



DOCDM-2625697

23 October 2015

Queenstown Lakes District Council
Private Bag 50072
Queenstown 9348

Attention:

Dear Sir/ Madam,

Queenstown Lakes District Council Proposed District Plan

Please find enclosed the submission by the Director-General of Conservation in respect of the Queenstown Lakes District Council Proposed District Plan. The submission identifies the Director-General's concerns.

Please contact Geoff Deavoll in the first instance if you wish to discuss any of the matters raised in this submission (gdeavoll@doc.govt.nz 03 371 3712).

Yours sincerely

Michael Tubbs
Operations Manager, Central Otago District
Department of Conservation

RESOURCE MANAGEMENT ACT 1991**SUBMISSION ON A VARIATION / CHANGE TO THE TASMAN RESOURCE MANAGEMENT PLAN**

TO: Queenstown Lakes District Council

SUBMISSION ON: Queenstown Lakes District Proposed District Plan

NAME: Lou Sanson
Director-General of Conservation

ADDRESS: RMA Shared Services
Department of Conservation
Private Bag 4715
Christchurch Mail Centre 8140
Attn: Geoff Deavoll

STATEMENT OF SUBMISSION BY THE DIRECTOR-GENERAL OF THE DEPARTMENT OF CONSERVATION

Pursuant to clause 6 of the First Schedule of the Resource Management Act 1991 (RMA), I, Michael Tubbs, Operations Manager, Central Otago District, acting upon delegation from the Director-General of the Department of Conservation, make the following submission in respect of the proposed Queenstown Lakes District Plan to the Queenstown Lakes District Council.

1. This is a submission on the proposed Queenstown Lakes District Plan.
2. The specific provisions of the proposed Queenstown Lakes District Plan that my submission relates to are set out in Attachment 1 to this submission. The decisions sought in this submission are required to ensure that the proposed Queenstown Lakes District Plan:
 - a. Recognises and provides for the matters of national importance listed in section 6 of the Act and to has particular regard to the other matters in section 7 of the Act.
 - b. Promotes the sustainable management of natural and physical resources.
 - c. The changes sought are necessary, appropriate and sound resource management practice.
3. The majority of this submission is dedicated to the provisions managing indigenous vegetation and biodiversity within Chapter 33 of the proposed District Plan. A change to the structure of this chapter and various amendments to the objectives, policies and rules are sought. These amendments are required to ensure the District Councils function under section 31(b)(iii) of the RMA to control any actual and potential effects of the use and development of land for the purpose of the maintenance of indigenous biological diversity. Chapter 33 currently does not provide for this function, instead the likely outcome is further incremental loss of indigenous biodiversity.

4. I seek the following decision from the Council:

- 4.1 That the particular provisions of the proposed Queenstown Lakes District Plan that I support, as identified in Attachment 1, are retained.
- 4.2 That the amendments, additions and deletions to proposed Queenstown Lakes District Plan sought in Attachments 1 are made.
- 4.3 Further or alternative relief to like effect to that sought in 4.1 – 4.2 above.

5. I wish to be heard in support of my submission and if others make a similar submission, I will consider presenting a joint case with them at the hearing.



Michael Tubbs
Operations Manager, Central Otago District
Department of Conservation

Pursuant to delegated authority
On behalf of
Lou Sanson
Director-General of Conservation

Date: 23 October 2015

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011.

ATTACHMENT 1:

**PROPOSED QUEENSTOWN LAKES DISTRICT PLAN
SUBMISSION BY THE DIRECTOR-GENERAL OF CONSERVATION**

The specific provisions that my submission relates to are set out in Attachment 1. My submissions are set out immediately following these headings, together with the reason and the decision I seek from the Council.

The decision that has been requested may suggest new or revised wording for identified sections of the proposed plan. This wording is intended to be helpful but alternative wording of like effect may be equally acceptable. Text quoted from the proposed Queenstown Lakes District Plan is shown in *Italics*. The wording of decisions sought shows new text as underlined and original text to be deleted as ~~strikethrough~~.

Unless specified in each submission point my reasons for supporting are that the policies are consistent with the purposes and principles of the Resource Management Act 1991 (RMA).

From hereafter the 'proposed Queenstown Lakes District Plan' is referred to as the 'proposed Plan'.

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
Chapter 2 - Definitions 2-7	Clearance of Vegetation	<p>The definition of 'Clearance of Vegetation' is supported in part.</p> <p>It is important that the application of water to dryland habitats is recognised as a form of vegetation clearance for the purposes of this proposed Plan.</p> <p>Another form of clearance, possibly related to the application of water, is over-sowing of exotic species, which has the same effect of out competing indigenous species and may lead to incremental loss.</p>	<p>Amend the definition of 'Clearance of Vegetation' as follows:</p> <p><i>Clearance of vegetation includes, the deliberate application of water, <u>or over sowing</u>, where it would change the ecological conditions such that the resident indigenous plant(s) are killed by competitive exclusion. Includes dryland cushion field species.</i></p>
2-4	New definition – Biodiversity offset or offsetting	<p>A new definition for biodiversity offsetting is required as it is referred to in relief sought and amendments to policies within this submission.</p> <p>This will provide clarification in how biodiversity offsetting is to be used to address adverse effects of development activities.</p>	<p>Include new definition for biodiversity offsets or offsetting as follows:</p> <p><u>Measurable conservation outcomes resulting from actions designed to compensate for significant residual adverse biodiversity impacts arising from project development after appropriate avoidance, minimisation,</u></p>

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2-20	New definition – no net loss	A new definition is required for no net loss as it is referred to in relief sought in this submission and amendments to policies in Chapter 33.	<p>remediation and mitigation measures have been taken. The goal of biodiversity offsetting is to achieve no net loss and preferably a net gain of biodiversity on the ground.</p> <p>Include a definition of 'no net loss' as follows:</p> <p><u>No overall reduction in biodiversity as measured by type, amount and condition.</u></p>
Chapter 3 – Strategic Direction			
3-4	Goal 3.2.4 The Protection of our natural environment and ecosystems	Goal 3.2.4 of the Strategic Direction is generally supported as giving effect to section 6 RMA and generally a response to the Councils function under section 31(b)(iii) of the RMA.	Retain Goal 3.2.4 as notified.
3-5	Policy 3.2.4.2.1	<p>Policy 3.2.4.2.1 is supported in part.</p> <p>An amendment to this Policy is sought to ensure that it is not just the mapped Significant Natural Areas that are to be protected but that the proposed Plan provides for ongoing ecological assessment and identification of values as part of development and use activities.</p>	<p>Amend Policy 3.2.4.2.1 as follows:</p> <p><u>Identify areas of significant indigenous vegetation and significant habitats of indigenous fauna, referred to as Significant Natural Areas on the District Plan maps and through further ecological assessment associated with development and use activities, and ensure their protection.</u></p>
3-5	Policy 3.2.4.2.2	<p>Policy 3.2.4.2.2 is opposed.</p> <p>An amendment to the intent and wording of this Policy is sought. The Policy should be clarified so that it is limited to biodiversity off-setting for the purpose of addressing residual adverse effects that cannot be otherwise mitigated. The use of biodiversity offsetting should also be for the purpose of contributing to an overall purpose of achieving no net loss of indigenous biodiversity in the District.</p> <p>The Policy as worded anticipates the use of 'compensation' as an alternative to any attempt to</p>	<p>Amend Policy 3.2.4.2.2 as follows:</p> <p>Where adverse effects on nature conservation values cannot be avoided, remedied or mitigated, consider environmental compensation as an alternative. Where residual adverse effects of activities on nature conservation values cannot be otherwise avoided remedied or mitigated, the use of biodiversity offsets should be considered to achieve no net loss of indigenous biodiversity, and preferably a net gain.</p>

