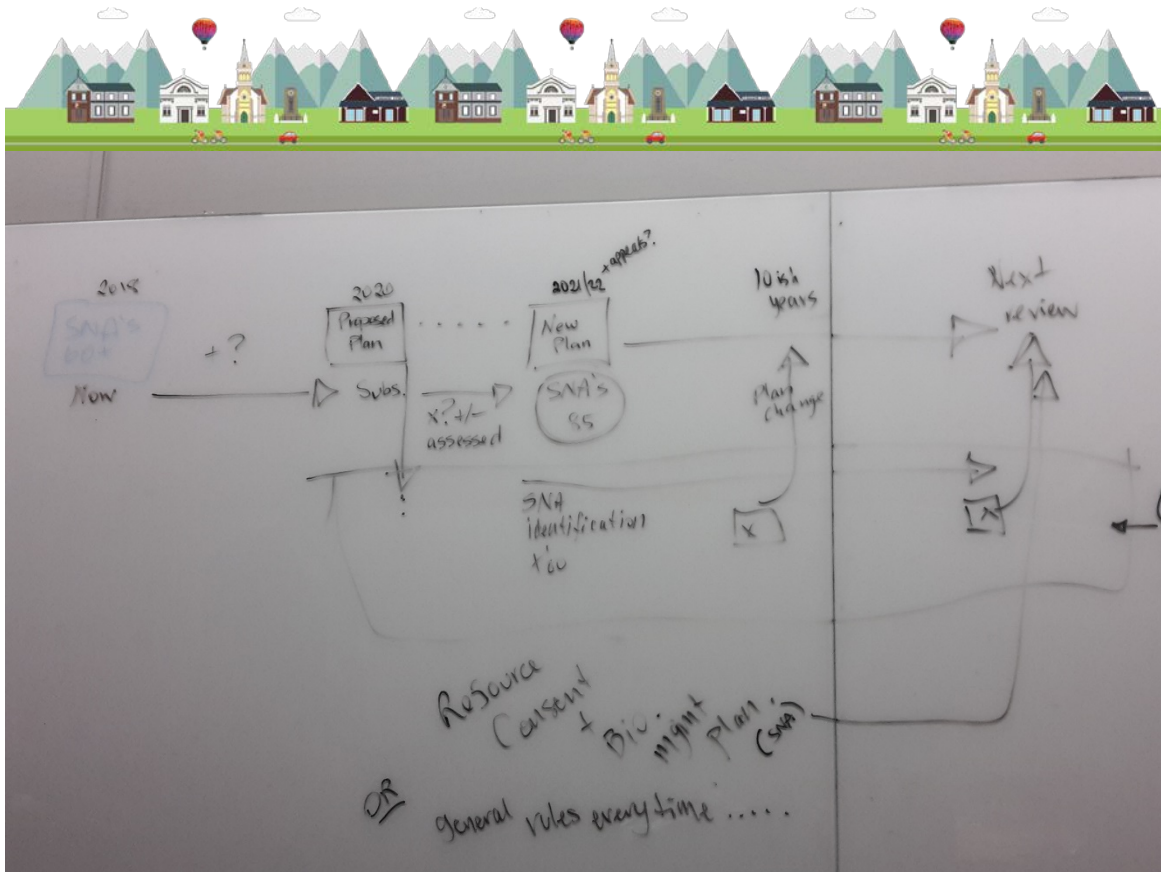
The trigger rule discussion will be next meeting.

We need to discuss the current item on the agenda regarding process.

PG – can you explain again please?

SS – draws a diagram on the white board (see below). This shows the district plan review process along the top line from now, through a proposed plan and submissions to a new operative plan, and then another review in 10+ years time. The second line shows a parallel process of continued review of SNA areas and their insertion into the district plan in future (by a plan change or at the next review). The question being whether to link the two processes (down arrow).

