



Notes for:	SDC Ecosystems & Indigenous Biodiversity Working Group –District Plan Review			Date:	21 November 2018
Meeting held at:	SDC Head Quarters, 2 Norman Kirk Drive, Rolleston				
Time:	3.07pm-8.30pm			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
Scott Pearson (until 6.30pm)	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
Apologies					
Nicky Snoyink	NS	Forest & Bird			
In Attendance					
Stephanie Styles	SS	Group Co-ordinator Planning Consultant (Boffa Miskell Ltd)	Andrew Mactier	AM	Strategy & Policy Planner SDC
Andrew Spanton	AS	Biodiversity Coordinator SDC			



Agenda:

Item #	Item	Lead
1.0	<ol style="list-style-type: none"> Follow up from last meeting: <ul style="list-style-type: none"> Any issues arising from the minutes of the last meeting? Next meeting: <ul style="list-style-type: none"> December 13 2018 (2pm) <ul style="list-style-type: none"> Final Working Group Recommendations Celebratory Drinks and refreshments Any other information needed? 	CHAIR
2.0	<p>Discussion on approach to rules:</p> <ul style="list-style-type: none"> Discussion on Draft Plan Provision - Attachment 1 Reference material: <ul style="list-style-type: none"> Attachment 1 – Draft Plan Provisions V1.0 Attachment 2 – Map A - Ecosystems Attachment 3 – Map B - Elevation Attachment 4 – Map C – Mudfish Habitat Attachment 5 – Map D – Longfin Eel Distribution <u>Outputs</u>: group agreement on: <ul style="list-style-type: none"> approach to general rules <p>Attachments:</p> <ul style="list-style-type: none"> Attachment 1 – Draft Plan Provisions V1.0 Attachment 2 – Map A - Ecosystems Attachment 3 – Map B - Elevation Attachment 4 – Map C – Mudfish Habitat Attachment 5 – Map D – Longfin Eel Distribution Attachment 6: Summaries of current plan and comparable plans Attachment 7: Refresher on Statutory Requirements Attachment 8: Activity Status explanation Attachment 9: ECan biodiversity rules Attachment 10: Tracking tables of decisions made and to be made 	SS

Notes:

The Chair opened the meeting at 3.07pm.

1. Follow up from last meeting

No matters arising from prior minutes, minutes confirmed.

2. Other Matters

AM: set out process over the next few months. The final Working Group meeting 13th December; CEO, Mayor and Environmental Services Manager have all been invited for refreshments at 3.30pm. It is anticipated that all substantive matters will have been resolved before this final meeting and all the Group will be doing



is resolving any minor outstanding issues, confirming the chapter and making recommendations that the final draft chapter can be forwarded to the District Plan Committee for endorsement.

AM also invited Working Group members to attend the DPC meeting on 27 February 2019 and see how the committee deals with this issue.

There is also the possibility that the Working Group may be re-convened in March/April to discuss any outstanding matters which still required discussion (such as the alternative to improved pasture approach), prior to a final DPC workshop in May 2019. AM will provide further details in due course.

3. Discussion on Draft Chapter

The Working Group looked at each section of the Draft chapter circulated and discussed suggested amendments.

Definitions

Improved Pasture:

The definition includes both uncultivated land and improved pasture and it was suggested that this definition may leave the land open to development at the cost of indigenous vegetation. KM: There is a court case currently occurring that relates to this, the outcome of which may shed light on the issue. Proposed that the wording should be changed from “largely absent” to “are absent”.

Biodiversity Management Plan

EYE: Queried if the biodiversity management plan or actions undertaken in accordance with it needed to be ecologist approved.

SS: Reinforced that the plan and actions undertaken will be approved by the relevant person/s as part of the consents process.

Indigenous Vegetation Clearance:

It was noted that by including ‘grazing’ in the definition of ‘clearance’ it created an internal inconsistency or at the very least some level of confusion; this was to be addressed in redrafting.

Multiple people posed issues over the exact definitions of and differences between the terms: ‘grazing’, ‘intensive grazing’ and ‘overgrazing’. Discussion was around deliberate or incidental clearance due to grazing and the intent of the definition to be around intention.

It was proposed that each definition should be included in the document but there was also general feeling that this should come down to common sense and reasoning so was left be for the time being.



Group agreed to amend 'grazing' to 'over grazing' to provide greater clarity within the definition.

