



YOUR PLAN OUR FUTURE
TIMARU DISTRICT PLAN REVIEW
LAND USE PLAN

Timaru District Plan Review

Topic 3

Ecosystems and Indigenous Biodiversity

Discussion Document, November 2016



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1.0 Introduction

1.1 Purpose

Timaru District Council has commissioned this report to identify the 'issues' with how the Timaru District Plan 2005 manages ecosystems and indigenous biodiversity. The report subsequently identifies the potential 'options' to address these issues and the strengths and weaknesses of each option.

The issues relating to ecosystems and indigenous biodiversity cover a range of matters but particularly relate to the identification and management of Significant Natural Areas and the protection of indigenous biodiversity outside those areas identified as a Significant Natural Area. The key driver for this topic is the Resource Management Act 1991, which identifies the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance.

The report is intended to inform and provide a basis for public consultation on this matter and to some degree stimulate debate. The report forms part of a suite of public consultation measures that may be used to inform a potential change to the District Plan.

1.2 Report Format

The remainder of the report has been set out as follows:

- Section 2** identifies and describes the issue.
- Section 3** summarises the relevant statutory matters.
- Section 4** briefly explains the current Timaru District Plan approach to ecosystems and indigenous biodiversity.
- Section 5** discusses some potential options to deal with ecosystems and indigenous biodiversity.

This document outlines the issues our district faces in relation to our ecosystems and indigenous biodiversity. We welcome your feedback on this topic.

Tracy Tierney
Timaru Ward Councillor

2.0 Issue Identification

The issues relating to ecosystems and indigenous biodiversity are broad and varied and are of interest to a range of parties. National regulation through the Resource Management Act requires the management of indigenous biodiversity as a matter of national importance. Generally, the protection of indigenous biodiversity provides benefits to the environment and the community, but can come at a cost for landowners. In many cases significant areas of indigenous biodiversity remain because of the choices made by landowners in managing their properties.

The Council does not wish to be unnecessarily regulatory but needs to provide for protection of indigenous biodiversity to meet statutory requirements and to ensure there is a level of protection against any land management activities which could have a detrimental effect or where changing land use patterns impact on biodiversity. The Council wishes to reach an appropriate balance between recognising and acknowledging private property rights and working with landowners as custodians and managers of the land, while also recognising and implementing the Council's statutory responsibilities for protection of biodiversity. The Council also wishes to ensure that there is certainty around indigenous biodiversity and the ways in which this will be managed and the areas which will be affected by the District Plan provisions.

To achieve these outcomes, the Council wants to pursue a mix of regulatory and non-regulatory approaches – some in the District Plan and many outside the District Plan. The Council wants to provide landowners with as many options as possible to best manage the protection of indigenous biodiversity. Beyond the District Plan, the Council is considering a broad Biodiversity Strategy incorporating a range of methods including:

- Free ecological surveys for identifying Significant Natural Areas.
- Rates remission for properties containing an identified Significant Natural Area.
- Financial support through the Significant Natural Area Fund for beneficial activities such as fencing and pest control.
- Waiver of charges for resource consents involving Significant Natural Areas where protection is achieved.
- Assistance with applying for grants for funding to protect and manage indigenous biodiversity.
- Education, information, advice and encouragement.

- Co-ordination and liaison with other agencies / parties.
- Engagement with iwi and participation with iwi.
- Supporting applications for covenanting and purchase to QEII Trust, Nature Heritage Fund, etc.
- Support for local conservation care groups and programmes.
- Appropriate management of Council land and assets, including reserve management plans.

In terms of the District Plan Review, the following is a summary of key issues:

Significant Natural Areas

- Management of identified Significant Natural Areas and what provisions should be applied to activities within Significant Natural Areas, including how to determine the appropriate balance of protection and continuance of use?
- Criteria for identifying Significant Natural Areas – need to update and amend to match the Canterbury Regional Policy Statement and best practice.
- Management of un-surveyed Significant Natural Areas¹, including habitats of bats, blue ducks, lizards – how should this be approached?
- Management for other types of land containing indigenous biodiversity e.g. Department of Conservation land or land under a QEII covenant.

