



Notes for:	SDC Ecosystems & Indigenous Biodiversity Working Group –District Plan Review			Date:	17 October 2018
Meeting held at:	SDC Head Quarters, 2 Norman Kirk Drive, Rolleston				
Time:	3.07pm-5.50pm			Room:	Executive 1
Name	Initials	Title/Role	Name	Initials	Title/Role
Working Group Members:					
Murray Lemon	Chair	Chair (Councillor SDC)	Sefeti Erasito	SE	Te Taumutu Rūnanga
Ben Rhodes	BR	Strategy & Policy Team Leader SDC	James Guild	JG	Landowner
Nicky Snoyink	NS	Forest & Bird	Peter Graham	PG	Landowner
Scott Pearson	SP	Fish & Game NZ	Hamish Rennie	HR	Landowner/ Waihora Ellesmere Trust
Jenny Ladley	JL	Landowner (University Canterbury)	Sam Leonard	SL	Environment Canterbury
Ken Murray	KM	Department of Conservation	Elisha Young-Ebert	EYE	Federated Farmers
In Attendance					
Stephanie Styles	SS	Group Co-ordinator Planning Consultant (Boffa Miskell Ltd)	Andrew Mactier	AM	Strategy & Policy Planner SDC
Natasha Brown	NB	District Plan Review Administrator	Andrew Spanton	AS	Biodiversity Coordinator SDC
Scott Hooson	SH	Ecologist Boffa Miskell			

Agenda:

Item #	Item	Lead
1.0	1. Follow up from last meeting: <ul style="list-style-type: none"> Any issues arising from the minutes of the last meeting? Any follow up questions or discussion from the group? 	CHAIR



Item #	Item	Lead
	<ul style="list-style-type: none"> ○ Andrew Mactier - Alternative Improved Pasture Concept (5 mins) ○ Andrew Spanton – Outcomes of discussion with ecologist on Rule B6. Dryland Species (5 mins) 	
2.0	2. Discussion on approach to rules: <ul style="list-style-type: none"> • Discussion on general rules • Reference material: <ul style="list-style-type: none"> ○ Attachment 1 – summary of possible general rules ○ Attachment 2 - a “straw man” for discussion ○ Attachment 3 - the existing Selwyn rules and comparable plan provisions ○ Attachment 7 – ECan biodiversity rule summary • <u>Outputs</u>: group agreement on: <ul style="list-style-type: none"> ○ approach to general rules 	SS
3.0	3. Next meeting: <ul style="list-style-type: none"> • What material or information does the group want to make a final decision on rules? • Any other information needed? 	CHAIR
4.0	Next meeting: 21 November 2018	CHAIR

Notes:

The Chair opened the meeting at 3.07pm.

1. Follow up from last meeting

SL appreciated the detailed notes as he missed the previous meeting.

Alternative Improved Pasture Concept

AM gave an overview of an approach to further consider the alternative improved pasture concept which was raised last meeting by SP. AM welcomed the Working Group to think about whether they’d like to be involved in that exercise, post final recommendations of the group being presented to the District Plan Committee in February 2019. The proposal could involve a range of stakeholders (including landowners) to develop a process and the associated reporting metrics. The details of the proposal will be developed to seek approval of the District Plan Committee in February. The Chair thanked the Landowners for their feedback to date, as their input is an essential part to the process.

Outcomes of discussion with ecologist on Rule B6. Dryland Species

Feedback from AS and SH was received and integrated into the strawman framework. The relevant wording has been updated and confirmed.

The Chair gave a reminder about meeting etiquette. SP and BR gave their apologies for leaving the meeting at 6pm.



2. Discussion on approach to rules

SS received varied feedback from the set homework and distilled commonalities to draft a set of provisions for the group to discuss. A flowchart was put together to assist in understanding the linkages between the rules. The Working Group were asked to provide feedback on the draft in this meeting.

SE arrived 3.14pm

FEEDBACK from the Working Group

JL agrees that it reads like it feels about right.

KM's initial impression was that it wasn't quite right and commented on the consistency between plans and ECAN. Even within ECAN plan, in reference to altitudinal and slope limits, the rules don't relate to that but are in relation to erosion issues. Other issues to be recognised are natural character matters. In the braided rivers, noted there may be larger distances from them in particular, Waimakariri.