The diagram also shows at the bottom the options for dealing with proposals that affect biodiversity in the interim, and the need for the LTP process to provide funding for the assessment process.



HR - we don't want a schedule to complicate this.

KM – we don't want a second Schedule.

SP – we need to be up front with landowners.

SS – Schedule B gives landowners certainty more so than the silent approach.

PG – it could be a very difficult area.

SS – CCC didn't have time for their plan.

This is either an un-signalled process or it's a signalled process.

HR – if it's signalled then resources can be provided.

JL – how much does a plan change cost?

BR – Generally \$80,000 – \$100,000 but such a Plan change to add in SNA's already identified and assessed would be very focussed and a lot cheaper. A significant cost would be before the plan change in the total cost of assessments

JG – if people are kicking and screaming then it may not work.

SL – how long can the community live with the catch all rules?

Chair – we need to create some certainty.

We need to have an incentive(s) of some kind.

SS – we cannot use a consent process to make a SNA official in a district plan but can identify values through a consent. This was explored with the Hurunui regarding the



consenting of an overall farm biodiversity management plan to identify and manage sites that are not identified in the district plan.

JG – to accelerate the process then we need Andy times 4.

SP – can incentives be made to reduce the cost of consents?

SS – yes this can be done.

BR – there is funding for SNA's. Consent fees could potentially be refunded if funding was available in a similar way to heritage building consents.

SL – can it be done through a controlled activity basis?

SS - you need to be incredibly sure of the outcome to provide controlled activity status as they cannot be declined.

PG – there will only be a small number of landowners who want to do it quickly.

Chair – the Council will have to decide if they want to resource this.

JL – is there an advantage or disadvantage about an SNA being in a plan?

SS - it's not formally an SNA until it's in the plan. And incentives and packages come in sooner.

JG – to the Chair – what happens if the Council won't resource it?

Chair – then it becomes un-workable.

BR – funding may not come out of 2018 LTP but a focus could be put on 2021 LTP once DPR is notified and an objective and policy framework is developed around SNA's.

SS – it will be 2021/22 until the decision is made on this current district plan process. We may have a National Policy Statement on Biodiversity by then plus growing community awareness on biodiversity – this will collectively send a message to Council to support the process.

Chair – so we have arrived at discussion on the process and rules. I'm not feeling comfortable to force a vote on this.

Let's discuss what we will focus on in the next meeting.

JL – can we get a high level B map just for the Group?

Chair – the CCC process probably hasn't been helpful.

BR – it's probably not possible to have Schedule B if the Section 32 process is robustly followed as we do not have evidence to support these sites going in the plan at this time.

SS – CCC said that they have enough desktop information to run this approach but we do not.

Chair – that approach could be very damaging to relationships.



SS – the situations between CCC and SDC are very different as SDC has time.

PG – what are we looking at?

SS – we have a DP process but do we have an ‘overt link’ or do we just do it quietly?
The ‘overt link’ can provide funds to get it done.
There are more pros to being overt and clear.

HR – with ‘overt’ the landowners can also find Andy – and get in the process.

PG – what about the 5% that don’t want to be in this?

BR – the 5% can be clearing vegetation very quickly.

PG – then what evidence can be used?

SS – if you can’t get good evidence then you can’t do anything.

Chair – can you enforce prior to the fact?

