

Plan Change 7

Managing Significant Indigenous Vegetation

Summary of Changes

Plan Change 7 seeks to amend Chapters 2 (Abbreviations and Definitions) and 9 (sub-chapter 9.1 – Indigenous Biodiversity and Ecosystems) of the District Plan to better protect and maintain indigenous vegetation while still providing for its clearance, where it is small scale and low impact, to provide for the continuation of farming activities.

In summary, the changes proposed seek to:

- Amend the definition of improved pasture to improve its clarity by removing the requirement for exotic pasture species to be the “visually predominant” vegetation cover and replacing it with one that exotic pasture species must have been deliberately sown or maintained in order for an area of pasture to be considered improved;
- Introduce new rules that apply in the coastal environment (as defined in the District Plan) and require any clearance of indigenous vegetation within areas of improved pasture to comply with limits established in the District Plan for the type and scale of indigenous vegetation that can be cleared as a permitted activity. Where clearance of indigenous vegetation exceeds those thresholds, an application for resource consent would be required;
- Clarify existing policy direction that directs that where any clearance of indigenous vegetation exceeds the thresholds for clearance in the District Plan, an assessment of the significance of the vegetation should be submitted as part of an application for resource consent.
- Amend Appendix 9.1.6.6 to expand the protection of indigenous vegetation located on Banks Peninsula provided by its associated rule framework, and to provide an allowance for clearance of indigenous coastal vegetation while still protecting significant ecological values.

What provisions are proposed to be changed?

Plan Change 7 proposes amendments to the following provisions:

1. Amend Chapter 2 Abbreviations and Definitions

- a. Improved Pasture

2. Amend Chapter 9 (Natural and Cultural Heritage), sub-chapter 9.1 (Indigenous Biodiversity and Ecosystems)

a. Policies:

- i. 9.1.2.2.4 - Mechanisms for the management and protection of other indigenous vegetation and habitats;
- ii. 9.1.2.2.6 - Protection and management of significant indigenous vegetation and habitats of indigenous fauna listed in Schedule A of Appendix 9.1.6.1;
- iii. 9.1.2.2.7 - Protection and management of other indigenous vegetation and habitats;
- iv. 9.1.2.2.8 - Protection of indigenous vegetation and habitats of indigenous fauna in the coastal environment; and
- v. 9.1.2.2.11 – Farm biodiversity plans;
- vi. 9.1.2.2.14 – Offsetting.

b. Rules:

- i. 9.1.4.1.1 (Permitted Activities);
 1. Amend Rule P1;
 2. Amend Rule P4;
 3. Introduce New Rule P5.
- ii. 9.1.4.1.3 (Restricted Discretionary Activities);
 1. New Rule (RD7)
- iii. Rule 9.1.4.1.5 (Non-Complying Activities)
 1. Amend Rule NC1.

c. Appendix 9.1.6.6:

- i. Table 1: Occupying a contiguous area of (hectares), canopy cover (%) of, and height (metre) of any individual plants – Replace all “N/A” values with “0”;
- ii. Table 1(c): Indigenous coastal vegetation – Extend geographic extent to entire Coastal Environment in Banks Peninsula;

- iii. Table 1(c): Indigenous coastal vegetation – Introduce a limit for contiguous area occupied of 0.1 hectare (except for Kaitorete Spit). Note: clearance under proposed Rule 9.1.4.1.1 (P5) is limited to 0.1 hectare in any five year period;
- iv. Table 1(a)(i),(ii) and (c): Indigenous trees and forest and indigenous coastal vegetation – Introduce a definition of “contiguous” so far as it applies to “contiguous area occupied”;
- v. Table 1(d)(ii): Indigenous coastal vegetation – introduction of Three-square (*Schenoplectus pungens*);

Detailed Description of Changes

Definition of Improved Pasture

Rule 9.1.4.1.1 (P1) provides for the clearance of indigenous vegetation as a permitted activity where it occurs within an area of improved pasture. The definition of improved pasture includes a qualifier that exotic pasture grass and herb species are the “visually predominant vegetation cover” within an area of pasture in order for it to qualify as improved pasture. The “visual predominance” component of the definition is considered difficult to implement, creates ambiguity, and, as a result, potentially gives rise to unanticipated adverse effects. For example, scattered shrub-lands may be ecologically significant but not visually predominant, within an area of pasture, meaning that they can be cleared as a permitted activity due to it falling within the definition of improved pasture.

The plan change will seek to remove this qualifier from the definition of improved pasture and replace it with a requirement that exotic pasture grass and herb species have been “deliberately sown or maintained” within an area of pasture in order for it to be considered improved pasture. These changes will improve its clarity and application within the rules and, therefore, the outcomes for indigenous vegetation.

Coastal Environment Rule Framework

The District Plan currently permits the clearance of indigenous vegetation within Sites of Ecological Significance, or of the vegetation types listed in Appendix 9.1.6.6¹ in Banks Peninsula and on the Port Hills, where it is for the purpose of maintaining improved pasture.