EYE: With respect to the inclusion of irrigation in the definition; expressed her concern that many farmers have just entered the CPW irrigation scheme and that they should not lose their irrigation abilities due to the provisions in the plan.

SS: Reassured the group that this would not be the case and matters of irrigation would be dealt with fairly. The rules would apply to new irrigation and not to existing irrigation – so what is established prior to the rules coming into place will continue to have existing or consented use rights.

Wording change; 'artificial drainage' changed to 'drainage' to avoid confusion between natural and man-made drainage because all terms in this document refer to human activities.

Grazing in and around wetlands:

The group raised questions around the cross over of responsibilities between ECan and SDC in relation to wetlands.

SS: If it is a boundary issue i.e. boundary between paddock and wetland it is an issue for SDC, but if there is an issue with the physical act of grazing in or on the wetland it is a regional council issue and falls under the Canterbury Land and Water Regional Plan.

Spraying:

EYE: Queried the exact definitions of 'spraying' and 'chemical application' in regards to exactly what they meant.

Following group discussion SS: Confirmed that spraying was the spraying of chemicals onto vegetation for clearance of the vegetation. Chemical application however referred to the application of chemicals by means other than spraying for the purpose of clearance.

Biodiversity Rules – Area Maps:

It was queried whether the lengths of lines indicating rivers were accurate.

SS: Confirmed that the lines on the maps indicating rivers are not indicating the length of the river but its location/course in relation to the landscape area boundary.

It was also queried as to whether river braiding should be indicated some way by these lines.



It was noted that there is a current court case of river braiding and the exact requirements for a river to be classified as braided so this issue cannot be confirmed in the draft Plan until we have results from that court case.

BR: Queried the colours used on map.

Group agreed to the maps in principle with the details to be refined in due course.

Improved pasture:

EYE: Asked the group to reconfirm their decision in relation to a time period or % cover – should it be benchmarked from a particular date?

The group discussed this and confirmed that improved pasture is to be assessed as at the time it is assessed and its current condition, not in terms of what it once was or could be.

Natural Environment Chapter Introduction

SS: Explained that this is a 'nice to have' general overview part of the Plan and has no statutory weight. As such SS is open to amendments/additional text to clarify or correct wording. Any suggestions for amendments to be provided no later than noon on Wednesday 28th November.

Objectives:

Objective 1: It was proposed that because kaitiakitanga means guardianship the word 'guardianship' should be removed and replaced with 'Stewardship'. So Objective 1 would read as 'exercise Kaitiakitanga/Stewardship by managing'.

Objective 1 (a) referring to indigenous fauna is there anything missing? Be aware that it is separated from Objective 1 (b) but (b) covers further detail.

Group agreed to all other parts of these definitions.

Policies

Policy 2: Listing of Significant Natural Areas

SS: Wording change: adding "..., where this is agreed with the land owner."

AM: Questioned whether we can move away from calling them SNA's, instead of 'Natural' the term 'Ecological' could be used.

SS: noted that the NPS on Indigenous Biodiversity refers to them as SNA's so best to leave as is for now. No change.

Policy 5: Protection of Significant Natural Areas

EYE: Wording of the Policy could be perceived as an unduly harsh statement.



SS: explained this policies covers all of the non-complying activities.

Policy 6: Protection of Indigenous Biodiversity Values

EYE: The policy implies that clearance outside an SNA could require an ecological assessment.

SS: Reiterated that Policy 6 only relates to restricted discretionary activities i.e. those that are already required to have a consent anyway, thus ecological values would be considered in the resource consent process and an assessment is likely to be required as part of that process.

Policy 7: Protection of Habitats

EYE: Proposed that the term 'significance' should be inserted into this policy, especially into the heading.

Group discussion noted that the inclusion of the term would create debate and confusion over which areas were deemed significant and the requirements to gain this title.

In the end the Group agreed no change was required to the wording.

Policy 8: Biodiversity Management Plans

Group discussion, and consensus on the change of wording from 'long term protection' to 'protection'.

Policy 10: Offsetting

SS: Noted that 'biodiversity offsets' was a concept that had been discussed in prior meetings, and asked the group whether they want the concept to be included implicitly or explicitly. It was noted that the current plan includes the term 'compensation' which is different in definition to the term 'offset'. Offsetting is internal to the topic/issue, i.e. mitigating the loss of a biodiversity value by replacing it with a new version of the exact same value (highly difficult to achieve). 'Compensation' ranges broadly across topics i.e. loss of fish species in Te Waihora/Lake Ellesmere compensated by native planting on Banks Peninsula. Through legal processes there is now confirmed distinction between the definitions of avoid, remedy, mitigate, compensate and offset in regards to biodiversity values.

