

Proposed Wairarapa Combined District Plan
Decision Report pursuant to Clause 10 of the First Schedule
of the Resource Management Act 1991

Subject: Chapter 11 - Indigenous Biodiversity

Incorporating:

- ***Indigenous Biodiversity Provisions 11.1 – 11.4***
- ***District Wide Land Use Rules 21.1.5 – 21.1.6, 21.3.6, 21.4(d) and 21.4(j)***
- ***Assessment Criteria 22.1.6 and 22.1.19***
- ***Appendix 1.3 Significant Natural Areas***

Chapter 11 – General

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
383.11	Sustainable Wairarapa	-	
24.1	M Taylor	-	

Discussion

Sustainable Wairarapa (383.11) supports the Introduction.

M Taylor (24.1) seeks that section 11 be amended and corrected.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners noted support from some submitters for the Chapter and retaining the Plan provisions. The Commissioners have amended some provisions in this Chapter as outlined below.

Decision: Chapter 11 General

Submission Reference:

383.11	Accept
24.1	Reject

Reasons

This decision is made for the following reasons:

- The indigenous biodiversity Chapter provisions represent the most appropriate approach for managing the range of resource management issues associated with the indigenous biodiversity of the Wairarapa.

11.1 Introduction

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
525.23	Department of Conservation	FS 85 Federated Farmers of New Zealand (Inc) FS 112 D Riddiford FS 39 Java Trust Limited	Support Support Support
524.29	Federated Farmers of New Zealand (Inc)	FS 52 Horticulture New Zealand	Support
526.27	Wellington Regional Council	-	
515.2	Juken New Zealand, Forestry Wairarapa	FS 103 Waipine	Support

Discussion

The **Department of Conservation** (525.23) requests that greater recognition of the historical loss of biodiversity on the Wairarapa Plains is required in the Introduction. The submission seeks that the level of this modification is highlighted and also that the protection of the remaining vegetation in the Wairarapa Plains is assured. The submission also seeks that a paragraph is added that recognises the effects of people and their vehicles and pets on wildlife alongside protection of the wildlife habitat. **Federated Farmers of New Zealand (Inc)**, **D Riddiford**, **Horticulture New Zealand**, **Java Trust Limited** and **Waipine** support this submission.

Federated Farmers of New Zealand (Inc) (524.29) seeks to amend the Introduction to be specific to 'significant' indigenous flora and fauna through adding this term. This submission also seeks to make any consequential amendment as to detail or substance throughout the Plan to give effect to this submission point.

Wellington Regional Council (526.27) seek greater recognition of the importance of protecting indigenous vegetation on private land.

Juken New Zealand Limited, Forestry Wairarapa (515.2) express concern at the confusing references to indigenous, remnant and native forests through the introduction and other sections of the Plan.

Evidence Heard

The **Department of Conservation** presented evidence accepting and supporting the Section 42A report recommendation of amending the text through the addition of the word 'indigenous' in the Introduction.

Federated Farmers of New Zealand (Inc) presented evidence accepting the Section 42A report recommendation of amending the text through the addition of the word 'significant' in relation to indigenous vegetation in the Introduction.

Wellington Regional Council presented evidence accepting the Section 42A report recommendation to accept their submission.

Juken New Zealand Limited, Forestry Wairarapa presented evidence supporting the Section 42A report recommendation of clarifying the use of different terms.

Commissioners' Deliberations

The Commissioners noted that, although biodiversity protection is already recognised in paragraph 4 of the Introduction, additional wording that relates to current biodiversity loss would better highlight this issue.

The Commissioners concur with the submitters and the section 42A report that adding the term 'significant' for specific clauses would more appropriately reflect the requirements of the Act.

We consider the points raised by the submitter in relation to the importance of biodiversity protection on private land are already adequately covered by the Introduction as well as other Government Strategies in relation to the points raised by the submitter.

The Commissioners concur with the submitters and the section 42A report that clarifying the use of the terms 'indigenous', 'remnant' and 'native' forests would improve the useability of the Plan.

Decision: 11.1 Introduction

Submission Reference:

525.23	Accept in part
FS 85	Accept in part
FS 112	Accept in part
FS 39	Accept in part
524. 29	Accept in part
FS 52	Accept in part
526.27	Accept
515.2	Accept in part
FS 103	Accept in part

Decision Amendment 11.1 Introduction

Amend Paragraph 5 of 11.1 Introduction with the following:

*"These pressures mean it is important to protect the remaining areas of **significant** indigenous flora and fauna on a long-term sustainable basis where*

indigenous species can regenerate naturally.”

Amend Paragraph 3 of 11.1 Introduction with the following:

*“Historically, the dominant **indigenous** forest species of inland Wairarapa were typically a range of podocarps in the hill country, and rimu and tawa on the plains.”*

Amend Paragraph 4 of the 11.1 Introduction with the following:

*“... Today, while little deliberate modification takes place, the main threats to **indigenous** forests are stock browsing and plant and animal pest infestation.”*

Amend Paragraph 5 of the 11.1 Introduction by inserting the word ‘indigenous’ as follows:

*“...While significant areas in the Wairarapa are already in public ownership and legally protected (i.e., Lake Wairarapa and wetlands, and the Tararua, Rimutaka and Haurangi Forest Parks), outside these areas many remaining areas of remnant indigenous forest and wetlands have only limited legal protection, although pockets of remnant **indigenous** forest and wetland are increasingly being protected by landowner-initiated QEII covenants or other private covenants.”*

Amend Paragraph 6 of the 11.1 Introduction by deleting the word ‘native’ and inserting the words ‘indigenous’ as follows:

*“...Such activities and their effects include uncontrolled stock grazing that can damage **indigenous** forest understorey and limit regeneration, and the fragmentation of remnant ~~native~~ **indigenous** forest and wetland areas through clearance for pasture and exotic forestry. Other threats include feral animals, invasion of weeds and drainage.*

Amend Paragraph 7 of the 11.1 Introduction by inserting the word ‘indigenous’ as follows:

*“The majority of remnant **indigenous** forest and wetlands in the Wairarapa are not being actively managed in a way that would ensure their continued existence and enhancement.”*

Amend Paragraph 8 of the 11.1 Introduction by inserting the word ‘indigenous’ as follows:

*“Many landowners are aware of the value of indigenous vegetation on their property, and most do what they can to protect and maintain these areas. Indeed, many landowners highly value the remnant **indigenous** forest and wetland areas within their property, and regard them as heritage assets for future generations.”*

Consequential Amendment: Issue 2 of 11.2 Significant Resource Management Issues

Amend Issue 2 of the 11.2 Significant Resource Management Issues by inserting the word ‘indigenous’ as follows:

*“2. Many remnant **indigenous** forests and wetlands require active protection and management in a way to ensure their ongoing long-term continued existence and enhancement.”*

Consequential Amendment: Paragraph 9 of 18.1 Introduction

Amend Paragraph 9 of the 18.1 Introduction by inserting the word ‘indigenous’ as follows:

*“Financial contributions may also be sought to avoid, remedy or mitigate other potential effects of development, such as visual impacts through requirements for landscape treatment and planting or the protection of trees and remnant **indigenous** forest.”*

Consequential Amendment: Table 28.3.1

In Table 28.3.1 (Recommended Areas for Protection for Masterton, Carterton and South Wairarapa Districts) in Appendix 1, all references to “Forest Remnant” are amended by inserting the word ‘indigenous’ to read “Indigenous Forest Remnant” throughout the table.

Reasons

This decision is made for the following reasons:

- The Introduction to the indigenous biodiversity chapter provisions represent the most appropriate approach for managing the range of resource management issues associated with the indigenous biodiversity of the Wairarapa.
- Use of the term ‘significant’ more appropriately reflects the intent of section 6(c) of the Act.
- Use of the term ‘indigenous’ more appropriately reflects the intent of the provisions of this Chapter and the Act.

11.2 Significant Resource Management Issues

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
525.24	Department of Conservation	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose
525.25	Department of Conservation	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc) FS 39 Java Trust Limited	Oppose Oppose Oppose
524.30	Federated Farmers of New Zealand (Inc)	-	
526.28	Wellington Regional Council	-	
526.29	Wellington	-	

	Regional Council		
499.4	D Daniel	-	

Discussion

The **Department of Conservation** (525.24) requests the addition of a new Issue in regard to changing land use and the effect on indigenous wildlife through predation and disturbance. In addition, the Department of Conservation requests a further Issue in relation to highlighting the importance of limiting the spread of exotic pests through subdivision and land use. **D Riddiford** and **Federated Farmers of New Zealand (Inc)** oppose this submission.

The Department of Conservation (525.25) seeks to delete Issue 3 which balances the protection of natural habitats and biodiversity values with private property rights and replace it with an issue outlining why biodiversity needs to be protected in lowland and coastal areas. **D Riddiford** and **Federated Farmers of New Zealand (Inc)** oppose this submission. **Java Trust Limited** supports this submission. **Greater Wellington Regional Council** (526.29) also seeks to amend Issue 3 to reflect high biodiversity loss and the need to protect natural habitats in the Wairarapa.