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3-5	Objective 3.2.4.3 Policy 3.2.4.3.1	mitigate adverse effects. It should be recognised that the meaning of 'environmental compensation' has a distinctly different meaning to biodiversity offsetting. Objective 3.2.4.3 and Policy 3.2.4.3.1 are supported so far as they are consistent with section 6(c) RMA in protecting significant vegetation and habitats for significant indigenous fauna.	Retain as notified.
3-5	Objective 3.2.4.4 Policy 3.2.4.4.1	Objective 3.2.4.3 and Policy 3.2.4.3.1 are supported as notified as they address the spread of exotic tree species in the district and the impacts this has on indigenous biodiversity and significant landscapes.	Retain as notified.
Chapter 6 - Landscapes			
6-2	General	Chapter 6 is generally supported so far as it recognises and provides for the protection of outstanding natural landscapes and features, as well as avoiding adverse cumulative effects on those values. It is noted that many of the districts outstanding natural landscapes and natural features will be located on land managed by the Department of Conservation.	Retain as notified.
6-6	Objective 6.3.7 Policy 6.3.7.1 Policy 6.3.7.2	Objective 6.3.7 and the associated two policies are supported. It is important that indigenous biodiversity is recognised and protected where this contributes to the districts landscapes. This is also important for the maintenance of indigenous biodiversity of the District generally.	Retain as notified.
Chapter 21 - Rural			
21-19	Rule 21.5.25 Informal airports located on Public Conservation and Crown Pastoral Land	Rule 21.5.25.1 refers specifically to informal airports located on Public Conservation Land (PCL) and the activity is permitted if the operator of the aircraft is operating under a concession issued pursuant to	Amend Table 5, 21.5.25 as follows: 21.2.25 Informal Airports Located on Public Conservation and Crown Pastoral Land

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		<p>section 17 of the Conservation Act. This aspect of the Rule is supported.</p> <p>A range of Department of Conservation operational activities such as pest control will require aircraft landings and contractors under these circumstances will not be operating under a formal concession in all cases, but will be carrying out the operation on behalf of the Department. Section 4 of the Act would usually apply in these cases. These landings may also be required to take place on private land adjacent to PCL and will therefore require consent under the proposed Rule. It is not clear if it was intended that one off landings or temporary activities were to be captured by this Rule. For example a hut re-supply operation may only require take off and landings at the road end for a few hours, but is potentially captured by this Rule. Including 'operational activities of the Department of Conservation' to the list of exempt activities in 21.2.25.3 would address this concern and would reduce any potential additional compliance costs. Alternatively the definition of 'Informal Airports' could be amended to limit the scope or scale of activities captured by the definition so that small scale of temporary activities do not require consideration for resource consent.</p> <p>As the Rule is written it is not clear whether both standards 21.5.25.1 and 21.5.25.3 are required to be complied with, in which case 'informal airports' for uses other than emergency landings, rescues, fire fighting and activities ancillary to farming activities. It would improve clarity if the rule required one of the first three standards to be complied with to be considered as a permitted activity.</p>	<p><i>Informal airports that comply with the following one of standards 21.5.25.1 and 21.5.25.2 as well as standard 21.5.25.4 shall be permitted activities:</i></p> <p>Amend 21.5.25.3 as follows:</p> <p><i>Informal airports for emergency landings, rescues, fire-fighting, operational activities of the Department of Conservation, and activities ancillary to farming activities.</i></p>

Chapter 26 – Historic Heritage	General comments	The proposed Plan is reasonably progressive in	Retain as notified.
26-2			

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
		<p>providing for the identification and protection of historic resources in the District.</p> <p>The new provision that is made for identification and implementation of 'heritage landscapes' to cover large areas of Macetown, Skippers, and Whakaari. This is a useful tool to protect the historical setting of these significant areas. Attempting to protect the historical setting of these landscapes on a site by site basis risks losing the broader character that echoes the District rich mining history. The identification and implementation of these landscapes is generally supported.</p> <p>The inventory of protected features is generally supported. The list is comprehensive, although it is recognised that this is not likely to be an exhaustive list of sites of significance in the District, and therefore it is positive to have updates to the list provided for in the policies of this chapter.</p>	
Chapter 27 - Subdivision & Development			
27-8	Objective 27.2.7 Policy 27.2.7.1 Policy 27.2.7.2	Objective 27.2.7 and associated Policies 27.2.7.1 and 27.2.7.2 are supported as they support the protection of significant indigenous biodiversity as well as adjacent freshwater habitats, and are consistent with section 230 RMA.	Retain as notified.
Chapter 30 – Energy and Utilities			
30-4	Policy 30.2.3.4	Policy 30.2.3.4 is supported in part. This Policy is supported as it considers the effect these activities may have on areas of significant indigenous biodiversity and provides a link to the matters covered in Chapter 33 of the proposed Plan. An amendment is required to be consistent with section 6(c) RMA.	Amend Policy 30.2.3.4 as follows: Assess the effects of Renewable Electricity Generation proposals, other than Small and Community Scale, on a case-by-case basis, with regards to: <ul style="list-style-type: none"> • <u>landscape values and areas with of significant indigenous flora or significant habitat for indigenous fauna</u> • <u>recreation and cultural values, including</u>

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30-4	Policy 30.2.3.6	<p>Policy 30.2.3.6 is supported in part.</p> <p>The intent of Policy 30.2.3.6 is supported. Amendments are sought to the Policy that are consistent with the approach to biodiversity offsetting that is described in the relief sought for policies in Chapter 33.</p>	<p><i>relationships with tangata whenua</i></p> <ul style="list-style-type: none"> • <i>amenity values</i> • <i>The extent of public benefit and outcomes of location specific cost-benefit analysis.</i> <p>Amend Policy 30.2.3.6 as follows:</p> <p><i>To compensate for adverse effects, consideration shall be given to any offset measures and for environmental compensation including those which benefit the local environment and community affected. To manage any residual adverse effects on indigenous biodiversity that cannot otherwise be avoided, remedied or mitigated, consideration shall be given to biodiversity offsets where it is appropriate to do so.</i></p>
Chapter 33 – Indigenous Vegetation and Biodiversity 33-2	General comments	<p>The proposed Plan has identified a number of Significant Natural Areas (SNAs) in Schedule 33.8.1. This is considered to be a positive improvement on the biodiversity provisions of the operative District Plan. It is also considered to be a positive step to include policy direction that provides for the further identification of SNAs through consent application processes. This recognises that the SNAs listed in the proposed Plan are not an exhaustive list, but are a snap shot in time which will provide certainty for land owners and the community that those areas are recognised as significant.</p> <p>In comments on the objectives, policies and rules below I have detailed a number of issues that need addressed. Amendments to the provisions are necessary to address conflicts and inconsistencies between the policies and rules as notified, and are necessary if Goal 3.2.3 in the Strategic Direction is to be achieved.</p>	<p>It is sought that the structure of the indigenous vegetation and biodiversity provisions be altered to ensure that these provisions are clear, easy for the community to use, and ensure that appropriate protection is applied when it comes to areas of significant indigenous vegetation and habitats of indigenous fauna.</p> <p>A marked up version of Chapter 33 is provided as Appendix 1, to set out the significant changes that the Director General seeks to this chapter.</p>