HR: Believed that the inclusion of the term offset would give false hope to people as it would allow for the perception that offsets are easily achieved when in reality it is highly uncommon to effectively achieve biodiversity offsets. There could be incorporation of offsetting through consent considerations.

BR: Proposed that offset and compensation are included in the policy to at least offer some chance for reparation to occur without being a full offset which is difficult to achieve. This widens the capabilities and considerations.



This idea was agreed upon by the group with consensus for the change to include both terms.

Policy 11: Ngai Tahu Values

SE: Noted that Te Rūnanga refers to Te Rūnanga o Ngai Tahu and that Policy wording needs to be amended to 'Nga Rūnanga'. SE to confirm and advise Working Group. – Change made but further change may occur if better solution found.

BR to work with SE to provide feedback on terminology regarding what working relationship arrangement SDC has with Ngā Rūnanga.

Policy 12: Incentives and assistance to maintain and enhance indigenous biodiversity

SS: Explained that this policy is intended to cover all of the non-statutory processes the group has previously discussed and noted the Policy could be used as lever to try and get more budget or support from Council. It is intended to be general enough to facilitate the achievement of goals but not so general it is useless.

Discussed change in wording “encourage and support to enhance areas of ...”

AM: Noted the Policy approach is quite narrow being limited to enhancement of protection and enhancement of areas of indigenous biodiversity; a more generic Policy approach would provide a mechanism to consider management and protection of biodiversity values in a more holistic sense (i.e. partnership approaches/agreements with statutory agencies, NGOs and the community beyond panting and on the ground management of SNAs or similar).

The term ‘biodiversity areas’ was changed to ‘biodiversity values’ to better reflect the nature of what was being referred to.

Policy 13: Pest Species

Wording was deemed by some in the Group to be too ‘wishy washy’ and needed to be improved to tighten up understanding and interpretation of this policy. Change wording to ‘would’.

Rules

Rule 1:

Agreed by group.

Rule 2: Permitted Activities Outside Of SNA's.

In relation to *Clause 3*; potentially contradicts rule 8. It is to enable clearance where indigenous vegetation is used for purposes other than biodiversity values e.g. erosion mitigation. Agreed no conflict.

BR: In relation to clause 5; No permitted activity for vegetation clearance in and around SDC drains and water races – goes straight to Restricted Discretionary under Rule 8. What



is the possibility of a permitted activity if in accordance with a Drain/Water race Management Plan? Also noted that the distance of 10m from the margin is too much and should be reduced to 2m either side of the margin.

KM: Issues with the proposed development and approval of such a management plan – lack of public engagement and involvement under the LGA 2010, and that consideration of any management Plan would typically prioritise purpose of the Asset (i.e. for drainage or stock water). Noted that the sediment of the drains and races is the last remaining habitat of mudfish.

SE: Noted that too great a reduction of the area covered by the rule could impact mahinga kai values.

BR, KM and SE to discuss new wording for a new clause 6 under Rule 2 in relation to drain management plans, as well as setbacks to which rule will apply. For discussion/endorsement at the next meeting.

SS: Noted that there is interaction between Rule 2 clause 7, Rule 11 and Rule 7. Rule 11 and Rule 2, clause 7 refer to each other so the issue goes round in circles. Clearance of indigenous/ecological vegetation within improved pasture was intended to be a permitted activity.

KM: Identified that clearance on the Plains should be a non-complying activity.

SP: Suggested that we could use the current list of Plants in the operative Plan as a basis of where non complying activity status would apply.

SS: Noted that the existing list in the operative plan is 15 years out of date, and that the major issue with such an approach is that there is such a large number of various species on the Plains with a majority of them being very rare which would make this list excessively large, if it were to be fully comprehensive. Adopting a more pragmatic approach (i.e. retaining the existing Appendix 14, or a variation of it) may not be able to be supported from an ecological point of view. We can discuss with Scott Hooson whether a moderately comprehensive list, including the most relevant species based on current understanding, is achievable and able to be supported from an ecological perspective.

JL: Proposed that the introduction for part 4 should include commentary on the importance of drylands on the Canterbury Plains as opposed to solely focusing on the value of High Country land. The Group agreed with this idea.

SS: Proposed that rule 7 could be removed and rule 11 could be expanded to include dryland pasture that has not been historically cultivated. Explained to the group that a fully comprehensive list could be excessive and hard to craft.