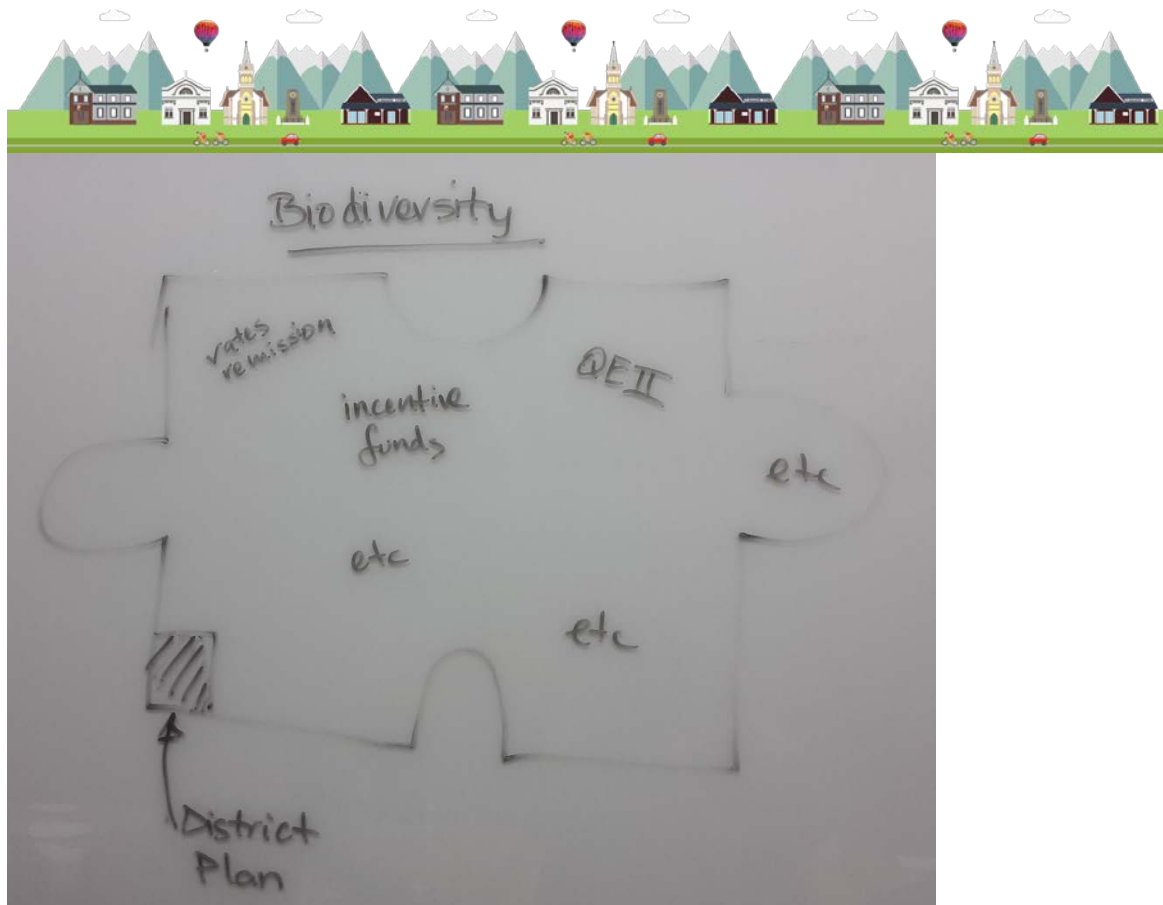
KM – information regarding statutes can provide good information on this.

SS – until the new plan decision then the current blunt rules are to be used.
The new rules will have immediate effect from the time of notification of the proposed plan in 2020 and do not wait until decisions are reached on the provisions.

JG – the 5% are a lost cause. It’s the 25% that we need to get to, those that are in two minds about vegetation clearance.
We need to sell the SNA process – incentives are key.

Chair – regarding the LTP process there will be a discussion on biodiversity. SDC needs to put its own house in order on our own land and this will send out a message to the community.

SS – the DP is a really small part of the process. There is a mass of things in the biodiversity conversation. The DP is quite a small piece in the process.
The plan often comes in when bad things are done.
The biodiversity process is large.
We are here to focus on the plan.



Chair – closed the meeting at 6.32 pm. Next meeting we will focus on item 3 of the agenda – how we signal the ongoing work and then move on to discussing the rules.

Action Table:

Team Member	Action
AS	Distribute a map or list to group of all the potential sites – (the 600 ish possibles.)