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		<p>It is important that a distinction is made between the management of indigenous biodiversity generally and the management of those areas identified as being 'significant'. It needs to be made clear in the provisions of the proposed Plan that clearance or altering of areas determined to be significant is to occur only in exceptional circumstances, and that a high test needs to be applied when considering the merits of proposals or development activities that adversely impact on SNAs.</p> <p>Therefore it is recommended that Objective 33.2.1 and the following policies are reworded so that they refer to the Councils function to maintain indigenous biodiversity values generally under section 31(b)(iii) RMA.</p> <p>Following this Objective 33.2.2 the policies should refer to the Councils responsibility to recognise and provide for the protection of significant indigenous biodiversity under section 6(c) RMA.</p>	
33-2	33.1 Purpose	<p>The purpose statement is supported in part with amendments sought to ensure that the indigenous vegetation and biodiversity provisions are consistent with section 6(c) RMA.</p> <p>Paragraph four should be amended to make the distinction between management of indigenous vegetation generally and those areas of indigenous vegetation that have been determined or will be determined to be 'significant'. The wording here needs to recognise that removal of indigenous vegetation within SNAs should be the exception and that only in exceptional circumstances will removal be justified (also refer to related suggested amendments to policies under Objective 33.2.2).</p>	<p>Amend the wording of 33.1 Purpose (paragraph 4) as follows:</p> <p><i>The limited removal of indigenous vegetation not determined to be significant is permitted, with discretion applied through the resource consent process to ensure that indigenous vegetation clearance activities exceeding the permitted limits protect, maintain or enhance indigenous biodiversity values. Where the removal of indigenous vegetation cannot be avoided or mitigated and would diminish the District's indigenous biodiversity values, opportunities for the enhancement of other areas are encouraged to offset the adverse effects of the loss of those indigenous biodiversity values.</i></p> <p><u>Where indigenous vegetation in an area described as a</u></p>

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			<p>Significant Natural Area in the district plan, or is determined to be an Significant Natural Area through a site specific ecological assessment, then any removal of indigenous vegetation required will only be allowed in exceptional circumstances, and where through a resource consent process the adverse effects of the activity are demonstrated as being avoided, remedied or mitigated. Biodiversity off-sets will be required to manage any residual adverse effects that cannot otherwise be mitigated.</p> <p>Or wording of a similar effect.</p>
33-2	Objective 33.2.1	<p>Objective 33.2.1 is supported in part with suggested amendments.</p> <p>This Objective reads more as a heading to the districts objective for indigenous biodiversity. There needs to be some explanatory text that clarifies what the overall objective is.</p> <p>It is possible that this Objective be combined with Objective 33.2.2 regarding Significant Natural Areas as there is some repetition, and this will allow for the distinction to be made in how overall biodiversity management will be structured.</p>	<p>Amend Objective 33.2.1 as follows:</p> <p><u>Protect, maintain and enhance indigenous biodiversity. Existing indigenous biodiversity values are protected, maintained or enhanced</u></p>
33-2	Policy 33.2.1.1	<p>Support in part for Policy 33.2.1.1.</p> <p>It is recommended that the intent of this policy is transferred to be captured under Policy 33.2.2.1 as it relates to the protection of areas determined to be SNAs.</p>	<p>Delete Policy 33.2.1.1 and add the intent of this policy to wording to be included in a new Policy 33.2.2.1 under Objective 33.2.2.</p>
33-2	Policy 33.2.1.2	<p>Support in part for Policy 33.2.1.2.</p> <p>It is recommended that this policy is moved and</p>	<p>Delete Policy 33.2.1.1 and include the intent of this policy in a new Policy 33.2.2.1 under Objective 33.2.2.</p>

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		<p>combined with policies under Objective 33.2.2. The presence of threatened species either nationally or at a district level is generally a factor in determining a site to be significant under the significance criteria (refer to policy 33.2.1.9b). Therefore it is recommended to replace this policy with a new policy that refers to the criteria for determining ecological significance in line with that detailed in Policy 33.2.1.9 as well as the list of threatened species in section 33.7</p>	
33-2	Policy 33.2.1.3	<p>Policy 33.2.1.3 is supported with an amendment sought.</p> <p>The Policy should include wording at the end to be clear that a limited area of indigenous vegetation removal is a permitted activity but that there are specific circumstances where this is the case.</p>	<p>Amend Policy 33.2.1.3 as follows:</p> <p><i>Provide standards in the District Plan for activities that involve clearance of indigenous vegetation that is not identified as a Significant Natural Area or threatened species, which are practical to apply and that permit the removal of a limited area of indigenous vegetation in specified circumstances.</i></p>
33-3	Policy 33.2.1.4	<p>An amendment is sought to Policy 33.2.1.4.</p> <p>The amendment will clarify how iwi values will be appropriately considered in when assessing the significance of and activities that affect indigenous biodiversity.</p>	<p>Amend Policy 33.2.1.4 as follows:</p> <p><i>Recognise Kai Tahu as kaitiaki and provide for Kai Tahu values and principles in providing for the maintenance of indigenous species and habitats. and take into account the values of tangata-whenua and kaitiakitanga.</i></p>
33-3	Policy 33.2.1.5	<p>Policy 33.2.1.5 is opposed.</p> <p>As the rules that give effect to these policies apply to all zones in the district it is unclear why a policy specific to rural land uses is required.</p> <p>The adverse effects of any indigenous vegetation clearance may be balanced against the benefits of a land use activity as a matter of course in making a decision under section 104 RMA. Given that, this policy adds no further value and is not reflected in</p>	Delete Policy 33.2.1.5.

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33-3	Policy 33.2.1.6	<p>the rules for this chapter.</p> <p>Policy 33.2.1.6 is supported.</p> <p>This Policy provides an approach to non-regulatory methods for the protection of indigenous biodiversity. This approach may also be used as part of mitigation or offsetting related to development proposals.</p>	Retain Policy 33.2.1.6 as notified.
33-3	Policy 33.2.1.7	<p>Policy 33.2.1.7 is supported with amendments sought.</p> <p>The amendments make the distinction between maintaining and enhancing indigenous biodiversity of the District generally as a council function under section 31 RMA, and the protection of significant indigenous biodiversity in accordance with section 6(c) RMA.</p>	<p>Amend Policy 33.2.1.7 as follows:</p> <p><i>Activities involving the clearance of indigenous vegetation not determined to be significant following assessment against the criteria in section 33.10, are undertaken in a manner to ensure the District's indigenous biodiversity values are protected, maintained or enhanced.</i></p>
33-3	Policy 33.2.1.8	<p>Policy 33.1.2.8 is supported in part.</p> <p>An amendment is recommended to this Policy to ensure it is clear that the use of biodiversity offsetting is for the purpose of managing any residual adverse effects that cannot be managed through mitigation or otherwise. It should also clarify that no net loss should be part of the policy but if possible a net gain to indigenous biodiversity would be preferred.</p> <p>A suggested new policy below will require the use of biodiversity offsetting to address residual adverse effects of activities on areas determined to be Significant Natural Areas.</p>	<p>Amend Policy 33.1.2.8 as follows:</p> <p><i>Where the there are residual adverse effects of an activity on indigenous biodiversity values that cannot be avoided, remedied or mitigated, consideration will be given to any whether there has been any compensation of biodiversity offset proposed and the extent to which any offset will result in no net loss of indigenous biodiversity and preferably a net indigenous biodiversity gain.</i></p>
33-3	Policy 33.2.1.9	Policy 33.2.1.9 is opposed.	Delete Policy 33.2.1.9 and include the ecological significance criteria in a new section 33.10.