SP: Was concerned about a moderately comprehensive list not having enough detail so queried if we could ask Scott Hooson exactly how much work he would be willing to put towards the development of such a list.

SS: Suggested that Scott Hooson, along with ecologists from DoC and ECan, review the current schedule of regionally significant plants on the Canterbury Plains (i.e. current Appendix 14 of the Operative Selwyn District Plan) with a view to updating.

Action: Andy Spanton to coordinate with Scott Hooson the development of an updated Appendix 14 to be a 'moderate' list for the Plains area, with Phil Grove from ECan and Richard Clayton from DOC (subject to their availability) and report back to the Working Group prior to the next meeting.

Rule 3:

SL: Noted that Clause 1 only refers to existing flood defences and not new. Queried whether mitigation of future flood protection works can be catered for in the rules and the process of dealing with this e.g. flood protection for unforeseen circumstances, could be done in another way. E.g. consent process but having RD status.

AM: Noted that this may be addressed with other topics, such as natural hazards and utilities topics.

SS: Queried whether an explicit separation for future flood protection was wanted, this was noted but group agreed not to add a new rule for this.

SL: In relation to Clause 3 (pest management) - Referred to the pest management rule and suggested that it could be removed so that pest management clearance would only be addressed through the pest management plan/strategy. Suggested that rule 3 clause 3 could be removed and left for education and personal discussion. Concerns related to this clause being used as an excuse for unreasonable clearance and causing 'collateral damage'.

EYE: Expressed concern that if this clause was removed there would be nothing in its place.

SL: Noted that removal of pests within an SNA could trigger the conversation.

SS: Asked whether the group should leave the clause in place and risk people using it or take it out. Because it applies to wider than just SNA's there is question over how big the risk is.

KM: Noted issues with leaving it in – could be used as an excuse.

There was a suggestion from within the Group to move to Rule 2

Vote: whether to remove the clause or keep it and move to clause 3 to rule 2 so that it only applies outside SNAs.



Clause to be left in: KM (with necessary and appropriate method), JG, HR, BR, JL, EYE.

Clause to be taken out: SP (could be left in if stronger wording or if SNA's are exempt), SE

No vote: SL

Group agreed to leave the rule in but move it to rule 2.

Rule 4:

SS: stated that this rule goes hand in hand with rule 10 and that no feedback was given from the last round of requests for feedback of the 100m² definition of area.

EYE: Noted that Federated Farmers would favour certainty.

BR: Queried the importance/triviality of a hectare.

SL: Pointed out the lack of definition of where a hectare begins or ends.

BR: stated that the rule could trigger the creation of a biodiversity plan.

EYE: Noted that the threshold was quite a small trigger.

SS: Noted that a Biodiversity Management Plan can link into a Farm Management Plan. Queried whether the group wanted to change from per hectare to per site and whether they wanted to raise the 100m² threshold.

There was a further Group discussion on how the rule would be interpreted (was it assessed over the whole of the farm's area, or over the hectares of indigenous vegetation?) and whether both the threshold and the area to which the rule applied should be amended (from per hectare to per site/property or similar). Acknowledged many different options.

There was a Group vote on whether to change from 'per hectare' or to 'per site/property'.

No change / Retain per hectare: KM, JG, HR, BR, JL, EYE.

Amend to Site: SE, SL

No vote by SP – left meeting at 6.30pm

Group agreed to retain reference to per hectare.

Rule 5 and rule 12:

Similar discussion and vote as for rule 4 – group agreed to no change to m² threshold and retain per hectare.

Rule 6:

Group discussed clauses 4 (altitude) and 5 (slope).



Given difficulties in interpreting and applying the slope rule on the ground it was agreed to do away with this clause.

The Group agreed to lower the altitude threshold from 900m to 800m, which would capture many of the areas that were previously captured by the slope provision.

Rule 7:

Based on discussion relating to Rule 2, Rule 7 is to be removed.

Assessment Matters Associated With Rules 5, 6 and 8

Action: any issues with assessment matters to be sent to SS by noon on Friday 30 November.

Rule 8:

Clause 1: deals with mud fish and long fin eels.

Similar issue as that in previous discussion around drains and suggestion that setbacks should reduce from 10m to 1.5m?, and permitted activity standard for cleaning/clearing vegetation, subject to further discussion between BR, SE, and KM.