SS clarified when mentioned BMPs and to address this by referring to the flowchart. Not having a BMP results in Discretionary Activity resource consent, whereas including a BMP with an application results in Restricted Discretionary resource consent.

BR likes the look and feel and commented that the detail in map A is of most interest.

HR shares KM concerns about definitions in regards to bed and bank, especially on the banks of the Selwyn. They have been defined at various times and definitions are difficult to apply.

The Chair noted that the definition of the 'Selwyn river bed' was a topic of discussion at a different forum lately.

SS clarified that the national planning standards specifically require the definitions of beds and banks in relation to waterbodies and the Resource Management Act definitions, so the Working Group is bound by this and will have to apply this definition.

HR commented on the permitted activity rule – to act as an exemption instead (riparian planting to assist silty drains).

SS noted this and will work with HR on this.

NS shares the same concerns about rivers and islands, but otherwise thinks this looks good.

SL commented on the overlap in consistency in regards to ECAN – there are vegetation clearance rules, in riparian areas, to protect water quality rather than biodiversity. It may not achieve the same effect for the purposes of indigenous vegetation. SL will work with SS on this.



EYE agrees with the draft and commented the document used simple language and layout which was good. She asked in practice, how much of this will occur on the Plains, as there may be possible non-compliance as the definition of vegetation clearance includes grazing. Raised a point about the Canterbury Plains.

JG commented that an issue as a landowner, is that he is not particularly well versed in the intricacies of the RMA. It was difficult to drill into the detail and asked for views from the Working Group to explain where we are at. Until recently (the last meeting) had thought we were tracking to a shared understanding between rules heavy and rules light/flexible. Noted that none of this works if you don't take people with you. It won't work if you make it too tough on landowners

The Chair agrees that this is the challenging part of the process. We have to set rules as set out by the Regional Policy Statement, but also got to bring landowners along with you and need to strike a balance between regulation and non-regulation.

KM noted that incentives also important in changing behaviour – getting that right is important.

PG commented that it won't work without buy in of people and we need to take landowners along as part of the journey - to win hearts and mind and strike a balance. Need to recommend to Committee that incentives be provided by Council as well as rules.

SS added the group has got to a middle ground and trying to refine rules that we have to have to be as balanced as possible between protection and use ie: defined, mapped SNA, rules can be precise as values are agreed. Where a use is clearly overriding ie: maintenance of existing tracks, it is set as a permitted activity. This is how to tailor a set of rules that enables a case by case assessment and clarifies when rules kick in. Protecting significance, which is unknown is harder, but not every single piece of vegetation needing consent.

KM added that the right incentives in place. This is as important as the rules, it is about getting that package right.

EYE agrees.

JG commented that regarding the discussion about improved pasture, the Committee doesn't appear to be on the same page.

SS answered, if it is a concern for everyone, is it a concern because of lack of clarity in provisions, or that there are provisions at all. JG clarified that no one is disagreeing that if it is significance vegetation that rules are needed but reiterated it is difficult to drill into detail.



EYE added to JG's point, if rules around any indigenous vegetation within an SNA is not complying then farmers will struggle with this. It will likely be time-consuming, expensive and uncertain for the farmer. EYE agrees we need a process, however a resource consent may be too strict. When it comes time to update the biodiversity management plan, they could have an arrangement with the council as to what is on the land, as this won't change year to year. In practice, if a farmer has an SNA and vegetation not identified as significant, there is a big process to go through.

SS talked about SNAs that will be in the DP and those that will have been assessed in time but not actually identified in the DP. Discussion on wording and of significant vegetation as a whole. SS concluded that the rules are conceptual, and highlighted to the Working Group that there is a summary at the front.

AM asked whether it is useful to explain biodiversity management plans and the process.

SS commented that we are struggling with the unknown. The rules trigger consideration of the unknown to get certainty around significance.

AM added that Council may be able to provide assistance such as funding components of a farm biodiversity plan – mainly ecological assessment component, Council currently fund SNA assessments (with assistance from Central Government). A review could include how that may work.