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		<p>This Policy as written incorrectly applied the concept of 'ecological significance criteria'. Typically criteria of this type are for the purpose of identifying Significant Natural Areas that require a level of protection in accordance with section 6(c) of the RMA.</p> <p>Here the Policy as written seems to apply the criteria as a mechanism for assessing the adverse effects of activities that include the clearance of indigenous vegetation. I consider that this is an out of context use of the criteria.</p> <p>The Policy is also unclear in how the criteria are supposed to be used to determine the scale of adverse effects.</p>	
33-3	New Policy	<p>A new policy under this objective is required to ensure clearance of vegetation along the margins of waterways is managed appropriately for the purpose of limiting erosion as well as reducing impacts on natural character and biodiversity values of riparian margins.</p> <p>This new policy is a repositioning of proposed Policies 33..2.3.1 and 33.2.3.6</p>	<p>Include the following policy to give effect to Objective 33.2.1</p> <p><u>Manage the clearance of indigenous vegetation within 20 meters of water bodies, and ensure that such clearance does not create or contribute to erosion, or reduce natural character and indigenous biodiversity values of riparian corridors.</u></p>
33-4	Objective 33.2.2	<p>Objective 33.2.2 is opposed.</p> <p>This objective reads more like a heading to an objective, and amended wording that is ought will provide greater context in what the councils responsibility is regarding protection of Significant Natural Areas, and will align with section 6(c) of the RMA.</p>	<p>Amend Objective 33.2.2 as follows:</p> <p><u>Protect and enhance Significant Natural Areas. Areas of significant indigenous biodiversity are recognised and protected from development activities in the Queenstown Lakes District as a matter of national importance.</u></p>
33-4	New Policy 33.2.2.1A	<p>The following wording for a new policy under Objective 33.2.2 will include the initial step required, to give effect to this objective, of identifying Significant Natural Areas.</p>	<p>Include new Policy 33.2.2.1A as follows:</p> <p><u>Identify the District's Significant Natural Areas and schedule them in Part 33.8 the District Plan, including</u></p>

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		<p>This new Policy combines the intent of proposed Policies 33.2.1.1 and 33.2.1.2, and introduces new Section 33.10 which contains the criteria for identification of Significant Natural Areas that is currently stated in Policy 33.2.1.9 of the proposed Plan.</p>	<p>the ongoing identification of Significant Natural Areas through resource consent applications, using the criteria set out in Schedule 33.10, the list of threatened species in Part 33.7, and threatened land environments shown in Part 33.9</p>
33-4	Policy 33.2.2.1	<p>Policy 33.2.2.1 is supported.</p> <p>Policy 33.2.2.1 which seeks to avoid clearance of indigenous vegetation within Significant Natural Areas, aligns well with the direction under section 6(c) of the RMA to provide for the protection of these areas.</p>	Retain Policy 33.2.2.1 as notified.
33-4	Policy 33.2.2.2	<p>Policy 33.2.2.2 is opposed.</p> <p>Amendments are required to this policy to clarify the level of adverse effect on these features that may be authorised.</p> <p>The intent of only allowing indigenous vegetation clearance in exceptional circumstances is supported. Given this intent it is considered to be appropriate that there be no permitted activity for vegetation clearance within an Significant Natural Area, and this is sought as part of this submission.</p> <p>It is sought that any reference to 'compensation' be removed from this policy and a new policy requiring the use of biodiversity offsetting is proposed below.</p>	<p>Amend Policy 33.2.2.2 as follows:</p> <p><i>Allow the clearance of indigenous vegetation within Significant Natural Areas only in exceptional circumstances and in circumstances where these activities will have a low-impact minor adverse effects on the ecological functioning and the values that contribute to the significance of the area or offer compensation commensurate to the nature and scale of the clearance.</i></p>
33-4	Policy 33.2.2.3	<p>Policy 33.2.2.3 is opposed.</p> <p>It is not considered to be appropriate to permit the clearance of vegetation within Significant Natural</p>	Delete Policy 33.2.2.3.

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33-4	New Policy	<p>Areas for one activity over another, unless a National Environmental Standard requires it. The proposed Plan should not permit vegetation clearance activities other than that required for maintenance of <u>existing</u> tracks, fences and structures etc, as is provided for in the 33.3.4 Exemptions.</p> <p>Grazing of stock in these areas is typically not considered to be 'clearance of vegetation' but this activity can obviously damage vegetation. The definition of clearance of vegetation may need amending to make this clear.</p>	<p>Include new Policy 33.2.2.4 as follows:</p> <p><u>Require the use of biodiversity offsetting to address residual adverse effects, after avoiding, remedying or mitigating, of development activities on Significant Natural Areas to ensure no net loss of indigenous biodiversity values is achieved.</u></p>
33-4	Objective 33.2.3	<p>Objective 33.2.3 is opposed.</p> <p>It is not clear why this Objective is necessary given the preceding objectives and policies (including suggested amendments sought through this submission) which deal with activities that have potential to reduce biodiversity in an all encompassing manner. Providing policies specific to certain activities does not add value, and will over complicate these provisions.</p> <p>Instead of this objective it is considered appropriate to include an objective and related policies that provide for non-regulatory processes that work alongside regulation to contribute to maintaining or enhancing biodiversity values of the District.</p>	<p>Replace Objective 33.2.3 with the following Objective:</p> <p><u>Ensure the efficient use of land, including ski field development, farming activities and infrastructure improvements, do not reduce the District's indigenous biodiversity values. Encourage protection and enhancement of biodiversity values located on unproductive land within the district.</u></p>