Greater Wellington Regional Council (526.28) seeks to amend issue 2 by replacing “many” with either “most” or “nearly all” in relation to remnant forests and wetlands.

Federated Farmers of New Zealand (Inc) (524.30) outline its support for retaining Issues 3 and 4. **D Daniel** (499.4) outlines his support for retaining this section.

Evidence Heard

The **Department of Conservation** presented evidence accepting the Section 42A report recommendation to retain the current text in relation to the terms ‘habitat’ or ‘indigenous habitat’ as this terminology is consistent with the RMA and clarification of the biosecurity and pest control functions.

The **Department of Conservation** also presented evidence accepting the Section 42A report recommendation to retain the current text in relation to the balancing of the protection of natural habitats and biodiversity values with private property rights.

Greater Wellington Regional Council presented evidence requesting the Plan delete the Issue on private property rights as this is not covered by the Act - and replace this issue with an acknowledgement that biodiversity loss is still occurring on private land.

Greater Wellington Regional Council presented evidence accepting the Section 42A report recommendation to retain Issue 2 in relation to remnant forests and wetlands.

Commissioners’ Deliberations

The Commissioners concur with the Section 42A report that the Act terms ‘habitat’ or ‘indigenous habitat’ already refer to wildlife, and that the spread of pests through subdivision and landuse are better covered by biosecurity legislation and Regional Council pest control functions.

The Commissioners concur with the section 42A report that amending the text in relation to the protection of natural habitats and biodiversity values and private property rights is not consistent with the purpose and principles of sustainable management under the Act. However, part of the purpose of the Act is to provide social and economic wellbeing. Accordingly, the Commissioners have amended Issue 3 below to more appropriately reflect the intent of the Act.

The Commissioners noted support from some submitters for the Chapter and retaining the plan provisions.

Decision: 11.2 Significant Resource Management Issues

Submission Reference:

525.24	Reject
FS 112	Accept
FS 85	Accept

525.25	Reject
FS 112	Accept
FS 85	Accept
FS 39	Accept

524.30	Accept
526.28	Reject
526.29	Reject
499.4	Accept

Decision Amendment: Section 11.2 Issue 3

Amend Issue 3 as follows:

*~~"3. The protection of natural habitats and biodiversity values needs to be balanced with private property rights~~ **significant indigenous biodiversity on private land whilst enabling landowners to meet their economic wellbeing.**"*

Consequential Amendment: Section 11.2 Issue 2

Amend Issue 2 by inserting the word "indigenous" as follows:

*"2. Many remnant **indigenous** forests and wetlands require active protection and management in a way to ensure their ongoing long-term continued existence and enhancement."*

Reasons

This decision is made for the following reasons:

- The terms used better reflect the Act and the terms used in the Plan should only relate to matters covered by the Act.
- The amended Issue better expresses the Act's section 6(c) obligation to protect significant indigenous vegetation alongside the Act's purpose to provide for social and economic wellbeing.

11.3.2 Bio1 Biological Diversity Policies

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
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525.28	Department of Conservation	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose
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Discussion

The **Department of Conservation** (525.28) seeks to add to Policy 11.3.2 through the inclusion of an additional policy in relation to the provision of buffer areas and greater consideration of wider ecological processes. **D Riddiford** and **Federated Farmers of New Zealand (Inc)** oppose this submission.

Evidence Heard

The **Department of Conservation** presented evidence accepting the Section 42A report recommendation that the points of its submission to manage the adverse effects of buffering and ecological processes associated with encroachment was already incorporated within the Plan.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report and the evidence of the submitter that the policies within the Plan already effectively address the issues of buffering and ecological processes associated with encroachment of development on areas of high biological diversity.

Decision: 11.3.2 Policies

Submission Reference:

525.28	Reject
FS 85	Accept
FS 112	Accept

Reasons

This decision is made for the following reasons:

- An existing policy effectively addresses the adverse effects of buffering and ecological processes associated with development encroachment on areas of high biological diversity.

11.3.2 Bio1 Biological Diversity - Policy (c)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
431.2	Wairarapa Branch and National Office of the NZ Forest and Bird Society (431.2)	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose

Discussion

Wairarapa Branch and National Office of the NZ Forest and Bird Society (431.2) seek that policy (c) be amended to read 'prohibit' as opposed to the current wording which is 'control'. **D Riddiford** and **Federated Farmers of New Zealand (Inc)** oppose this submission.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report that the use of the term prohibition as requested by the submitter is not the most effective or efficient of achieving the objective in the Plan.

Decision: 11.3.2 Bio1 Policy (c)

Submission Reference:

431.2	Reject
FS 112	Accept
FS 85	Accept

Reasons

This decision is made for the following reasons:

- The existing policies are the most efficient and effective in protecting significant indigenous vegetation and significant habitats of indigenous fauna and maintaining biodiversity.

11.3.2 Bio1 Biological Diversity - Policy (d)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
264.11	D Riddiford	FS 157 J Diederich FS 155 K Reedy	Support Support
525.26	Department of Conservation	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose
398.21	Wairarapa Inc trading as Go Wairarapa	-	
526.30	Wellington Regional Council	-	

Discussion

D Riddiford (264.11) states that the exclusion of scrub species in the definition of indigenous vegetation and associated rules are potentially void. **J Diederich** and **K Reedy** support this submission.

The Department of Conservation (525.26) seeks that this policy be deleted as it appears to facilitate the clearance and drainage of areas of low biodiversity value. **D Riddiford** and **Federated Farmers of New Zealand (Inc)** oppose this submission.

Greater Wellington Regional Council (526.30) seeks to amend this policy to allow for the protection of areas from clearance or drainage unless there is demonstrably no or very little significant biodiversity value or potential.

Wairarapa Inc trading as Go Wairarapa (398.21) support this policy.

Evidence Heard

The **Department of Conservation** presented evidence accepting and supporting the Section 42A report recommendations to delete this policy.

Greater Wellington Regional Council also presented evidence supporting the Section 42A report recommendations to delete this policy.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report that it is not appropriate to include a definition within a policy and that the 'indigenous vegetation' definition is better provided for in a separate part of the Plan.

The Commissioners concur with the Section 42A report's recommendation and evidence presented by submitters that this policy be deleted as the term 'potential' includes a degree of uncertainty. We consider the other policies on significant indigenous vegetation and protection of biodiversity effectively addresses this issue.

Decision: 11.3.2 Bio Policy 11.3.2 (d)

Submission Reference:

264.11	Accept in part
FS 157	Reject
FS 155	Reject
525.26	Accept
FS 112	Reject
FS 85	Reject
398.21	Reject
526.30	Reject

Decision Amendment: 11.3.2 Bio Policy 11.3.2 (d)

Delete Policy 11.3.2(d):

~~"Provide for clearance and/or drainage where there is little significant biodiversity value or potential."~~

Consequential Amendment: 11.3.2 Bio Policy 11.3.2 (d)

Re-number Policies 11.3.2(e) – (i) to take account of the deletion of Policy 11.3.2(d).

Reasons

This decision is made for the following reasons:

- The existing policies are the most efficient and effective in protecting significant indigenous vegetation and significant habitats of indigenous fauna and maintaining biodiversity.

11.3.2 Bio1 Biological Diversity - Policy (e)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
524.31	Federated Farmers of New Zealand (Inc) of	FS 106 S & S Barton FS 157 J Diederich FS 155 K Reedy	Support Support Support

Discussion

Federated Farmers of New Zealand (Inc) (524.31) requests that it is inappropriate to protect areas of significant indigenous vegetation or habitat that have the 'potential' to become significant. **S & S Barton, J Diederich** and **K Reedy** support this submission.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Committee concur with the Section 42A report that existing Policy (e) effectively addresses the need to protect the ecological integrity of areas of significant indigenous vegetation and significant habitats of indigenous fauna. The matter of 'potential' does not relate to Policy (e) and is addressed in the above deliberations on Policy (d).

Decision: 11.3.2 Bio Policy 11.3.2 (e)

Submission Reference:

524.31	Accept in part
FS 106	Accept in part
FS 157	Accept in part
FS 155	Accept in part

Reasons

This decision is made for the following reasons:

- The existing policy is the most efficient and effective in protecting significant indigenous vegetation and significant habitats of indigenous fauna.

11.3.2 Bio1 Biological Diversity - Policy (g)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
525.30	Department of Conservation	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Support Support

Discussion

The **Department of Conservation** (525.30) seeks to include a policy that serves to increase awareness of the funding sources available to help ensure the protection of biodiversity on private land. **D Riddiford** and **Federated Farmers of New Zealand (Inc)** support this submission.

Evidence Heard

The **Department of Conservation** presented evidence accepting and supporting the Section 42A report recommendation to retain Policy (g) and amend Method 11.3.7(h) to add reference to funding sources.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report that it is inappropriate to refer to funding and support mechanisms for protecting and managing significant natural areas within the Policy section. However, it is appropriate to add reference in the Methods to possible funding and support mechanisms.