Vegetation Clearance / High Country Vegetation outside areas of Significant Natural Areas

- Whether general vegetation clearance provisions (beyond Significant Natural Areas) remain necessary?
- What methods of management should be applied to general indigenous biodiversity in terms of species, areas, etc (general vegetation clearance rules, rules for areas above 900m, other areas of river berm, riverbeds, especially braided gravel beds, open water at lakes, ponds, estuaries, water races, rocky sites (lizard habitat))?
- Understanding where duplication may occur between the District Plan and regional plan/s to ensure that this is avoided.

¹The Significant Natural Areas survey primarily addresses flora and macro fauna; not lizards, macro invertebrates or aquatic (see Significant Natural Areas, Timaru District: A report on the District-wide survey, Mike Harding, July 2016).

Enhancement or Restoration

- Consideration of indigenous biodiversity enhancement or restoration incentives in relation to subdivision, and ensuring that enhancement or restoration activities are managed so that they are compatible with adjacent existing and consented land use activities.
- Providing for, where appropriate, the formation of created wetlands where they will provide biodiversity restoration benefits.
- Consideration of the appropriate methods of providing for biodiversity offsets².

Riparian Margins

- The rule framework for riparian management³ currently does not provide for enhancement, and the setback rules are not tailored specific to activities close to water bodies or the different types of water bodies⁴.

Tree Planting (forestry, woodlots, shelter belts etc)

- Tree planting in high natural areas and Significant Natural Areas.

Other key issues relate to:

- Methods to manage plant species prone to wilding spread.
- Recognition of potential effects of climate change on the life-supporting capacity and / or mauri of ecosystems and species distribution.
- The lack of best practice guidelines and monitoring systems to achieve integrated management of the actual or potential effects of land use.

Pests and weeds have a significant impact on biodiversity values but are not able to be addressed directly through the District Plan, as it is not possible to regulate through District Plan rules to require pest and weed control to be undertaken. There are a range of other methods of addressing this issue, including the Regional Pest Management Strategy.



²Canterbury Regional Policy Statement 2013 "Biodiversity offsets are the final step in a hierarchical process in which adverse effects on indigenous biodiversity are best avoided, then remedied, and finally mitigated. Only in the latter case should off-site biodiversity offsets be considered to deal with residual unavoidable adverse effects."

³Appropriate definitions may be needed to capture artificial or modified waterways where ecosystem values are present.

⁴The rules do currently capture grazing or cultivation in river or coastal margins.

3.0 Statutory Matters

Resource Management Act 1991

The key provisions from the Resource Management Act 1991 are covered within sections 6 and 7 of the Act. In particular section 6(c) which requires the Council in managing the use, development and protection of natural and physical resources to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance. Those habitats, communities and natural features which adjoin or encompass lakes, streams, rivers and wetlands also contribute to the natural character of these water bodies in terms of section 6(a). Section 7 includes matters to which particular regard must be had and includes the intrinsic values of ecosystems (section 7(d)) and the protection of the habitat of trout and salmon (section 7 (h)).

Section 31 of the Act sets out the functions of the Council under the Act which includes the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of the maintenance of indigenous biological diversity (section 31(b)(iii)).

National Policy Statement for Freshwater Management 2014 and New Zealand Coastal Policy Statement 2010

At a national level the National Policy Statement for Freshwater Management 2014 and New Zealand Coastal Policy Statement 2010 provide some direction for this topic⁵. The National Policy Statement includes expectations for safeguarding fresh water's life-supporting capacity, ecosystem processes, and indigenous species but is largely directed at Regional Council functions. The Coastal Policy Statement includes an objective seeking to safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems (Objective 1). Policy 11 sets out the specific expectations for the protection of indigenous biological diversity in the coastal environment, including avoiding adverse effects.

Canterbury Regional Policy Statement 2013

The Canterbury Regional Policy Statement 2013 provides particular direction in relation to this topic and contains a chapter specifically relating to ecosystems and indigenous biodiversity (Chapter 9) and this sets out the expectations for management of these areas and resources. Key objectives from the chapter in relation to this topic at a District level relate to halting decline in biodiversity, restoring or enhancing biodiversity, and protecting significant vegetation and habitats.