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33-4	Policy 33.2.3.1	<p>Policy 33.2.3.1 is supported in part.</p> <p>This policy combined with the wording of Policy 33.2.3.6 will be best placed as a mechanism for ensuring the maintenance and enhancement of indigenous biodiversity is achieved under Objective 33.2.1</p>	Delete Policy 33.2.3.1.
33-4	Policy 33.2.3.2	<p>Policy 33.2.3.2 is opposed.</p> <p>This concept is likely captured by the provisions for biodiversity offsetting that is detailed in earlier policies and suggested new policy. Therefore this Policy will be redundant given the relief sought elsewhere in this section.</p>	Delete Policy 33.2.3.2
33-4	Policy 33.2.3.3	<p>Policy 33.2.3.3 is supported as non-regulatory mechanism to support maintenance of indigenous biodiversity and natural character, and limit soil erosion.</p>	Retain Policy 33.2.3.3 as notified.
33-4	New Policy	<p>Include a new policy that includes the intent of proposed Policy 33.2.1.6. This policy will sit best within the non-regulatory policy framework.</p>	<p>Include new policy as follows:</p> <p><u>Encourage the long-term protection of indigenous vegetation, in particular Significant Natural Areas by encouraging land owners to consider non-regulatory methods such as open space covenants administered under the Queen Elizabeth II National Trust Act, or conservation covenant established under section 27 of the Conservation Act 1987, or Nga Whenua Rahui Kawanata under section 27A of the Conservation Act 1987.</u></p>
33-4	Policy 33.2.3.4	<p>Policy 33.2.3.4 is opposed.</p> <p>Threatened species and threatened land environments referred to in this Policy are captured</p>	Delete Policy 33.2.3.4

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
33-5	Policy 33.2.3.5	<p>within the criteria for identification of Significant Natural Areas. Given that, this Policy is not considered to be necessary.</p> <p>In considering the effects of an activity on Significant Natural Areas, the effects on any values that contribute to that areas significance should be considered appropriately.</p> <p>Policy 33.2.3.5 is opposed.</p> <p>Threatened species and threatened land environments referred to in this Policy are captured within the criteria for identification of Significant Natural Areas. Given that, this Policy is not considered to be necessary.</p> <p>In considering the effects of an activity on Significant Natural Areas, the effects on any values that contribute to that areas significance should be considered appropriately.</p> <p>Biodiversity offsetting as referred to in this is recommended to be provided for in the regulatory provisions above.</p>	Delete Policy 33.2.3.5
33-5	Policy 33.2.3.6	<p>Policy 33.2.3.6 is opposed.</p> <p>The intent of this policy is captured in a new policy detailed above that comes under the regulatory provisions of this chapter.</p>	Delete Policy 33.2.3.6.
33-5	Policy 33.2.3.7	<p>Policy 33.2.3.7 is opposed.</p> <p>The intent of this Policy is not clear, but it is anticipated that it will be captured by the criteria for determining significance of indigenous biodiversity and also the provisions for biodiversity offsetting.</p>	Delete Policy 33.2.3.7.

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
33-5	Objective 33.2.4	Objective 33.2.4 is supported as it recognises a distinct environment that is subject to different pressures that have potential to impact on the biodiversity, landscape and natural character values of the District.	Retain Objective 33.2.4 as notified.
33-5	Policy 33.2.4.1	Policy 33.2.4.1 is supported for the reasons given under Objective 33.2.4 above.	Retain Policy 33.2.4.1 as notified.
33-5	Policy 33.2.4.2	Policy 33.2.4.2 is supported as this addresses in particular the issue of wilding conifers and their impact on biodiversity and landscapes.	Retain Policy 33.2.4.2 as notified.
33-6	33.3.2 Clarification	The section 33.3.2 Clarification is supported in part. Clarification points 33.3.2.4 to 33.3.2.7 should be deleted as they are referred to in prior policies and are no required to be repeated here.	Delete clarification points 33.3.2.4 to 7
33-6	33.3.3 Application of the rules	Amend section 33.3.3. Amendments are required as part of or in response to amendments sought to the rules in this chapter. It is considered necessary to amend this section so that it applies only to areas outside Significant Natural Areas, as it is sought there is no permitted vegetation clearance within Significant Natural Areas.	Amend 33.3.3.1 as follows: <i>For the purposes of determining compliance with Rules 33.4.1 to 33.4.3, indigenous vegetation shall be measured cumulatively over the area(s) to be cleared.</i> Amend 33.3.3.4 as follows: <i>For the purpose of 33.3.3.2 and 33.3.3.3 above Structural dominance means indigenous species that are in the tallest stratum.</i> Delete 33.3.3.5 and Delete 33.3.3.6.
33-7	33.3.4 Exemptions	Amend section 33.3.4. The exemption in 33.3.4.3 is not justified and does not add considerable value to management of biodiversity values of the district.	Retain section 33.3.4 exemptions as notified, but delete 33.3.4.3 and amend point 33.3.4.3 as follows: <i>Indigenous vegetation clearance for the construction of walkways or trails up to 1.5 metres in width provided</i>

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
		<p>Point 33.3.4.3 should be amended so that the exemption for track and trail construction does not apply to areas where significant indigenous biodiversity is present. The intention of the exemption is supported but there needs to be some assessment of the values present prior to vegetation clearance in all instances.</p>	<p><u>that it does not involve the clearance of any threatened plants listed in section 33.7 or any tree greater than a height of 4 metres, or clearance within any area identified as being an Significant Natural Area when assessed against the criteria in Part 33.10.</u></p>
33-7	33.4 Rules general	<p>The following relief sought sets out a regime where a limited area of indigenous vegetation clearance may occur as a permitted activity where this area occurs outside any area determined to be a Significant Natural Area.</p> <p>It follows that given the significance of indigenous vegetation and habitats that meet the criteria, there should be no provision for any clearance of this vegetation as a permitted activity. This follows on from the direction given in the Policy 33.2.2.1 that vegetation clearance in these areas should be avoided, and Policy 33.2.2.2 which allows for clearance only in the case of exceptional circumstances where the effects are of a low impact. These policies point toward a high test for activities involving vegetation clearance within Significant Natural Areas, therefore a non-complying activity status is considered to be appropriate.</p>	<p>Amendments sought to the rules as set out below.</p>
33-7	Table 1	<p>Amend Table 1 to provide a more stringent test for non-compliance with permitted standards for 33.4.2 and 33.4.3 of Table 1. A non-complying activity status will be consistent with proposed Policy 33.2.2.2 in providing for this activity in only the exceptional of circumstances where impacts are shown to be insignificant.</p>	<p>Amend non-compliance status for 33.4.2 and 33.4.3 of Table 1 to a non-complying activity status.</p>
33-8	Table 2	<p>Amend Table 2 to clarify that areas determined to be significant using the criteria specified in the notified</p>	<p>Amend 33.5.3 as follows:</p>

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
		<p>plan are not addressed by Table 2 but are captured under the standards of Table 3.</p> <p>The presence of threatened land environments and presence of threatened species is one of the criteria for determining significance of biodiversity.</p> <p>33.5.5 of Table 2 states that the permitted activity is only for the clearance of indigenous trees that have been windthrown and/or are dead standing as a result of natural causes and have become dangerous to life or property. Given that 33.4.1 in Table 1 requires all the standards in Table 2 to be complied with to meet the permitted activity, 33.5.5 significantly limits the scope of activities that can be considered as permitted under Table 2. I do not believe this is the intention of this rule and consider the clearance activity under 33.5.5 is best placed as part of the exemption under 33.3.4.2.</p>	<p><u>Within a land environment (defined by the Land Environments of New Zealand at Level IV) that has 20 percent or less remaining in indigenous cover, clearance is less than 500m² in area of any site and, 50m² in area of any site less than 10ha, in any continuous period of 5 years (refer to section 33.9).</u> The site is not considered to be a Significant Natural Area when considered against the criteria in section 33.10.</p> <p>Delete standard 33.5.5.</p>
33-8	Table 3	<p>Amend Table 3 so that there shall be no permitted standard allowing vegetation clearance within an area determined as a Significant Natural Area.</p> <p>Some vegetation types or habitats for threatened species may be of a very limited size therefore allowing even a small area of clearance may be contributing to a large proportion of loss of that particular habitat.</p> <p>It is considered that to achieve the objectives of this chapter of protecting significant indigenous biodiversity and to ensure biodiversity of the district is maintained, it is appropriate that any indigenous vegetation clearance within an Significant Natural Area should be subject to a more stringent test through a consent process.</p>	<p>Delete 33.5.7 of Table 3</p> <p>And</p> <p>Amend 33.5.8 of Table 3 as follows:</p> <p>The clearance of indigenous vegetation shall not exceed 50m² in area in any continuous period of 5 years. Does not involve any clearance of indigenous vegetation</p>
33-8	Table 4	Table 4 is supported as it recognises the sensitivity of	Retain Table 4 as notified.