Decision: 11.3.2 Bio Policy (g)

Submission Reference:

525.30	Accept in part.
FS 112	Accept in part.
FS 85	Accept in part.

Consequential Amendment

Amend Method 11.3.7(h) to include reference to information on funding sources as follows:

*"Incentives **and information** as appropriate to encourage landowners to protect natural habitats, such as rates relief, support with fencing and pest control, **funding sources**, and assistance with applications for protective covenants."*

Reasons

This decision is made for the following reasons:

- The existing policies are the most efficient and effective in protecting significant indigenous vegetation and significant habitats of indigenous fauna and maintaining biodiversity.
- The methods are an appropriate place for noting possible funding and support options for landowner's efforts to protect and manage significant natural areas and protect biodiversity.

11.3.2 Bio1 Biological Diversity - Policy (h)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
524.32	Federated Farmers of New Zealand (Inc)	FS 157 J Diederich FS 155 K Reedy	Support Support
525.27	Department of Conservation	-	

Discussion

Federated Farmers of New Zealand (Inc) (524.32) seeks to delete this policy or amend in relation to fencing standards. **J Diederich** and **K Reedy** support this submission.

The **Department of Conservation** (525.27) requests that this policy be retained.

Evidence Heard

Federated Farmers of New Zealand presented evidence seeking that policy 11.3.2(h) be either deleted or amended so that the farming of goats near areas of significant indigenous vegetation and significant habitats of indigenous fauna "must meet appropriate fencing standards".

The **Department of Conservation** presented evidence accepting and supporting the Section 42A report recommendation to retain Policy (h).

Commissioners' Deliberations

Following the submitters' evidence on the application of fencing standards for goat farming, we have deliberated on the most efficient and effective approach to managing this activity. We concur with the Section 42A report that goats are a potential pest in the State Forest Parks and land administered by the Department of Conservation, which are identified as Significant Natural Areas in the Wairarapa. Accordingly, the escape of goats from farms into State Forest Parks and land administered by the Department of Conservation has the potential to significantly degrade the biodiversity values in these areas. We consider the 2 kilometre buffer area is the most effective approach for managing the establishment and operation of goat farming near State Forest Parks and land administered by the Department of Conservation. If goat farming was proposed, a case-by-case assessment would be undertaken to determine whether fencing was appropriate for mitigating the effects from goat farming. Given the varied topography and number of watercourses within the 2 kilometre buffer, we do not consider a general fencing standard can be effectively applied in these locations.

Decision: Bio2 Policy 11.3.2(h)

Submission Reference:

524.32	Reject
FS 157	Reject
FS 155	Reject

525.27	Accept
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Reasons

This decision is made for the following reasons:

- The existing policies are the most efficient and effective in protecting significant indigenous vegetation and significant habitats of indigenous fauna and maintaining biodiversity from goat farming.

11.3.2 Bio1 Biological Diversity - Policy (i)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
525.29	Department of Conservation	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Partial Support Partial Support

Discussion

Department of Conservation (525.29) requests that this policy be retained. **D Riddiford** and **Federated Farmers of New Zealand (Inc)** partially support this submission.

Evidence Heard

The **Department of Conservation** presented evidence accepting and supporting the Section 42A report recommendation to retain this policy on avoiding, remedying and mitigating the adverse effect to indigenous wildlife and indigenous ecosystems that result for the use, development or subdivision of a site.

Commissioners' Deliberations

The Commissioners concur with the submitters and Section 42A report to retain this policy as it is the most appropriate for achieving the objective of the Plan.

Decision: 11.3.2 Bio1 Policy (i)

Submission Reference:

525.29	Accept
FS 112	Accept
FS: 85	Accept

Reasons

This decision is made for the following reasons:

- The existing policies are the most efficient and effective in protecting significant indigenous vegetation and significant habitats of indigenous fauna and maintaining biodiversity.

11.3.4 Objective Bio2 – Significant Vegetation and Habitats

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
524.33	Federated Farmers of New Zealand (Inc)	-	

Discussion

Federated Farmers of New Zealand (Inc) (524.33) seeks that Objective 11.3.4 be retained.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report to retain this objective as it is the most appropriate for achieving the purpose of the Act.

Decision: 11.3.4 Bio2 Objective

Submission Reference:

524.38 Accept

Reasons

This decision is made for the following reasons:

- The existing objective is the most appropriate in protecting significant indigenous vegetation and significant habitats of indigenous fauna and maintaining biodiversity.

11.3.5 Bio2 Significant Vegetation and Habitats Policies - General

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
524.34	Federated Farmers of New Zealand (Inc)	-	

Discussion

Federated Farmers of New Zealand (Inc) (524.34) request Policies 11.3.5 be retained, except as below.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners concur with the submitter and Section 42A report to retain these policies except as outlined below.

Decision: 11.3.5 Bio2 General Policies 11.3.5

Submission Reference:
524.34 Accept

Reasons

This decision is made for the following reasons:

- The existing policies, subject to the amendments below, are the most efficient and effective in protecting significant indigenous vegetation and significant habitats of indigenous fauna and maintaining biodiversity.

11.3.5 Bio2 Significant Vegetation and Habitats - Policy (a)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
525.31	Department of Conservation	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Support Support
431.3	Wairarapa Branch and National Office of the NZ Forest and Bird Society	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose

Discussion

The **Department of Conservation** (525.31) seeks to exclude the word 'national' from this policy as section 6(c) of the RMA already defines these requirements for councils in terms of the protection of significant indigenous vegetation and habitats being a matter of national importance. The **Department of Conservation** (525.31) also seeks to include reference to the timeframe in which the identification of significant vegetation will occur in by specifically stating a timeframe of 2008 in the policy. **D Riddiford** and **Federated Farmers of New Zealand (Inc)** support this submission.

The **Wairarapa Branch and National Office of the NZ Forest and Bird Society** (431.3) seeks to include the term 'regional' to this policy. The Department of Conservation also wishes to replace the term 'Identify' with 'Comprehensively identify and assess' at the start of this policy. **D Riddiford** and **Federated Farmers of New Zealand (Inc)** oppose this submission.

Evidence Heard

The **Department of Conservation** presented evidence accepting and supporting the Section 42A report recommendation to amend Policy 11.3.5(a) to delete reference to 'national' and amend this policy consistent with section 6(c) of the Act. The Department of Conservation also supported the Section 42A report recommendation clarifying that timeframes for the identification of significant indigenous vegetation or significant habitats for indigenous fauna within the Wairarapa were already included within the Methods and that it was inappropriate to specifically include such reference within the policy.

Commissioners' Deliberations

The Commissioners concur with the submitter's evidence and Section 42A report that the area of indigenous vegetation or habitat of indigenous fauna does not have to be nationally or regionally important to be "significant" for the purposes of section 6(c) of the Act. Accordingly, Policy 11.3.5(a) has been amended through deletion of the reference to 'national importance' and insertion of 'significant habitats of indigenous fauna in the Wairarapa'.

The Commissioners also concur that it is inappropriate to refer to timeframes within this Policy and that suitable reference is already contained within the Methods.

Decision: Bio2 Policy 11.3.5(a)

Submission Reference:

525.31	Accept in part
FS 112	Accept in part
FS 85	Accept in part
431.3	Reject
FS 112	Accept
FS 85	Accept

Decision Amendment: Bio2 Policy 11.3.5(a)

Amend policy 11.3.5 (a) to delete the term 'national importance' and amend in line with section 6(c) RMA as follows:

*"Identify those areas that are habitats of ~~national importance~~ comprising significant indigenous vegetation or **significant** habitats **of indigenous fauna in the Wairarapa.**"*

Reasons

This decision is made for the following reasons:

- The amended policy and the current Methods are the most efficient and effective in protecting significant indigenous vegetation and significant habitats of indigenous fauna in the Wairarapa.

11.3.5 Bio2 Significant Vegetation and Habitats - Policy (b)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
525.35	Department of Conservation	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose
264.11	D Riddiford	FS 157 J Diederich FS 155 K Reedy	Support Support
524.35	Federated Farmers of New Zealand (Inc)	FS 106 S & S Barton	Support

Discussion

The **Department of Conservation** (525.35) seeks that this rule be amended to refer to only 'potentially significant vegetation' and that the reference to 'significant indigenous vegetation' be deleted. The Department of Conservation also request use of a better term than 'control' which it sees would better reflect the purposes and principles of the RMA. **D Riddiford** and **Federated Farmers of New Zealand (Inc)** oppose this submission.

Federated Farmers of New Zealand (Inc) (524.35) seeks clarification that controlling the further destruction or irreversible modification of 'potentially' significant areas of indigenous vegetation or habitat does not require protection in terms of the RMA. **S & S Barton** supports this submission.

D Riddiford (264.11) seeks that this policy renders the proposed Rule and Policies void due to the uncertainty created by the definition of "indigenous vegetation" and use of the word "potential" in this context. **J Diederich** and **K Reedy** support this submission.