BR: Stated there was a need for accurate data and that perhaps there was need for an offline conversation with KM/DoC. Need to ensure that the maps are robust.

KM: Stated that there are many issues surrounding the management of the drains and water races.

EYE: Noted the concerns of a Federated Farmers member especially with regard to willow removal on drains.

SS: Clarified that the rule only applies to SDC drains and water races – not on private land

BR: Raised the question of whether they needed to trigger the consents process for this.

SS: Noted that over the course of the next week the maps and data is refined to see what remains/is still captured. Need to remove streams / natural waterbodies and any closed drains.

EYE: Stated that there is likely a lot of overlap between other work that SDC and Ecan are doing.

SS: Proposed the group focus on SDC rated drains and water races.



KM: Advised that the Rule associated with Longfin Eel distribution should apply to sites (Drains and Races) with a probability of 0.4 - 0.5 and higher.

All agreed the issue was parked until AM has the new and updated maps.

AM to circulate updated maps by 5pm Friday 30 November and then the group to comment on extent of areas covered by maps and any suggested changes to the rule.

Clause 2: Crested Grebe clause and maps

The maps seem to only affect Statutory Agency or crown lease hold land and should not affect freehold title.

KM to provide feedback on appropriate months when willows can be cleared without impacting on crested grebe nesting. Feedback to be provided by noon on Wednesday 28 November.

Rule 9:

This is a catch all rule for all of those without a biodiversity management plan. All present were in agreement on this.

Rules 13 and 14.

All were in agreement

Rule 15:

Further information about whether the Working Group would consider this issue, or whether it was being addressed by another District Plan Review topic would be brought back to the Group at the final meeting.

AM to circulate a District Plan Review website link so working Group members could review various reports.

Appendix 2:

HR: Thought that this seemed to be a 'Rolls Royce' version.

Group discussion regarding 2nd paragraph commencing '*The intent for Biodiversity Management Plans is to establish a collaborative approach with rural landowners/land managers through the development of Biodiversity Management Plans that:.....*'

Working Group to provide feedback regarding whether land owners or managers (or others, such as leasees) are involved or engaged. Any other feedback on this appendix to be provided by noon November 28.

App-4 Indigenous Species and Areas Lists:

Working Group to provide feedback on List A and List B by noon November 28.



Meeting closed at 8.30pm.



Action register

Item #	Item	By Who	By When
1.0	Any comments on Introduction section (page 5 of agenda paper). Feedback to be emailed to Andrew and Stephanie. <u>Please note</u> the introduction is intended to give a flavour for the issue not cover every detail, it is a non-statutory ("nice to have") section only.	Full Group	12 noon Wednesday 28 November
2.0	Any comments on Appendices 2 (Biodiversity Management Plan) or 4 (Lists A and B) (pages 17 and 23 of agenda paper). Feedback to be emailed to Andrew and Stephanie.	Full Group	12 noon Wednesday 28 November
3.0	Any comments on Assessment Matters sections (Associated with Rules R4-R8 on pages 9-13 of agenda paper). Feedback to be emailed to Andrew and Stephanie.	Full Group	12 noon Friday 30 November
4.0	Provide confirmation of appropriate months when willows can be cleared without impacting on crested grebe.	KM	12 noon Wednesday 28 November
5.0	Refined maps for mudfish and eels	AM	5pm Friday 30 November
6.0	Review and comment on revised mudfish and eel maps and suggestions for appropriate distance for associated rule (1.5m?).	Full Group	5pm Tuesday 4 December
7.0	Coordinate development of a list of species for the Plains Area; with Scott Hooson, Phil Grove, Richard Clayton	AS	12 noon Friday 30 November
8.0	Review and comment on Plains area list.	Full Group	5pm Tuesday 4 December



9.0	Provide feedback on terminology for Policy 11 and what working arrangement SDC has with Nga Rūnanga.	SE & BR	12 noon Friday 30 November
10.0	Refine new permitted activity clause for works affecting drains and water races where a management plan is in place - how is this plan adequately approved?	KM, SE, BR,	5pm Tuesday 4 December
11.0	Any final comments, queries or suggestions (<u>Note</u> : ideally not changes that would need to be discussed with the group as a whole).	Full Group	12 noon Wednesday 5 December
12.0	Full and final draft chapter and draft recommendations circulated to Group	AM	12 Noon Monday 10 December
13.0	Review full and final draft chapter, discuss any issues directly with Andrew / Stephanie and be ready to confirm chapter at final meeting.	Full Group	2pm 13 December