Appendix 9.1.6.6 lists indigenous vegetation and plant communities that are present on Banks Peninsula and the Port Hills with specified limits for clearance that, if breached, trigger the requirement for a resource consent. The purpose of the plant communities described and thresholds listed is to establish a point at which indigenous vegetation is likely to become significant in the absence of a district wide ecological survey being completed.

¹ Indigenous vegetation on Banks Peninsula and the Port Hills, outside of the sites of ecological significance listed in Schedule A of Appendix 9.1.6.1

The proposed new rules seek to apply the listed thresholds in Appendix 9.1.6.6 to the clearance of indigenous vegetation within areas of improved pasture. The effect of the proposed change is that indigenous vegetation that is potentially significant cannot be cleared without resource consent. The changes proposed are not intended to preclude clearance of indigenous vegetation within areas of improved pasture. Rather, the changes seek to provide a balance between providing for the clearance of indigenous vegetation that is considered to be low scale and low impact with regard to adverse effects, while protecting vegetation that is potentially significant. The changes are also proposed so that the permitted activity rules for clearance within areas of improved pasture can be consistently and more easily applied.

Changes to Existing Policies

The changes to policies in sub-chapter 9.1 clarify that where clearance of indigenous vegetation listed on Appendix 9.1.6.6 requires resource consent, a resource consent application should include an assessment of the significance of that vegetation in accordance with the Canterbury Regional Policy Statement. The proposed change seeks that adverse effects are appropriately managed. Feedback from plan users has suggested that this policy direction could be clearer and more direct so that such assessments are undertaken and submitted with resource consent applications. The changes to the existing policies proposed by Plan Change 7 seek to make this direction clearer, while not changing the overall intent of the policy direction. Further, they also seek to clarify how adverse effects in coastal and non-coastal environments should be managed, including the use of biodiversity offsetting.

Changes Appendix 9.1.6.6

Appendix 9.1.6.6 lists indigenous vegetation and plant communities that are present on Banks Peninsula and the Port Hills with specified limits relating to contiguous area occupied, percentage of canopy cover, and height (referred to as limit descriptors). The limits serve two purposes. Firstly, they indicate a point at or above which the listed vegetation would likely be considered ecologically significant if an assessment were undertaken. Secondly, they provide a maximum limit below which the listed vegetation can be cleared as a permitted activity. Plan Change 7 proposes five amendments to Appendix 9.1.6.6:

1. Limit Descriptors:

Where the listed species do not have any limits specified (i.e., the vegetation is likely to be significant irrespective of size or scale) “N/A” is specified. However this can potentially be interpreted in a way that no limits apply to the listed vegetation, meaning it can be cleared as a permitted activity unrestricted. PC7 seeks to address this interpretation issue by replacing all existing “N/A” values with a numerical “0” limit;

2. Definition of Contiguous:

Ambiguity has been identified in how the “contiguous” component of the “contiguous area occupied” limit descriptor is interpreted and applied for kanuka and indigenous coastal vegetation, leading to peripheral vegetation that is contiguous to potentially

significant areas being cleared. PC7 seeks to introduce definitions of “contiguous” for kanuka and indigenous vegetation to include those individual plants that are contiguous to potentially significant areas are not cleared as a permitted activity;

3. Indigenous Coastal Vegetation – Geographic Area:

The indigenous coastal vegetation described in Table 1(c) is limited in its geographic coverage to Kaitorete Spit, but its presence in the wider coastal environment (as defined in the District Plan) is much greater. This means that those species are vulnerable to loss under the general clearance rules where they exist outside Kaitorete Spit. PC7 seeks to address this by extending the geographic description of those species to the entire coastal environment of Banks Peninsula.

4. Indigenous Coastal Vegetation – Contiguous Area Occupied Limit:

Table 1(c) includes no limits for the indigenous coastal vegetation described. As the proposed new rule framework limits the amount of clearance within areas of improved pasture to the limits in Appendix 9.1.6.6 as a permitted activity, the existing “N/A” (but proposed new “0”) limit, would have the effect of requiring resource consent by default to undertake clearance. Therefore, PC7 introduces a contiguous area occupied limit of 0.1 ha (in a five year period), to provide an allowance for clearance as a permitted activity and requires resource consent to undertake clearance where the values are likely to be significant.

5. Indigenous Wetland Vegetation (Vegetation and Habitat):

Table 1(d) lists indigenous wetland vegetation present within Banks Peninsula that is likely to be of ecological significance. The current description accompanying this vegetation does not include a key and dominant salt-marsh species that is present within Canterbury ecosystems (three-square - (*Schenoplectus pungens*)). This omission has the effect of rendering that species vulnerable to general clearance as a permitted activity under Rule 9.1.4.1.1 (P4), as it is not otherwise captured by Appendix 9.1.6.6. PC7 seeks to address this by listing this species within Appendix 9.1.6.6.