Evidence Heard

The **Department of Conservation** presented evidence accepting the Section 42A report recommendation to amend Policy 11.3.5(b) through the deletion of the terms 'potentially significant vegetation' consistent with the intent of section 6(c) RMA. The Department of Conservation also accepted retention of the term 'control' in this policy.

Federated Farmers of New Zealand (Inc) also supports the Section 42A report recommendation.

Commissioners' Deliberations

The Commissioners concur with the submitters and Section 42A report that the term 'potential' in terms of significant areas of indigenous vegetation or significant habitats of indigenous fauna is subjective and may create uncertainty. Accordingly, Policy 11.3.5(b) has been amended to better reflect the intent of this policy.

Decision: Bio2 Policy 11.3.5(b)

Submission Reference:

525.35 Reject
 FS 112 Accept
 FS 85 Accept

264.11 Accept in part
 FS 157 Accept in part
 FS 155 Accept in part

524.35 Accept
 FS 106 Accept

Decision Amendment: Bio2 Policy 11.3.5(b)

Amend policy 11.3.5 (b) to exclude the term 'potentially significant' and reword in line with section 6(c) RMA:

*"Control the further destruction or irreversible modification of significant ~~or potentially significant~~ areas of indigenous vegetation or **significant** habitats ~~and/or~~ of **indigenous** fauna to protect their ecological integrity."*

Reasons

This decision is made for the following reasons:

- The amended policy is the most efficient and effective in protecting significant indigenous vegetation and significant habitats of indigenous fauna in the Wairarapa.

11.3.5 Bio2 Significant Vegetation and Habitats - Policy (c)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
525.35	Department of Conservation	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose
441.4	Genesis Power Limited	FS 84 Meridian Energy Limited FS 71 Mighty River Power Limited	Support Support

Discussion

The **Department of Conservation** (525.35) seeks greater protection of all significant areas in the Wairarapa, rather than solely protecting SNAs as identified in the district plan as per the current wording. **D Riddiford** and **Federated Farmers of New Zealand (Inc)** oppose this submission.

Genesis Power Limited (441.4) requests that Policy (c) be amended to relate to the adverse effects on the values of the SNA. **Meridian Energy Limited** and **Mighty River Power Limited** support this submission.

Evidence Heard

The **Department of Conservation** presented evidence accepting the Section 42A report recommendation of amending Policy 11.3.5 (c).

Genesis Power Limited submitted written evidence supporting the Section 42A report recommendation to amend Policy 11.3.5 (c).

Commissioners' Deliberations

The Commissioners concur with the submitter's evidence and Section 42A report that the wider protection of areas of significant indigenous vegetation and habitat is already provided for through Policy (b).

Policy (c) has been amended to better reflect the intent of the Act to manage the adverse effects on significant natural areas.

Decision: Bio2 Policy 11.3.5(c)

Submission Reference:

525.35	Reject
FS 112	Accept
FS 85	Accept
441.4	Accept in part
FS 84	Accept in part
FS 71	Accept in part

Decision Amendment: Bio2 Policy 11.3.5(c)

Amend Policy 11.3.5 (c) with the following:

*"Ensure that ~~activities are compatible with the qualities of~~ **adverse effects on the values of** Significant Natural Areas ~~and are avoided, remedied or mitigated any adverse effects of the natural values.~~"*

Reasons

This decision is made for the following reasons:

- The amended policy better expresses the intent of managing adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna in the Wairarapa.

11.3.5 Bio2 Significant Vegetation and Habitats - Policy (d)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
260.3	J Diederich	FS 157 J Diederich FS 156 G Diederich	Support Support

Discussion

J Diederich (260.3) opposes the intent of this policy. **J Diederich** and **G Diederich** support this submission.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The creation of conservation lots on a separate title encourages the greater protection of areas of significant indigenous vegetation and habitat in the long-term. Therefore, the Commissioners consider that the existing policy is the most appropriate for achieving the objective of protecting significant natural areas.

Decision: Bio2 Policy 11.3.5(d)

Submission Reference:

260.3	Reject
FS 157	Reject
FS 156	Reject

Reasons

This decision is made for the following reason:

- The existing policy is the most efficient and effective in providing for conservation lot subdivision and achieving the objective of protecting significant indigenous vegetation and significant habitats of indigenous fauna in the Wairarapa.

11.3.5 Bio2 Significant Vegetation and Habitats - Policy (f)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
524.36	Federated Farmers of New Zealand (Inc)	-	
264.12	D Riddiford	FS 157 J Diederich FS 155 K Reedy	Support Support

Discussion

The submissions of **Federated Farmers of New Zealand (Inc)** (524.36) and **D Riddiford** (264.12) seek to amend Policy 11.3.5(d) by including greater emphasis on a range of mechanisms for support to landowners for protecting SNAs on private land. **J Diederich** and **K Reedy** support this proposal.

Evidence Heard

Federated Farmers of New Zealand (Inc) presented evidence accepting the Section 42A report recommendation to retain this policy on the basis that Methods 11.3.7(h) and (j) broadly meet the relief sought.

Commissioners' Deliberations

As outlined previously, the Commissioners concur with the Section 42A report that the existing policy and methods effectively describe the range of mechanisms of financial support sought by these submitters.

Decision: Bio2 Policy 11.3.5(f)

Submission Reference:

524.36 Reject

264.12 Reject

FS 157 Reject

FS 155 Reject

Reasons

This decision is made for the following reason:

- The existing policies are the most efficient and effective in protecting significant indigenous vegetation and significant habitats of indigenous fauna.
- The existing Methods identify possible funding and support options for landowner's efforts to protect and manage significant natural areas.

11.3.5 New Significant Vegetation and Habitats Policies Sought

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
525.35	Department of Conservation	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose
526.31	Wellington Regional Council	-	
264.13	D Riddiford	FS 157 J Diederich FS 155 K Reedy	Support Support

Discussion

The **Department of Conservation** (525.35) seeks the inclusion of a new policy to provide for the greater protection of areas of significant indigenous vegetation within this section. **D Riddiford** and **Federated Farmers of New Zealand (Inc)** oppose this submission.

D Riddiford seeks an additional clause 11.3.2 (j) in relation to financial incentives. **J Diederich** and **K Reedy** support this proposal.

Wellington Regional Council (526.31) seek greater protection of significant indigenous vegetation and habitats in the coastal environment consistent with the national importance weighting in the New Zealand Coastal Policy Statement and the Regional Policy Statement.

Evidence Heard

The **Department of Conservation** presented evidence accepting the Section 42A report recommendation that the revised Policy 11.3.5(b) addresses the relief sought.

Federated Farmers of New Zealand (Inc) presented evidence supporting the Section 42A report recommendation of not adding new policies.

Greater Wellington Regional Council presented evidence accepting the Section 42A report recommendation that the policies in Chapter 13 provide specific policy direction on the protection of significant indigenous vegetation and habitats in the coastal environment.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report that the existing term 'control' is appropriate in the context of section 6(c) RMA and that the relief sought would be inefficient. The Commissioners also concur that an additional clause in relation to financial incentives is not required as it is already addressed by Policy (f).

The Commissioners concur with the Section 42A report that the policies in Chapter 11 apply to a range of environments which is considered the most efficient and effective approach. Accordingly, the provisions of Chapter 13 provide an appropriate policy framework for the protection of significant indigenous vegetation and habitats in the coastal environment.

Decision: 11.3.5 Policies

Submission Reference:

525.35	Reject
FS 112	Accept
FS 85	Accept
264.13	Reject
FS 157	Reject
FS 155	Reject
526.31	Reject

Reasons

This decision is made for the following reason:

- The existing policies of Chapter 11 are the most efficient and effective in protecting significant indigenous vegetation and significant habitats of indigenous fauna.
- The policies of Chapter 13 are the most efficient and effective in protecting the natural character of the coastal environment, including significant natural areas.

11.3.6 Explanation

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
525.32	Department of Conservation	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose
525.33	Department of Conservation	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose
431.4	Wairarapa Branch and National Office of the NZ Forest and Bird Society	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Support Support
398.22	Wairarapa Inc trading as Go Wairarapa	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Support Support
526.32	Wellington Regional Council	-	
391.1	Trustees of the W N Pharazyn Charitable Trust	-	
371.1	Snowy Range Station Limited and Lagoon Hill Limited	-	

Discussion

The **Department of Conservation** (525.32) seeks that all references to significant sites having to be of national importance or significance are deleted. Other than the first paragraph, DOC seeks to retain the existing explanation. It also seeks that text be added to clarify the areas that may be significant. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** oppose this submission.

The **Department of Conservation** (525.32) also seeks that the explanation needs to provide a better explanation of what significant indigenous vegetation and habitat includes and that significant areas are not limited to coastal and RAP areas. This explanation also needs to indicate that there are other significant sites which also need to be identified and recognised. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** oppose this submission.