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
33-9	33.7 Threatened Plant List	<p>alpine environments and the potential for significant effects on alpine values as a result of vegetation removal and exotic tree planting.</p> <p>33.7 Threatened Plant List is supported as an important and helpful reference to assist in determining the significance of biodiversity at a site.</p> <p>It is noted that threat classifications for flora and fauna are not static, but are regularly reviewed and can change as a result of loss due to a number of external pressures such as land development. There is a general trend in New Zealand currently of more species becoming 'threatened' over time.</p> <p>With this in mind it is reasonable to expect that the Schedule of threatened plants will likely become out of date well within the life of the Plan. The Schedule therefore should not be treated as a complete list and should only be used as guidance.</p> <p>It is also evident that there are a number of species present in this District that are not included on the list which are currently considered to be threatened.</p>	<p>Retain as notified although consideration should be given to inclusion of the following species:</p> <p><u>Nationally Critical</u> Dysphania pusilla (locally extinct?) Cardamine (b) CHR3129947; tarn) Cardamine (c) CHR511706; Pisa Range) Chaerophyllum colensoi var. delicatula Crassula peduncularis (locally extinct?) Epilobium pictum</p> <p><u>Nationally Endangered</u> Centipeda minima ssp. minima Euchiton ensifer Ranunculus brevis Trithuria inconspicua</p> <p><u>Nationally Vulnerable</u> Carex cirrhosa Carex rubicunda Daucus glochidiatus Geranium retrorsum Gratiola concinna Mazus novaezeelandiae Myosotus glauca Ranunculus ternatifolius</p>
33-13	33.8 Schedule of Significant Natural Areas	<p>33.8 Schedule of Significant Natural Areas is supported as a positive step in providing for the protection of these areas.</p> <p>It is important that it is recognised that this is not an exhaustive list but is the result of significant amount of survey work undertaken within the district.</p>	<p>Retain as notified.</p>

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
33-19	33.9 Threatened Environment Classification Maps	Provisions of this chapter of the proposed Plan while relying on the sites identified in this schedule to provide certainty for those sites, should also provide for ecological assessment of sites not listed when they are the subject of proposed development activities.	
33-26	New schedule 33.10	33.9 Threatened Environment Classification Maps are supported as they provide a helpful resource in determining the significance of a site. A new schedule is recommended that includes the criteria for determining the significance of indigenous biodiversity at a site. These criteria are similar to those included proposed policy 33.2.1.9 as discussed previously in this submission. These criteria are consistent with those provided by the proposed Otago Regional Policy Statement.	Retain as notified. Include new schedule 33.10 as detailed in Appendix 1 t this submission below.
Chapter 34 – Wilding Exotic Trees			
34-2	34.1 Purpose 34.2.1 Objective 34.2.1.1 Policy	34.1 Purpose, 34.2.1 Objective and 34.2.1.1 Policy are supported as these outline the existing problem with wilding trees in this District and the effects this has on the District resources, and managing the further planting of wilding species in this district will help to control further spread of trees.	Retain as notified.
34-3	34.4.1 Rule	Rule 34.4.1 is supported. It is acknowledged that the species listed will have differing value as a commercial species, and will have some use as providing shelter belts on rural properties. It is also acknowledged that some of these species pose a greater risk of wilding spread, but it is a positive step to rule out further planting and contribute to managing the spread of wilding trees in	Amend Table 1 to include <i>Pinus uncinata</i> Mountain Pine and correct the spelling of <i>Pinus sylvestris</i> .

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
		<p>the Queenstown Lakes District.</p> <p>The development and use of alternative species and sterile hybrid species to reduce the risk of wilding spread should be allowed for.</p> <p><i>Pinus uncinata</i> should also be included in this list as a mountain pine species and differentiate this from the Dwarf Mountain Pine species.</p> <p>The Latin name for Scots Pine is spelt incorrectly being <i>Pinus sylvestris</i>.</p> <p>The 34.4.2 exemption for identified and scheduled protected trees confuses the issue. This is as this rule and chapter of the proposed Plan seeks to control the planting of trees with wilding potential, and not to control the location of existing trees at the time the proposed Plan was notified.</p>	
Chapter 35 – Temporary Activities & Relocated Buildings 35-6	Rule 35.4.5	Rule 35.4.5 is supported as it provides a permitted activity for temporary events held on public conservation land and authorised under other legislation. This approach will avoid unnecessary duplication of roles in managing these activities on this land and reduce compliance requirements for these activities.	Retain as notified.
35-7	Rule 35.4.10	Rule 35.4.5 is supported as it provides a permitted activity for temporary filing activities on public conservation land and authorised under other legislation. This approach will avoid unnecessary duplication of roles in managing these activities on this land and reduce compliance requirements for these activities.	Retain as notified.

Appendix 1 Marked up version of Chapter 23 including recommended amendments:

33.1 Purpose

The District contains a diverse range of habitats that support indigenous plants and animals. Many of these are endemic, comprising forests, shrubland, herbfields, tussock grasslands, lake and river margins. Indigenous biodiversity is also an important component of ecosystem services and the District's landscapes.

The Council has a responsibility to maintain indigenous biodiversity and to recognise and provide for the protection of significant indigenous vegetation and significant habitats of indigenous fauna, which are collectively referred to as Significant Natural Areas (SNAs).

Activities involving the efficient use of land including ski-field development within identified Ski Area Sub Zones, farming, fence, road and track construction can be reasonably expected to be undertaken providing such activities maintain or enhance the District's indigenous biodiversity values.

The limited removal of indigenous vegetation not determined to be significant is permitted, with discretion applied through the resource consent process to ensure that indigenous vegetation clearance activities exceeding the permitted limits protect, maintain or enhance indigenous biodiversity values. Where the removal of indigenous vegetation cannot be avoided or mitigated and would diminish the District's indigenous biodiversity values, opportunities for the enhancement of other areas are encouraged to offset the adverse effects of the loss of those indigenous biodiversity values.

Where indigenous vegetation is in an area described as a Significant Natural Area in the District Plan, or is determined to be through a site specific ecological assessment, then any removal of vegetation required will only be allowed in exceptional circumstances, and where through a resource consent process the adverse effects of the activity are demonstrated as being avoided, remedied or mitigated. Biodiversity off-sets will be required to manage any residual adverse effects that cannot otherwise be mitigated in these areas.