The Regional Policy Statement also includes some directions for the District Council, including that the District Plan will include objectives and policies to identify and protect significant natural areas and may include methods for this. Specifically, District Plans are required to include appropriate rule(s) that manage the clearance of indigenous vegetation, so as to provide for the case-by-case assessment of whether an area of indigenous vegetation that is subject to the rule comprises a significant area of indigenous vegetation and / or significant habitat of indigenous fauna that warrants protection. Provision must also be made to achieve integrated management and protect or enhance wetlands.

Regional Plans

The Canterbury Land and Water Regional Plan 2015 provides direction on how land and water are to be managed and helps deliver community aspirations for water quality in both urban and rural areas. It includes objectives and policies to protect significant indigenous biodiversity and a range of regional rules relating to ecosystems and biodiversity. There is a degree of overlap between the Regional Plan rules relating to wetlands, waterways and riparian areas and the way in which District Plan rules relate to these areas. There are also a number of operative and proposed Regional River Plans that apply to parts of the District and which focus on water quantity and quality matters. The Regional Coastal Plan 2005 deals with biodiversity in the coastal environment.

⁵A proposed National Policy Statement on Indigenous Biodiversity was consulted on in 2011 but has not proceeded.

4.0 Timaru District Plan

The Council identified Significant Natural Areas during preparation of the current District Plan based on information available at that time. Council received objections to the inclusion of a schedule of sites. To assist in the resolution of these objections Council assembled key stakeholders together and the outcome of discussions was removal of the listed sites from the proposed District Plan and introduction of a method for identification of Significant Natural Areas. A process of identifying Significant Natural Areas then followed between 2005 and 2016.

The current District Plan deals with ecosystems and indigenous biodiversity in a two key chapters:

Part B – 2 Natural Environment

This chapter sets out the issue and policy direction. Issue 1 includes consideration of the adverse effects of land use activities on areas of indigenous vegetation and habitats of indigenous fauna. It seeks through Objective 1 to safeguard the indigenous biodiversity and ecosystem functioning of the District through the protection and restoration of significant indigenous flora and fauna habitat; the maintenance and enhancement of natural biological and physical processes; and retention (as far as possible) of the remaining indigenous vegetation and habitat generally.

Included within this chapter is the assessment procedure for areas of significant native vegetation and significant habitats of native fauna, definitions relating to these areas, and the list of relevant threatened species.

Part D (1) Rural Zones

This chapter reiterates the policy response to identifying and protecting natural areas containing significant indigenous vegetation and significant habitats of indigenous fauna, the coastal environment, rivers and wetlands.

This chapter includes most of the rules relevant to this topic including rules relating to:

- Clearance, disturbance and trimming of vegetation.
- Harvesting of indigenous vegetation.
- Trimming and removal of indigenous vegetation.
- Earthworks including tracking.
- Tree planting; including shelterbelts, woodlots and forestry.
- Clearance or overplanting of indigenous vegetation.
- Grazing in riparian areas.
- Construction of fencing.
- Activities above 900m.

The key District Plan rule protects areas of significant vegetation and habitat through Rule 4.1, which lists clearance as a non-complying activity: "*Clearance by any means (including burning and spraying with herbicides) or overplanting of significant indigenous vegetation and significant habitats of indigenous fauna*".

The Council has also commissioned a survey of known Significant Natural Areas in Timaru District. The survey was undertaken between 2005 and 2016 by Mike Harding, an independent ecologist contracted to the Council. The purpose of the survey is to assist Council to meet its Resource Management Act obligations to provide protection for areas of significant indigenous vegetation and significant habitats of indigenous fauna. A report presenting the findings of the survey has been prepared; "*Significant Natural Areas, Timaru District: A report on the District-wide survey, Mike Harding, July 2016*".

5.0 Options

The main options to manage ecosystems and indigenous biodiversity are summarised as:

- Status quo (i.e. retain the current District Plan approach).
- Amend (i.e. current District Plan approach requires amendment to align it with current best practice and to give effect to national and regional planning documents).

These options are briefly described in turn below, followed by a brief assessment of their strengths and weaknesses. Please note other options exist for the identified issues that have not been reflected here to keep the document concise.

Option 1 – Status quo

The following strategic approach in the current District Plan is still relevant and should be included in the next District Plan:

- Protection and enhancement / restoration of indigenous biodiversity.