Wairarapa Branch and National Office of the NZ Forest and Bird Society (431.4) express a similar concern to the previous submitter in that there is insufficient provision for ecosystems of significant value that are not listed as RAP's. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** support this submission.

The **Department of Conservation** (525.33) and **Wellington Regional Council** (526.32) seek to clarify that the majority of sites included in the PNAP studies that form the list of RAPs in the Proposed Plan have been ground-truthed. DOC specifically seeks that the explanation be changed to reflect this. In addition, both submitters seek to highlight the consultation undertaken as part of the RAP survey and that reference needs to be included as to consultation being required if these RAPs are to be included in the Plan. **Federated**

Farmers of New Zealand (Inc) and **D Riddiford** oppose the Department of Conservation's submission.

Wairarapa Inc trading as Go Wairarapa (398.22) the **Trustees of the W N Pharazyn Charitable Trust** (391.1) and **Snowy Range Station Limited and Lagoon Hill Limited** (371.1) seek that the RAP's should have no specific standing as de facto Significant Natural Areas in the District Plan until a comprehensive stock-take of natural areas is undertaken. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** support the submission of Wairarapa Inc trading as Go Wairarapa (398.22).

The **Wairarapa Branch and National Office of the NZ Forest and Bird Society** (431.4) seek that the explanation be amended to ensure that consent applicants are required to have an EIA undertaken by an independent ecologist to assess the impacts of any activities/developments where the ecological impact is not clearly understood. In addition, the Wairarapa Branch and National Office of the NZ Forest and Bird Society request that rates relief be used to incentivise the covenanting of lands of high biodiversity value and a commitment (e.g. time frame, funding, and capacity) to developing best practice guidelines for high impact land uses in the region.

Trustees of the W N Pharazyn Charitable Trust (391.1) and **Snowy Range Station Limited and Lagoon Hill Limited** (371.1) request that the incorporation of RAPs into the district plan fails to take into account their economic wellbeing as required by section 5 RMA.

Evidence Heard

The **Department of Conservation** presented evidence accepting the Section 42A report recommendation that the references to 'national importance or significance' should be deleted in regard to significant indigenous vegetation.

The **Department of Conservation** presented evidence accepting the Section 42A report recommendation that the explanation provides sufficient recognition that there are other significant sites beyond coastal Wairarapa or RAPs which also need to be identified and recognised.

The **Department of Conservation** presented evidence accepting the Section 42A report recommendation that the current information on significant areas in the Plan does not identify all significant natural areas in the Wairarapa.

Wairarapa Inc trading as Go Wairarapa presented evidence seeking to ensure that the RAPs were not being used as surrogate significant natural areas and that there should be a study to identify these areas.

The **Trustees of the W N Pharazyn Charitable Trust** also presented evidence concerning the possible arbitrary identification of RAPs which had not been surveyed and ground-truthed.

Snowy Range Station Limited and Lagoon Hill Limited also presented evidence seeking greater clarification on the exact locations of the RAPs.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report that all references to 'national importance or significance' should be deleted in regard to significant indigenous vegetation.

To assist in the identification and protection of significant indigenous vegetation and significant habitats of indigenous fauna, the preparation and implementation of a Biodiversity Strategy would be an effective method. The Strategy would be prepared and implemented in conjunction with a range of stakeholders to manage the biodiversity values in the Wairarapa.

The amended Policies 11.3.2 (a) and (b) provide an effective framework for identifying and protecting any 'other' significant sites that are not yet identified or recognised.

The Commissioners concur with the Section 42A report that the RAP survey work has not been undertaken within a formal RMA context and therefore any discussion or inclusion of these sites or the consultation undertaken within the Plan beyond information purposes is inappropriate.

The Commissioners concur with the Section 42A report that the need to require an Environmental Impact Assessment (EIA) to be undertaken by an independent ecologist where ecological impacts are not clearly understood would be determined on a case-by-case basis for any resource consent application. Depending on the size, nature and type of habitat and the proposed works, any specialist ecological advice would be determined at that time. Previous sections and policies adequately discuss matters of rate relief and incentives available for landowners.

Decision: 11.3.6 Explanation

Submission Reference:

525.32	Accept in part
FS 112	Reject
FS 85	Reject
525.33	Reject
FS 12	Accept
FS 85	Accept
431.4	Reject
FS 112	Reject
FS 85	Reject
398.22	Reject
FS 12	Reject
FS 85	Reject
526.32	Reject
391.1	Reject
371.1	Reject

Decision Amendment: 11.3.6 Explanation

Amend first paragraph, first sentence of the 11.3.6 Explanation with the following:

"There are ~~The Wairarapa contains~~ a range of ~~significant~~ natural areas containing ~~species~~ significant indigenous vegetation and/or significant habitats of ~~national importance~~ indigenous fauna in the Wairarapa."

Reasons

This decision is made for the following reason:

- The amended explanation better expresses the intent of section 6(c) RMA in terms of protecting significant indigenous vegetation and significant habitats of indigenous fauna and identifying these areas.
 The existing explanation clearly describes the application of the policies, and how

they contribute to achieving the objective in the Plan for protecting significant indigenous vegetation and significant habitats of indigenous fauna.

11.3.7 Methods to Implement Biodiversity Policies - General

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
525.37 525.38	Department of Conservation	-	
524.37	Federated Farmers of New Zealand (Inc)	FS 157 J Diederich FS 155 K Reedy FS 71 Mighty River Power	Support Support Support
524.41	Federated Farmers of New Zealand (Inc)	-	

Discussion

Department of Conservation (525.37) request all methods be retained, in particular, Method (h) (525.38). **Federated Farmers of New Zealand (Inc)** (524.41) request that Methods (f) – (p) be retained.

Federated Farmers of New Zealand (Inc) (524.37) seek to delete references to the resource consent process for identification of significant natural areas. **J Diederich, K Reedy** and **Mighty River Power** support this submission.

Evidence Heard

The **Department of Conservation** presented evidence accepting and supporting the Section 42A report recommendation to retain all the Methods.

Federated Farmers of New Zealand (Inc) presented evidence supporting the Section 42A report recommendation except for the method by which the resource consent process would be used for identification of significant natural areas. They requested an alternative Method 11.3.7(d) for this purpose.

Federated Farmers of New Zealand (Inc) also presented evidence outlining an alternative set of criteria to assess significance based on other statutory plans and tested in the Environment Court (*Minister of Conservation v Western Bay of Plenty* EC A71/2001).

Commissioners' Deliberations

The Commissioners concur with the submitter and the Section 42A report that it is inappropriate to remove all reference to the resource consent process in the Methods as this reference is a key method for achieving the objectives in the Plan. The Commissioners concur that the revised Method 11.3.7(d) in the Section 42A report meets the intent of the Act and is consistent with other Methods in the Plan.

There are a range of different techniques and criteria that can be used to assess the significance of an area and the criteria in Method (c) are generally well understood in terms of their application and meaning. We understand they are largely consistent with criteria

used in other District Plans although there is some variability. We consider that the aim of the Plan for Method (c) is to use ecological criteria that have the dual role of meeting the Act section 6(c) requirements while also being easily interpreted by landowners, planners and non-ecologists. Accordingly, the Commissioners have determined the amended criteria below and the amended assessment criteria in section 22.1.6, which are suitably robust and explicit to determine the significance of indigenous vegetation and significant habitats of indigenous fauna in the Wairarapa.

Decision: 11.3.7 Methods General

Submission Reference:

525.37	Accept
525.38	Accept
524.37	Accept in part
FS 157	Accept in part
FS 155	Accept in part
FS 71	Accept in part
524.41	Accept

Decision Amendment: 11.3.7 Methods General

Amend Method 11.3.7(c) as follows:

~~“Through the resource consent process~~ Identify where a wetland or indigenous habitat is significant by using the following criteria:

- Representativeness
- Rarity
- Diversity
- Distinctiveness
- Continuity
- ~~Cultural Values~~
- Ecological Restoration
- ~~Landscape Integrity~~
- Sustainability.”