Alpine environments are identified as areas above 1070m and are among the least modified environments in the District. Due to thin and infertile soils and severe climatic factors, establishment and growth rates in plant life are slow, and these areas are sensitive to modification. In addition, because these areas contribute to the District's distinctive landscapes, and are susceptible to exotic pest plants, changes to vegetation at these elevations may be conspicuous and have significant effects on landscape character and indigenous biodiversity.

The District's lowlands comprising the lower slopes of mountain ranges and valley floors have been modified by urban growth, farming activities and rural residential development. Much of the indigenous vegetation habitat has been removed and these areas are identified in the Land Environments of New Zealand Threatened Environment Classification as either acutely or chronically threatened environments, having less than 20% indigenous vegetation remaining.

Pursuant to Section 86(b)(3) of the RMA, the rules applicable to Significant Natural Areas have immediate legal effect.

33.2 Objectives and Policies

33.2.1 Objective – ~~Protect, maintain, and enhance indigenous biodiversity.~~ Existing indigenous biodiversity values are maintained or enhanced to ensure no net loss of these values is achieved.

Policies

~~33.2.3.1 Identify the District's Significant Natural Areas and schedule them in the District Plan, including the ongoing identification of Significant Natural Areas through resource consent applications, using the criteria set out in Policy 33.2.1.9.~~

~~33.2.1.2 Identify the District's rare or threatened indigenous species and schedule them in the District Plan to assist with the management of their protection.~~

33.2.1.31 Provide standards in the District Plan for activities that involve clearance of indigenous vegetation that is not identified as a Significant Natural Area or threatened species, which are practical to apply and that permit the removal of a limited area of indigenous vegetation in specific circumstances.

- 33.2.1.42** Recognise Kai Tahu as kaitiaki and provide for Kai Tahu values and principles in providing for the maintenance of indigenous species and habitats, and take into account the values of tangata whenua and kaitiakitanga.
- ~~33.2.1.5 Recognise anticipated activities in rural areas such as farming and the efficient use of land and resources while having regard to the maintenance, protection or enhancement of indigenous biodiversity values.~~
- 33.2.1.63** Encourage the long-term protection of indigenous vegetation and in particular Significant Natural Areas by encouraging land owners to consider non-regulatory methods such as open space covenants administered under the Queen Elizabeth II National Trust Act.
- 33.2.1.74** Activities involving the clearance of indigenous vegetation not determined to be significant, are undertaken in a manner to ensure the District's indigenous biodiversity values are protected, maintained or enhanced.
- 33.2.1.85** Where ~~the~~ there are residual adverse effects of an activity on indigenous biodiversity values that cannot be avoided, remedied or mitigated, consideration will be given to any whether there has been any compensation or biodiversity offset proposed and the extent to which any offset will result in no net loss of indigenous biodiversity and preferably a net indigenous biodiversity gain.
- 33.2.1.6** Manage the clearance of indigenous vegetation within 20 meters of water bodies, and ensure that such clearance does not create or contribute to erosion, or reduce natural character and indigenous biodiversity values of riparian corridors.
- ~~33.2.1.9 Delete Policy (replaced by proposed section 33.10 below)~~

33.2.2 Objective – Areas of significant indigenous biodiversity are recognised and protected from development activities throughout the Queenstown Lakes District. Protect and enhance Significant Natural Areas

Policies

- 33.2.2.1** Identify the District's Significant Natural Areas and schedule them in Part 33.8 the District Plan, including the ongoing identification of Significant Natural Areas through resource consent applications, using the criteria set out in Schedule 33.10, the list of threatened species in Part 33.7, and threatened land environments shown in Part 33.9
- 33.2.2.12** Avoid the clearance of indigenous vegetation within Significant Natural Areas that would reduce indigenous biodiversity values.
- 33.2.2.23** Allow the clearance of indigenous vegetation within Significant Natural Areas only in exceptional circumstances and in circumstances where these activities will have a low impact minor adverse effects on the ecological functioning and the values that contribute to the significance of the area or offer compensation commensurate to the nature and scale of the clearance.
- 33.2.2.3** ~~Recognise that the majority of Significant Natural Areas are located within land used for farming activity and provide for small scale, low impact indigenous vegetation removal, stock grazing, the construction of fences and small scale farm tracks, and the maintenance of existing fences and tracks.~~
- 33.2.2.4** Require the use of biodiversity offsetting to address residual adverse effects, after avoiding, remedying or mitigating, of development activities on Significant Natural Areas to ensure no net loss of indigenous biodiversity values is achieved.

33.2.3 Objective - Ensure the efficient use of land, including ski field development, farming activities and infrastructure improvements, do not reduce the District's indigenous biodiversity values. Encourage protection and enhancement of biodiversity values located on unproductive land within the district.

Policies

- ~~33.2.3.1 Provide standards controlling the clearance of indigenous vegetation within 20 meters of water bodies, and ensure that proposals for clearance do not create erosion, or reduce natural character and indigenous biodiversity values.~~
- ~~33.2.3.2 Where the permanent removal of indigenous vegetation is proposed, encourage the retention or establishment of the same indigenous vegetation community elsewhere on the site.~~
- 33.2.3.31** Encourage the retention of indigenous vegetation in locations that have potential for regeneration, or provide stability, particularly where productive values are low, or in riparian areas or gullies.
- 33.2.3.2 Encourage the long-term protection of indigenous vegetation, in particular Significant Natural Areas by encouraging land owners to consider non-regulatory methods such as open space covenants administered under the Queen Elizabeth II National Trust Act, or conservation covenant established under section 27 of the Conservation Act 1987.
- ~~33.2.3.4 When considering the effects of proposals for the clearance of indigenous vegetation, have particular regard to whether threatened species are present, or the area to be cleared is within a land environment (defined by the Land Environments of New Zealand at Level IV) identified as having less than 20% indigenous vegetation remaining; and,~~
- ~~33.2.3.5 Where indigenous vegetation clearance is proposed within an environment identified as having less than 20% indigenous vegetation remaining (defined by the Land Environments of New Zealand at Level IV), have regard to the threatened environment status, the nature and scale of the clearance, potential for recovery or the merit of any indigenous biodiversity offsets.~~
- ~~33.2.3.6 Ensure indigenous vegetation removal does not adversely affect the natural character of the margins of water ways.~~
- ~~33.2.3.7 Have regard to any areas in the vicinity of the indigenous vegetation proposed to be cleared, that constitute the same habitat or species which are protected by covenants or other formal protection mechanisms.~~

33.2.4 Objective – Protect the indigenous biodiversity and landscape values of alpine environments from the effects of vegetation clearance and establishment of exotic tree and shrub planting.

Policies

- 33.2.4.1** Recognise that alpine environments contribute to the distinct indigenous biodiversity and landscape qualities of the District and are vulnerable to change from vegetation clearance or establishment of exotic plants.
- 33.2.4.2** Protect the alpine environment from degradation due to planting and spread of exotic species.