KM asked whether the issue is existing regime or stock regime.

JG answered that we are planning for the next 10 years and farming systems are dynamic. Generally farmers have moved towards the thinking that they have responsibilities and find a balance, but in a way that they are encouraged to do this and a sympathetic approach (from Council). Acknowledges there are times when this will not be possible.

The Chair commented on the ECAN Farm Environment Plan process and that he is heartened by the process and the positive interaction, and collaborative process between regulator and landowner.

AM commented that the approach needs to be endorsed by the District Plan Review Committee first.

PG raised a point about having 'incentives', as rules on their own will not protect indigenous vegetation. Incentives need to be meaningful.

The Working Group agreed.

The Chair acknowledged that it will form part of the recommendations.

SH asked if it will be reflected in the policy.



SS answered that this will only have policies implemented through the District Plan, not non-regulatory ones.

The Chair suggested putting in a recommendation as we see fit.

AM added that it may not be a specific policy, but could be high level.

The Chair summarised that the inclusion of incentives is well noted.

SE shared his perception to the group that the Working Group was about upholding ecosystems, restoration and enhancement, from the RPS. Te Taumutu Rūnanga have their own definition on how it works, and agrees with JG, and commented that Cultural values need to be more palatable. Listening to the group's korero, Te Taumutu Rūnanga don't mind who takes the lead on protecting the environment but there needs to be incentives around rules.

The Chair added that Mananui Ramsden, Selwyn Waihora Zone Committee Delivery Team Cultural Advisor). Mananui is a prime example of someone of real mana. Affinity with landowners, understands farming and kaitiakitanga. ECAN process is a positive process to model. SE supports this and works closely with Mananui. Mananui brings back positive stories to improve biodiversity. HR shared that a representative from Mananui came out to his property and found his approach practical and reasonable to deal with.

SP commented that he is supportive of incentives and that this could be a way of rewarding farmers. Rates relief and possible subdivision are other possible solutions. The general rules need a backstop to protect the vegetation. Currently enforcement is light and not so reliable. Having general rules as a backstop is important, ie speeding rules.

SS summarised that there is unanimous support for the general approach.

PG asked for clarification about farm environment plan alignment– to avoid replication and contradiction.

The Chair gave an example of wet pasture.

KM Talked about de-nitrification switch.

SL commented that there shouldn't be overlaps. Wetlands is the key one. Addressed KM, where biodiversity comes into an farm environment plan at the moment would be aquatic.

AM asked, would that be amenity planting for water purposes?

SS answered, it is in addition to that concept and can be dealt with this in the permitted activities conversation.



PG also commented on the need to avoid double ups between council rules.

SS clarified that the District Plan (DP) should not require rules that are the same as ECAN's, but it could require you to get an additional consent for a different reason.

AM asked whether ECAN can administer this? Was of the understanding ECAN don't have the mandate to do this.

SL commented that terrestrial is DP, aquatic is ECAN. RPS, joint management would be a suggestion where biodiversity overlaps both council's responsibilities.

AS commented that a number of farms don't need to do a farm environment plan.

SL commented that if negligible losses, then don't need to do a farm environment plan, hopefully the biodiversity management plan will segway into the farm environment plan. There are things that the farm environment plan doesn't address.

The Chair commented that nutrient budgeting could be looked at.

EYE questioned whether cultural management is in the biodiversity management plan, as it's difficult to socialise and integrate this. Does ECAN plan have this?

A member of the Working Group answered, yes, if you're in the Selwyn cultural zone. The concept of stewardship is part of that.

The Chair answered, that it is a process he commends.

There was a short conversation about having a defined area to protect the mud fish and eels (indigenous fauna habitat), about all vegetation (not just indigenous).

JL asked whether that meant that a restricted discretionary consent is needed. i.e. for cracked willow.

SS answered, in terms of mudfish and eels, need to manage removal of all / any species. Map B, you need to have something not about controlling whether trees can be removed, but WHEN and HOW. i.e. willows that form nesting grounds are removed when they aren't needed for nesting or breeding. Ensuring that when things are cleared for good reasons, it is done in a way to avoid negative impact. Suggested, if added to map A, excluding pest species listed in pest management strategy, then we can continue to take out.