Amend Method 11.3.7(d) with the following:

*“Through the resource consent process, **assessment of** environmental effects where an activity ~~affects a potentially significant natural area~~ **may adversely affect an area of significant indigenous vegetation and/or significant indigenous habitat.**”*

Consequential Amendment: 22.1.6 Assessment Criteria - Significant Natural Areas and Areas of Indigenous Vegetation and Habitats of Indigenous Fauna

Amend Assessment Criteria 22.1.6 with the following:

- (i) *Effects of the activity on the ecological, intrinsic, cultural or amenity values of the area.*
- (ii) *The effectiveness of any existing or proposed protection or enhancement mechanisms.*

(iii) *The significance of the affected indigenous vegetation or habitat of indigenous fauna, in terms of meeting the criteria listed below ~~for Significant Natural Areas.~~*

Criteria for ~~Significant Natural Areas~~ determining the significance of areas of indigenous vegetation and habitats of indigenous fauna:

- *Representativeness*
 - *Contains an ecosystem that is unrepresented, uncommon or unique;*
- *Rarity: Contains or supports:*
 - *Threatened ecosystems;*
 - *Threatened species;*
 - *Endemic species;*
- *Diversity: Diversity of ecosystems, species, vegetation.*
- *Distinctiveness:*
 - *Large population of viable species*
 - *Natural state*
 - *Uninterrupted ecological sequence*
 - *Significant Landforms*
- *Continuity: Corridor or buffer zone present.*
- ~~*Cultural Values:*~~
 - ~~*Significant to Maori*~~
 - ~~*Recreational*~~
 - ~~*Landscape*~~
 - ~~*Water catchment protection*~~
 - ~~*Tourism*~~
 - ~~*Aesthetic coherence*~~
- *Ecological Restoration: Contains/supports indigenous vegetation/habitat that contributes to the recovery or restoration of threatened or uncommon species. Ability of the area to be restored.*
- ~~*Landscape Integrity: Represents original character of landscape.*~~
- *Sustainability: Including size, shape, activities on boundary, adjoining protected areas, links and management.*

Reasons

This decision is made for the following reason:

- The existing and amended Methods and Assessment Criteria are the most effective and efficient in terms of protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna and identifying these areas.

11.3.7 Biodiversity Policy Method (a)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
525.34	Department of Conservation	-	
524.38	Federated Farmers of New Zealand (Inc)	-	
526.33	Wellington Regional Council	-	
385.15	J Gleisner	-	

Discussion

The **Department of Conservation** (525.34) and **Federated Farmers of New Zealand (Inc)** (524.38) seek that an inventory of significant indigenous vegetation and significant habitat for indigenous fauna be developed as part of the Biodiversity Strategy by 2008. DOC seeks that a method be included that refers to consultation being initiated and a plan change developed as soon as possible upon completion of the inventory to enter these sites into Appendix 1.3 (SNA schedule of the Plan). Federated Farmers of New Zealand (Inc) also seek that this method has reference to a Variation to this Plan being publicly notified to incorporate the results of the identification process. Federated Farmers of New Zealand (Inc) also seek that this Variation will include a reassessment of the issues, objectives, policies and methods for the management of indigenous vegetation within the District (or words to this effect). Federated Farmers of New Zealand (Inc) seek that it is specifically included as a party in developing this strategy.

Wellington Regional Council (526.33) seeks the preparation of a Biodiversity Strategy be retained. **J Gleisner** (385.15) seeks a commitment to a Biodiversity Strategy in 2008.

Evidence Heard

The **Department of Conservation** presented evidence accepting the Section 42A report recommendation in regards to the development of the proposed Biodiversity Strategy for the Wairarapa under Biodiversity Method (a).

Greater Wellington Regional Council also presented evidence accepting the Section 42A report recommendation in regards to the development of the proposed Biodiversity Strategy for the Wairarapa under Biodiversity Method (a).

Commissioners' Deliberations

The Commissioners concur with the Section 42A report that it is inappropriate to state in the Method that the significant indigenous vegetation and habitat assessment will be completed by 2008 because, depending in its findings and consultation with landowners and stakeholders, it may require further investigation, resourcing and implementation.

The Commissioners concur with the Section 42A report that the Biodiversity Strategy would be the most effective and efficient means of determining whether an inventory of significant indigenous vegetation and habitats would be an appropriate tool, and whether and what changes may be needed to the Plan.

In terms of the development and implementation of the Biodiversity Strategy, the Commissioners acknowledge the collaborative process used and the strong working relationship that developed between the parties in discussing Rule 21.1.6. We strongly support the ongoing commitment of these parties to prepare and implement the Biodiversity Strategy for the Wairarapa from 2008.

Decision: Biodiversity Method 11.3.7(a)

Submission Reference:

525.34	Accept in part
524.38	Accept in part
526.33	Accept
385.15	Accept

Decision Amendment: Biodiversity Method 11.3.7(a)

Amend Method (a) as follows:

*“(a) In conjunction with other key organisations, ~~preparation~~ **initiation** of a Wairarapa Biodiversity Strategy by 2008 to establish goals and a programme of action for identifying and managing natural habitats, methods for enhancing biodiversity, and for prioritising actions for protecting significant natural areas.”*

Reasons

This decision is made for the following reason:

- The amended Method is the most effective and efficient in terms of developing a Wairarapa Biodiversity Strategy by 2008 to identify and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna.

11.3.7 Biodiversity Policy Method (c)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
524.39	Federated Farmers of New Zealand (Inc)	-	

Discussion

Federated Farmers of New Zealand (Inc) (524.39) seeks to replace the proposed criteria for assessing significance with what it considers to be more robust and explicit criteria.

Evidence Heard

Federated Farmers of New Zealand (Inc) presented specific evidence on the assessment criteria used to assess the significance of an area.

Commissioners' Deliberations

There are a range of different techniques and criteria that can be used to assess the significance of an area and the criteria in Method (c) are generally well understood in terms of their application and meaning. We understand they are largely consistent with criteria used in other District Plans although there is some variability. The aim of Method (c) is to use ecological criteria that have the dual role of meeting the Act section 6(c) requirements while also being easily interpreted by landowners, planners and non-ecologists. Accordingly, the Commissioners have determined the amended criteria below and the amended assessment criteria in section 22.1.6, which are suitably robust and explicit to determine the significance of indigenous vegetation and significant habitats of indigenous fauna in the Wairarapa.

Decision: 11.3.7 Method (c)

Submission Reference:

524.39 Accept in part

Decision Amendment: 11.3.7 Method (c)

Amend Method 11.3.7(c) as follows:

~~"Through the resource consent process~~ Identify where a wetland or indigenous habitat is significant by using the following criteria:

- Representativeness
- Rarity
- Diversity
- Distinctiveness
- Continuity
- ~~Cultural Values~~
- Ecological Restoration
- ~~Landscape Integrity~~
- Sustainability."

Consequential Amendment: 22.1.6 Assessment Criteria - Significant Natural Areas and Areas of Indigenous Vegetation and Habitats of Indigenous Fauna

Amend Assessment Criteria 22.1.6 with the following:

- (i) *Effects of the activity on the ecological, intrinsic, cultural or amenity values of the area.*
- (ii) *The effectiveness of any existing or proposed protection or enhancement mechanisms.*
- (iii) *The significance of the affected indigenous vegetation or habitat of indigenous fauna, in terms of meeting the criteria listed below ~~for Significant Natural Areas.~~*

Criteria for ~~Significant Natural Areas~~ determining the significance of areas of indigenous vegetation and habitats of indigenous fauna

- Representativeness
 - *Contains an ecosystem that is unrepresented, uncommon or unique;*

- *Rarity: Contains or supports:*
 - *Threatened ecosystems;*
 - *Threatened species;*
 - *Endemic species;*
- *Diversity: Diversity of ecosystems, species, vegetation.*
- *Distinctiveness:*
 - *Large population of viable species*
 - *Natural state*
 - *Uninterrupted ecological sequence*
 - *Significant Landforms*
- *Continuity: Corridor or buffer zone present.*
- ~~*Cultural Values:*~~
 - ~~*Significant to Maori*~~
 - ~~*Recreational*~~
 - ~~*Landscape*~~
 - ~~*Water catchment protection*~~
 - ~~*Tourism*~~
 - ~~*Aesthetic coherence*~~
- *Ecological Restoration: Contains/supports indigenous vegetation/habitat that contributes to the recovery or restoration of threatened or uncommon species. Ability of the area to be restored.*
- ~~*Landscape Integrity: Represents original character of landscape.*~~
- *Sustainability: Including size, shape, activities on boundary, adjoining protected areas, links and management.*

Reasons

This decision is made for the following reason:

- The amended Method and Assessment Criteria are the most effective and efficient in terms of protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna and identifying these areas.

11.3.7 Biodiversity Policy Method (d)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
524.40	Federated Farmers of New Zealand (Inc)	FS 157 J Diederich FS 155 K Reedy	Support Support

Discussion

Federated Farmers of New Zealand (Inc) (524.40) seeks that reference to 'potentially' significant be deleted from section 11.3.7(d). **J Diederich** and **K Reedy** support this submission.

Evidence Heard

Federated Farmers of New Zealand (Inc) presented specific evidence earlier supporting the Section 42A recommendation to delete reference to 'potentially' in the context of significant indigenous vegetation and significant habitats of indigenous fauna.

Commissioners' Deliberations

The Commissioners concur with the submitter and the Section 42A report that the term 'potentially' in the context of significant be removed from this section given the degree of uncertainty. In addition, the Commissioners concur that the amended Method (d) below is more consistent with section 6(c) of the Act.

Decision: 11.3.7 Method (d)

Submission Reference:

524.40	Accept
FS 157	Accept
FS 155	Accept

Amendment Decision: 11.3.7 Method (d)

Amend Method 11.3.7(d) with the following:

*"Through the resource consent process, assessment of environmental effects where an activity ~~affects a potentially significant natural area~~ **may adversely affect an area of significant indigenous vegetation and/or significant indigenous habitat.**"*

Reasons

This decision is made for the following reason:

- The amended Method is the most effective and efficient for using the resource consent process in terms of protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna and is consistent with other Methods in the Plan.