Strengths	<ul style="list-style-type: none">▪ The current objectives and policies are moderately effective in relation to guiding the identification, protection and restoration of indigenous biodiversity.▪ Retention of the strategic approach is appropriate as a base to avoid unnecessary change and continuation of the existing approach.
Weaknesses	<ul style="list-style-type: none">▪ The current objectives and policies could be improved to reflect current best practice as they do not fully cover all relevant matters i.e. links to the current criteria in the Regional Policy Statement.▪ The current provisions do not provide sufficient strength of direction for these issues.▪ The current provisions do not place sufficient emphasis on the importance of indigenous biodiversity as directed in higher order documents.

Option 2 – Amend

The intent of the strategic approach in the current Timaru District Plan is still valid but the approach requires amendment to align it with current best practice and to give effect to national and regional planning documents as follows:

- Update the criteria for identification of Significant Natural Areas, to align it with the Regional Policy Statement.
- New rules for activities within Significant Natural Areas and for activities outside identified Significant Natural Areas that affect significant indigenous biodiversity, to achieve protection of significant values as set out in the Regional Policy Statement. This is likely to include rules relating to earthworks, activities affecting indigenous vegetation (clearance, removal, disturbance, trimming, harvesting, overplanting, etc), and erection of structures.
- Consider provisions for biodiversity management plans⁶.
- Provide for enhancement or restoration incentives (i.e. development bonuses for enhancement or restoration as part of a development) in relation to subdivision or other activities, including provision for creation of wetlands.
- Provide for consideration of biodiversity offsets where appropriate.
- Amend riparian setback rules to explicitly provide for biodiversity protection, including rules relating to vegetation clearance and grazing in riparian areas.
- Amend rules relating to tree planting (including shelterbelts, woodlots and forestry) to ensure protection of biodiversity values.
- Provide rules to avoid wilding tree spread.
- Include provisions relating to climate change and integrated management.

Strengths	<ul style="list-style-type: none"> ▪ Updated criteria for identification of Significant Natural Areas aligns with the criteria within the Regional Policy Statement (which all District Plans are required to use). ▪ Updated criteria for identification of Significant Natural Areas ensures that the criteria effectively capture significant natural areas and are consistent with the rest of the Region. ▪ A new set of rules for comprehensive management of activities both within identified Significant Natural Areas and outside Significant Natural Areas, where significant indigenous biodiversity may be affected, will be more effective in achieving the outcomes anticipated by the Resource Management Act, Regional Policy Statement and the objectives and policies for ecosystems and indigenous biodiversity. ▪ Exploration of the potential to introduce a new framework for consenting through a “biodiversity management plan” approach could assist in being more effective at managing biodiversity in a way that has less impact on land owners. ▪ Specific provision for enhancement or restoration, including biodiversity offsets, could be effective in achieving gains in net indigenous biodiversity. ▪ Integrating provisions for enhancement or restoration of biodiversity into the District Plan can assist in encouraging their use and can make such practices more achievable as part of ongoing development within the District. ▪ Amendment of riparian setback rules will assist to ensure that areas of indigenous biodiversity associated with rivers, lakes, wetlands and the coast are more adequately protected and managed. ▪ Amendment and enhancement of the rules relating to wilding trees and tree planting (including forestry) will ensure that these issues are better addressed to protect indigenous biodiversity and avoid adverse effects on ecosystems. ▪ Amendment of rules will better reflect current best practice and better achieve protection and appropriate management of activities.
Weaknesses	<ul style="list-style-type: none"> ▪ Individuals may disagree with the criteria from the Regional Policy Statement. ▪ Amended rules may (or may be perceived to) further restrict activities on private land. ▪ Associated costs with carrying out consultation on changes, redrafting plan provisions, etc.

⁶A Biodiversity Management Plan approach would enable a package of proposals for activities to be consented across one (or more) properties in a way that appropriately identifies and provides for protection and enhancement of

indigenous biodiversity values, whilst enabling ongoing use of the land for rural activities. This may be more efficient than applying for multiple consents over a period of time.



Timaru District Council

2 King George Place

Timaru 7910

enquiry@timdc.govt.nz

P 03 687 7200

F 03 687 7209

TRIM#1019346