33.3 Other Provisions and Rules

33.3.1 District Wide (no changes)

33.3.2 Clarification

- 33.3.2.1** Compliance with any of the following standards, in particular the permitted standards, does not absolve any commitment to the conditions of any relevant land use consent, consent notice or covenant registered on the site's computer freehold register.
- 33.3.2.2** Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 33.3.2.3** The rules apply to all zones in the District, including formed and unformed roads, whether zoned or not.

- ~~33.3.2.4 Refer to part 33.7 for the schedule of threatened species.~~
- ~~33.3.2.5 Refer to the planning maps and part 33.8 for the schedule of Significant Natural Areas.~~
- ~~33.3.2.6 Refer to Part 33.9 for the District's land environment (defined by the Land Environments of New Zealand at Level IV) that has 20 percent or less remaining in indigenous cover.~~
- ~~33.3.2.7 Refer to the Landcare Research Threatened Environment Classification:
http://www.landcareresearch.co.nz/_data/assets/pdf_file/0007/21688/TECUserGuideV1_1.pdf~~
- 33.3.2.8 (no change)

33.3.3 Application of the indigenous vegetation rules outside of Significant Natural Areas

- 33.3.3.1 For the purposes of determining compliance with Rules 33.4.1 ~~to 33.4.3~~, indigenous vegetation shall be measured cumulatively over the area(s) to be cleared.
- 33.3.3.2 Rules 33.5.1 to 33.5.4 shall apply where indigenous vegetation attains 'structural dominance' and, the indigenous vegetation exceeds 20% of the total area to be cleared or total number of species present of the total area to be cleared.
- 33.3.3.3 Rules 33.5.1 to 33.5.4 shall apply where indigenous vegetation does not attain structural dominance and exceeds 30% of the total area to be cleared, or total number of species present of the total area to be cleared.
- 33.3.3.4 For the purpose of 33.3.3.2 and 33.3.3.3 above Structural dominance means indigenous species that are in the tallest stratum.
- ~~33.3.3.5 Requirements (33.3.3.2) and (33.3.3.3), do not apply to threatened species listed in Schedule 33.7, the clearance of a threatened species applies to any single plant.~~
- ~~33.3.3.6 Requirements (33.3.3.2) and (33.3.3.3), do not apply to Significant Natural Areas listed in Schedule 33.8. Any clearance or activity is applicable to the land identified as a Significant Natural Area and identified in the planning maps.~~

33.3.4 Exemptions

- ~~33.3.4.1 Any area identified in the District Plan maps and scheduled as a Significant Natural Area that is, or becomes protected by a covenant under the Queen Elizabeth II National Trust Act, shall be removed from the schedule and be exempt from rules in Table 3.~~
- 33.3.4.2 Indigenous vegetation clearance for the operation and maintenance of existing and in service/ operational roads, tracks, drains, utilities, structures and/or fence lines, but excludes their expansion.
- 33.3.4.3 Indigenous vegetation clearance for the construction of walkways or trails up to 1.5 metres in width provided that it does not involve the clearance of any threatened plants listed in section 33.7 or any tree greater than a height of 4 metres, or clearance within any area identified as being an Significant Natural Area in Part 33.8.

33.4 Rules – Clearance of Indigenous Vegetation

Table 1	Any activity involving the clearance of indigenous vegetation shall be subject to the following rules:	Non-comp
33.4.1	The clearance of indigenous vegetation complying with all the standards in Table 2 shall be a permitted activity.	D
33.4.2	Activities located within Significant Natural Areas that comply with all the standards in Table 3 shall be a permitted activity.	D NC

33.4.3	Activities located within alpine environments (any land at an altitude higher than 1070m above sea level) that comply with Table 4 shall be a permitted activity.	DN
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33.5 Rules – Standards for Permitted Activities

Table 2	Clearance of indigenous vegetation not located within a Significant Natural Area or within Alpine Environments
33.5.1	Clearance is less than 5000m ² in area of any site and, 500m ² in area of any site less than 10ha, in any continuous period of 5 years.
33.5.2	Where indigenous vegetation is greater than 2.0 metres in height, clearance is less than 500m ² in area of any site and, and 50m ² in area of any site less than 10ha, in any continuous period of 5 years,
33.5.3	Within a land environment (defined by the Land Environments of New Zealand at Level IV) that has 20 percent or less remaining in indigenous cover, clearance is less than 500m² in area of any site and, 50m² in area of any site less than 10ha, in any continuous period of 5 years (refer to section 33.9). The site is not considered to be a Significant Natural Area when considered against the criteria in section 33.10
33.5.4	Clearance is more than 20m from a water body.
33.5.5	Is for the clearance of indigenous trees that have been windthrown and/or are dead standing as a result of natural causes and have become dangerous to life or property.
33.5.6	Is not the clearance of a plant identified as a threatened species listed in section 33.7.

Table 3	Activities within Significant Natural Areas identified in Schedule 33.8 and on the District Plan maps <u>or determined to be significant under the criteria in section 33.10:</u>
33.5.7	Earthworks shall: 33.5.7.1 be less than 50m² in any one hectare in any continuous period of 5 years; 33.5.7.2 not be undertaken on the slopes with an angle greater than 20 degrees.
33.5.87	The clearance of indigenous vegetation shall not exceed 50m² in area in any continuous period of 5 years. Does not involve any clearance of indigenous vegetation
33.5.98	Does not involve exotic tree or shrub planting.

(No change to Table 4 as notified)

33.6 Rules – Non-Notification of Applications (No change)

33.7 Threatened Plant List (No change)

33.8 Schedule of Significant Natural Areas (No change)

33.9 Threatened Environment Classification Maps (No change)

33.10 Criteria for determining the significance of natural areas

The following criteria shall be used to determine whether a site is a Significant Natural Area for the purpose of indigenous vegetation clearance rules in sections 33.4 and 33.5. If an ecological assessment demonstrates that a site meets one or more of the criteria then that site is a Significant Natural Area under the rules in section 33.4 and 33.5.

Representativeness: An area that is an example of an indigenous vegetation type or habitat that is representative of that which formerly covered the Ecological District.

Rarity: An area that supports:

- a) An indigenous species that is threatened, at risk, or

uncommon, nationally or within an ecological district;
b) Indigenous vegetation or habitat of indigenous fauna that has been reduced to less than 20% of its former extent nationally, regionally or within a relevant land environment, ecological district, or freshwater environment including wetlands;
c) Indigenous vegetation and habitats within originally rare ecosystems.

Diversity: An area that supports a highly diverse assemblage of flora or fauna or consists of a diverse range of vegetation and habitat types. The degree of diversity should be referenced to specific communities i.e. levels of diversity varying significantly between communities and habitat types.

Distinctiveness: An area that supports or provides habitat for:
a) Indigenous species at their distributional limit within Otago or nationally;
b) Indigenous species that are endemic to the Otago region;
c) Indigenous vegetation or an association of indigenous species that is distinctive, of restricted occurrence, or has developed as a result of an unusual environmental factor or combinations of factors.

Ecological Context: The relationship of the area with its surroundings, including:
a) An area that has important connectivity value allowing dispersal of indigenous fauna between different areas;
b) An important buffering function that helps to protect the values of an adjacent area or feature;
c) An area that is important for indigenous fauna during some part of their life cycle, either regularly or on an irregular basis, e.g. for feeding, nesting, breeding, or refuges from predation