11.3.7 New Methods Sought

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
525.34	Department of Conservation	-	
525.36	Department of	-	

	Conservation		
264.14	D Riddiford	FS 157 J Diederich FS 155 K Reedy	Support Support

Discussion

The Department of Conservation (525.34) seeks to include a new method that specifically mentions the allocation of funds through the LTCCP process for the Biodiversity Action Plan implementation; in particular the creation of a significant sites inventory.

The Department of Conservation (525.36) seeks the insertion of an additional method to ensure the Wairarapa Councils will undertake monitoring to help build up a comprehensive picture of the “state of biodiversity” in the Wairarapa. The SOE report will assist the Councils to assess whether the Plan is achieving its anticipated environmental results.

D Riddiford (264.14) seeks additional Methods to provide landowners with financial support for biodiversity protection on their land. **J Diederich** and **K Reedy** support this submission.

Evidence Heard

The **Department of Conservation** presented specific evidence earlier accepting the Section 42A recommendation in relation to insertion of additional Methods.

Commissioners’ Deliberations

The Commissioners concur with the submitters and the Section 42A report that the current Methods already describe a range of incentives available that could be used to support the protection of natural habitats. We note that Section 35(2)(a) already requires the Councils to monitor the state of the environment, including the state of indigenous biodiversity in the Wairarapa.

Decision: 11.3.7 New Methods Sought

Submission Reference:

525.34 Reject

525.36 Reject

264.14 Reject

FS 157 Reject

FS 155 Reject

Reasons

This decision is made for the following reason:

- The existing Methods and statutory requirements for Councils to undertake State of the Environment reporting are the most effective and efficient in terms of protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Wairarapa.

11.3.8 Explanation on Principal Reasons for Adoption

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
431.5	Wairarapa Branch and National Office of the NZ Forest and Bird Society	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose

Discussion

The **Wairarapa Branch and National Office of the NZ Forest and Bird Society** (431.5) request Explanation 11.3.8 be retained. Wairarapa Branch and National Office of the NZ Forest and Bird Society also seek that the protection offered by the document to the small fraction of the biodiversity that was once present in the Wairarapa should not be watered down. **D Riddiford** and **Federated Farmers of New Zealand (Inc)** oppose this submission.

Evidence Heard

No specific evidence was presented on this point.

Commissioners' Deliberations

The Commissioners consider that the existing explanation is the most appropriate for achieving the objective of protecting biodiversity and areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Wairarapa. The suite of policies and methods provide an effective framework for protecting large and small areas of indigenous vegetation and habitat.

Decision: 11.3.8 Explanation

Submission Reference:

431.5	Accept
FS 112	Reject
FS 85	Reject

Reasons

This decision is made for the following reason:

- The existing Explanation is the most effective and efficient in terms of protecting biodiversity and areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Wairarapa.

21.1.5 Permitted Activity - Significant Natural Areas Rule

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
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525.87	Department of Conservation	-	
512.3	M Butterick	-	
217.1	Upper Hutt Rural Residents' Association	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Support Support
260.5	G & J Diederich	FS 156 G Diederich FS 157 J Diederich	Support Support
264.27	D Riddiford	FS 157 J Diederich FS 155 K Reedy	Support Support
405.1	J van Bergen	-	
405.2	J van Bergen	-	
522.55	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	FS 102 Windy Peak Trust	Oppose

Discussion

Department of Conservation (525.87) support Rule 21.1.5.

M Butterick (512.3), **G & J Diederich** (260.5), **D Riddiford** (264.27), **J van Bergen** (405.1 & 2) seek Rule 21.1.5 be deleted or amended to allow normal farming activities and management of existing exotic vegetation in a Significant Natural Area. **J Diederich**, **G Diederich**, **J Diederich** and **K Reedy** support the original submissions of J Diederich and D Riddiford.

Upper Hutt Rural Residents' Association (217.1) seeks that the rules only apply to a few nationally significant and historically important property and vegetation areas, and they should be more flexible and less restrictive. **D Riddiford** and **Federated Farmers of New Zealand (Inc)** support this submission.

J van Bergen (405.2) requests amending this rule to include the activities of replanting and/or reseedling, pruning and thinning of existing exotic vegetation within the boundaries of the Significant Natural Areas.

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.55) request that the rule be amended to allow for the removal of identified plant pests as a permitted activity. **Windy Peak Trust** opposes this submission.

Evidence Heard

The **Department of Conservation** presented evidence accepting and supporting the Section 42A recommendations retaining Rule 21.1.5.

D Riddiford presented evidence expressing concern in regard to the application of the rules relating to significant natural areas and indigenous vegetation.

Commissioners' Deliberations

The Commissioners consider regulatory controls to protect the biodiversity values of the Significant Natural Areas (SNA) is the most effective approach, whilst also enabling surrounding activities to continue functioning efficiently.

We note that only the SNAs currently identified in the three Operative District Plans and sites identified in the Wairarapa Coastal Strategy as having exceptional/outstanding or very high/high significance are included in the Plan.

We do not consider an amendment to the rule for exotic forest management would be effective, as it could adversely affect the values of the SNA. The resource consent process provides an efficient and effective approach for managing the effects of exotic forest management within SNAs. Given the nature of SNAs, we do not consider there would be many situations where exotic vegetation is dominant within the SNA.

The Commissioners concur with the submitter and the Section 42A report to amend the rule to clarify that plant pests can be removed from Significant Natural Areas as a permitted activity. This amendment would provide for the effective management of SNAs to maintain these important values. Accordingly, the amended Rule 21.1.5(a)(vi) has been inserted to better reflect this intent.

Decision: Rule 21.1.5 Permitted Activity Rule

Submission Reference:

525.87	Accept
512.3	Reject
217.1	Reject
FS 112	Reject
FS 85	Reject
260.5	Reject
FS 156	Reject
FS 157	Reject
264.27	Reject
FS 157	Reject
FS 155	Reject
405.1	Reject
405.2	Reject
522.55	Accept
FS 102	Reject

Decision Amendment: Rule 21.1.5 Permitted Activity Rule

Insert a new clause 21.1.5(a)(vi) as follows:

“(vi) The removal of plant pests identified in the Operative Wellington Region Plant Pest Management Strategy.”

Reasons

This decision is made for the following reason:

- The existing amended Rule is the most effective and efficient in terms of protecting the values of areas of the identified significant natural areas in the Wairarapa.

21.1.5 Significant Natural Areas - Rule (a)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
524.61	Federated Farmers of New Zealand (Inc)	FS 157 J Diederich FS 155 K Reedy	Support Support
524.62	Federated Farmers of New Zealand (Inc)	FS 157 J Diederich FS 155 K Reedy FS 89 Wellington Regional Council	Support Support Oppose
522.55	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	FS 54 New Zealand Winegrowers FS 102 Windy Peak Trust	Support Oppose

Discussion

Federated Farmers of New Zealand (Inc) (524.61) seeks to delete the term ‘Maintenance’ and replace with the term ‘modification’ in regard to any listed areas. Federated Farmers of New Zealand (Inc) also seeks to insert the term “pruning” at the beginning of Clause (ii) and delete the 1.0 metre limit from external walls or buildings. **J Diederich** and **K Reedy** support this submission.

Federated Farmers of New Zealand (Inc) (524.62) requests that additional clauses be inserted into Rule 21.1.5 to allow for limited farming-related activities to be conducted, including clearance of indigenous vegetation to a maximum of 500m², clearance of indigenous vegetation for the purpose of maintenance of existing fence lines or for a new fence, existing use rights of clearance and the creation and maintenance of firebreaks. **J Diederich** and **K Reedy** support this submission. **Wellington Regional Council** opposes this submission.

The Planning Departments of Masterton, Carterton and South Wairarapa District Councils (522.55) recommended that the word “farm” tracks be removed from Clause (iii) to remove the anomaly in that the rule will allow for works in relation to all existing tracks. The rule currently makes specific reference to “farm” tracks, thereby resulting in the exclusion of other types of existing tracks. **New Zealand Wine Growers** supports this submission. **Windy Peak Trust** opposes this submission.

Evidence Heard

Federated Farmers presented specific evidence in regards to the Section 42A assessment and recommendations in relation to Rule 21.1.5.

As part of its submission on Chapter 16 Network Utilities, **Transpower New Zealand** presented evidence requesting limited modification to areas of significant vegetation associated with the maintenance of overhead transmission lines.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report that Section 6(c) of the Act requires the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as opposed to allowing modification. We consider the term 'maintenance' most appropriately reflects the purpose of the Act, as well as the intent of Rule 21.1.5. Similarly, the Commissioners consider that adding farming and clearance-related activities within SNAs would not be effective in achieving the objective in the Plan protecting the natural values of SNAs.