SH raised a point about native habitats and there was a discussion about weeds.

SS clarified DP won't deal with things IN the waterways, just on the banks.

KM said drains are operational and under s9



SS commented not when defined as a water body.

KM commented there are large areas that are drains and not streams.

SS asked are they a water body under the RMA.

KM answered no, not a water body, just how you define a wetland.

Discussed wetland definition versus drains.

KM gave example of mudfish. Joint responsibilities under RPS.

AM commented, we aren't identifying wetland.

KM activity in drains.

HR clarified that there is an Environment Court Decision about drains (Linton Dairies). Drains were streams, as if not drained, then they are a stream.

SS intended to address this, if the group wants to have this rule. Rule is about non-water bodies. Maps are going to have where mudfish and eels most likely are.

The Chair commented that drain management needs to be taken into account.

SH suggested NZ freshwater fish database.

KM agreed, predicted modelling etc. also.

SS asked about maps for crested grebes to be brought back to this meeting for the group to confirm.

SH answered that bittens are less reliant on exotic. SH suggested KM would be the best person to address this mapping exercise.

KM to action this (EELS, MUDFISH, GREBES).

SP suggested whitebait also. SS asked is this captured by rule, is it indigenous or exotic vegetation?

SH said it's captured by wetlands and waterbodies.

HR commented there is pressure put on by ECAN to support inanga. Happy for rule to go in, but there is a conflict.

Definition of bed and bank was discussed. HR is concerned how it is applied on the ground. Braided rivers working group are working on this at the moment.



SS clarified it would be applied with the definitions that we have.

The Chair suggested to share concerns when providing feedback.

JG said to use EYE's network.

SH commented that rules have been drafted as an example and a basis to build on.

SS added that they have come from ecologists also.

HR concerned providing maps are random and has caused problems in Plan Change 1, when referred to experts.

Discussion on elevations and slopes for the Selwyn District. SS requested feedback on the details of the rules from Working Group by **5pm, Wednesday 31 October**.

Discussion on Rule D4 – Works relating to Utilities

Works relating to repair, maintenance etc of **existing** utilities is a permitted activity (Rule C)

Question – what is Working Group's view on **new** utilities – should they be treated like everything else (i.e. subject to consenting regime), or have special exemptions (i.e. permitted activity, or controlled?) on the basis of utilities being essential infrastructure. This is the approach in some plans and would be required for some utilities where the national environmental standards overrule district plans.

JL referenced the example of the data cable going across Arthurs Pass – wants them to be treated as everyone else.

SL Asked what the default situation would be (would be subject to consenting regime). Voted to leave it out (i.e. subject to same consenting as every other activity, not a permitted activity)

SP – leave it out

BR – leave it out

EYE – leave it out

PG – leave it out

SE - leave it out

ML - leave it out



JG - leave it out

KM - leave it out

HR - leave it out

Next meeting will discuss final draft provisions for the whole chapter (objectives, policies, rules and assessment matters etc.) and any mapping

AM – raised the option of an additional meeting in December to finalise all matters and for Working Group to provide final sign off (November meeting to be a more detailed assessment of the strawman and ironing out any final details), and finishing with a celebratory drink. Group agreed to a 2pm meeting on Thursday 13 December

Meeting closed at 5.50pm.



Action register

Item #	Item	By Who	By When
1.0	Working Group members to provide feedback to SS on details such as elevations and slopes maps for the Selwyn District. (N.B to circulate maps via email).	All	31 October 2018
2.0	SS to work with HR on riparian permitted activity detail	SS & HR	21 November 2018
3.0	SS to work with SL on avoidance and overlap with ECAN provisions	SS & SL	21 November 2018
4.0	SS to discuss farm environment plan alignment with the Zone Committee Facilitator	SS & Zone Committee Facilitator	21 November 2018
5.0	KM to work with AM in regards to Maps and report back to Working Group whether it will form part of the package	KM & AM	21 November 2018
6.0	KM to provide further detail (map) on grebes, mudfish and eels to the Working Group	KM	21 November 2018