The Commissioners concur with the Section 42A report that insertion of the term 'pruning' in the Rule more accurately describes the nature of the work. The Commissioners also concur that the distance of 1.0 metre from the external walls or roof of buildings provides an appropriate balance between limiting adverse effects on buildings and not compromising the values of a SNA.

The Commissioners concur with the submitters and the Section 42A report to amend the Rule to clarify the permitted activity status of maintaining all existing access tracks within significant natural areas. The Commissioners also concur with the evidence presented by Transpower New Zealand in relation to trimming of vegetation as part of maintaining the national grid where it traverses SNAs. We consider these two amendments provide for the efficient functioning of physical resources, such as network utilities, whilst protecting the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

Decision: Rule 21.1.5(a) Permitted Activity

Submission Reference:

524.61	Accept in part
FS 157	Accept in part
FS 155	Accept in part
524.62	Reject
FS 157	Reject
FS 155	Reject
FS 89	Accept
522.55	Accept
FS 54	Accept
FS 102	Reject

Decision Amendment: Rule 21.1.5(a) Permitted Activity

Amend Clause 21.1.5(a)(ii) as follows:

*"The ~~removal~~ **pruning** of branches which are part of the main structure of the tree that are interfering or overhanging buildings, but only up to 1.0 metres from the external walls or roof of that building."*

Amend Clause 21.1.5(a)(iii) as follows:

"The removal of branches which are not part of the main structure of the tree to maintain access across existing ~~farm~~ tracks."

Consequential Amendment: New Rule 21.1.5(a)(iv)

New rule 21.1.5(a)(iv):

“The minor trimming of vegetation within the Growth Limit Zones surrounding an existing overhead wire or existing network utility as specified in the Electricity (Hazards from Trees) Regulations 1993.”

Re-number (iv)-(v) to (v)-(vi).

Reasons

This decision is made for the following reason:

- The amended Rules use better terminology, apply consistently for maintaining existing tracks and provide for the functioning of existing network utilities, while achieving the Plan objective of protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Wairarapa.

21.1.6 Indigenous Vegetation and Habitats Rules (a) – (j)

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
187.1	Amalgamated Helicopters Wairarapa Ltd	-	
387.1	Birch Hill Partnership	-	
525.88	Department of Conservation	-	
525.89	Department of Conservation	-	
175.1	M Sutherland	-	
524.63	Federated Farmers of New Zealand (Inc)	FS 106 S & S Barton FS 157 J Diederich FS 155 K Reedy	Support Support Support
524.64	Federated Farmers of New Zealand (Inc)	FS 157 J Diederich	Support
524.65	Federated Farmers of New Zealand (Inc)	FS 106 S & S Barton FS 157 J Diederich FS 155 K Reedy	Support Support Support
524.66	Federated Farmers of New Zealand (Inc)	FS 106 S & S Barton FS 157 J Diederich FS 155 K Reedy	Support Support Support
524.67	Federated Farmers of New	FS 106 S & S Barton FS 157 J Diederich	Support Support

	Zealand (Inc)		
285.12	Forestry Wairarapa Cluster Group	FS 16 Transpower New Zealand	Support
515.13	Juken New Zealand Limited, Forestry Wairarapa	FS 103 Waipine	Support
199.1	Martinborough Community Board	-	
193.1	Palliser Ridge Limited	-	
419.1	Prairie Holm Trust	-	
371.3	Snowy Range Station Limited and Lagoon Hill Limited	-	
403.1	Stansborough Farm Partnership	-	
439.1	Stonestead Trust	-	
273.23	Tomlinson & Carruthers Surveyors Ltd	-	
391.2	Trustees of the W N Pharazyn Charitable Trust	-	
308.1	Wairarapa Federated Farmers of New Zealand (Inc)	-	
505.1	Wairarapa Helicopters Ltd	-	
398.32	Wairarapa Inc trading as Go Wairarapa	-	
423.2	Wairarapa Rural Fire District	-	
292.1	Watson & Son	-	
191.1	Wrigley Farm Limited and Wrigley Trust	-	
248.1	E Bannister	-	
205.1	C Bargh	-	
229.1	A Barton	-	
250.1	S Bennett	-	

230.4	R, A & J Boyne	-	
67.1	P Bresaz	-	
179.1	R & S Broughton	-	
210.1	J Busby & B MacKenzie	-	
512.1	M Butterick	-	
258.3	J Cameron	FS 152 J Cameron FS 106 G Diederich	Support Support
198.1	S Carlsen	-	
234.1	D Colville	-	
402.6	A Crofoot	-	
401.6	E Crofoot	-	
499.1	D Daniell	-	
20.1	T Didsbury	-	
260.6	G & J Diederich	FS 157 J Diederich FS 106 G Diederich	Support Support
182.1	M & D Doyle	-	
183.1	P Drysdale	-	
167.1	S Dunbar	-	
197.1	B & J Elder	-	
69.1	K & S Finlayson	-	
196.1	M Finlayson	-	
166.1	S Foreman	-	
323.3	P, A & D Furniss	-	
194.1	B & C Gardner	-	
65.1	C Garland	-	
294.1	P Gaskin	-	
385.11	J Gleisner	-	
169.1	G Harris	-	
201.1	P Hedley	-	
173.1	B Jephson	-	
19.1	R Joblin	-	
73.1	A Johnson	-	
320.1	T Johnston	-	
68.1	D Kinnell	-	
31.1	T Koers	-	
10.1	R Kyle	-	
168.1	M Le Cren	-	

172.1	S Le Cren	-	
416.1	J le Grove	-	
36.1	I Lucas	-	
171.1	J Martin	-	
106.1	P & G Mather	-	
39.1	C Matthews	-	
54.1	R Maunsell	-	
231.1	D McCreary	-	
490.2	N McDonald & S Kingsford	FS 5 M Opie	Support
32.1	J McFadzean	-	
34.7	J & M McGuinness	-	
176.1	N McLaren	-	
192.2	A McLeod	-	
186.1	G & F Moore	-	
227.1	B & A Morris-Denby	-	
434.1	B & C Morris-Denby	-	
253.1	C Morrison	-	
331.6	S Murphy & D Harris	-	
500.1	D Neal	-	
181.1	P & B Nicol	-	
190.1	J & R O'Neale	-	
51.1	A Petrie	-	
62.1	J Ravenwood	-	
290.1	K Reedy	FS 106 G Diederich FS 155 K Reedy	Support Support
178.1	J Riddell	-	
264.2	D Riddiford	FS 157 J Diederich FS 155 K Reedy	Support Support
264.28	D Riddiford	FS 155 K Reedy FS 157 J Diederich	Support Support
283.1	G & S Saunders	-	
528.1	A Sewell	-	
189.1	P Smith	-	
180.1	C Speedy	-	
21.1	C & A Tatham	-	

15.1	T Tatham	-	
360.2	J Taylor	-	
24.2	M Taylor	-	
174.1	P Taylor	-	
13.6	W Thompson	-	
170.1	I & H Thomson	-	
508.1	M Tipoki	-	
426.1	V Tipoki	-	
228.3	B Tosswill	-	
254.1	M Tutavaha	-	
278.2	G & C Tyer	-	
195.1	A & S Vallance	-	
251.1	G Vermeer	-	
184.1	T Wallace	-	
233.1	A & F Warren	-	
177.1	H Warren	-	
204.1	R Warren	-	
257.2	S Wilton	-	
188.1	D Wood	-	
18.1	D Woodhouse	-	
14.1	M Wyeth	-	
169.2	G Harris	-	
526.95	Wellington Regional Council	-	
238.7	R Scott	-	
239.7	S Scott	-	

Discussion

There were a total of 121 submissions on the Indigenous Vegetation and Habitats Rule 21.1.6. Of these submissions, 107 were received in opposition and 7 in support with a further 2 in partial support. There are 5 submissions that are 'unstated' in terms of either support or opposition. Most submissions in opposition are specific in stating that they request that the whole of Rule 21.1.6 be deleted. Of those that oppose it outright and seek the rule to be deleted in full, there were a substantial number of submissions that sought to specifically exclude manuka, kanuka and tauhinu (also known as tauwhini) from Rule 21.1.6. There are also others that request amendments or refinements to the thresholds within the rules. Conversely there are other submitters that support the rule or seek modification to the rule in its current form.

Many submitters were not specific to any of the clauses 21.1.6 (a) – (j) but rather that the whole rule be deleted. There were 25 further submissions received on Rule 21.1.6, as outlined in the table above.

Due to the large number of submissions, this section has been separated into the individual clauses (21.1.6 clauses (a) – (j)). However, a discussion on the outcomes of the Addendum Report precedes this.

Addendum Report

As part of the process in preparing the Section 42A report, Council officers met with representatives of Federated Farmers of New Zealand (Inc), the Department of Conservation, Greater Wellington Regional Council and the Royal Forest and Bird Protection Society (who had all submitted in detail on the proposed plan on this matter) in an effort to explore the issues and potential methods of improving the efficacy of the rules. Following the Officer's Section 42A Report being circulated, an addendum report was prepared to clarify how the proposed amendments discussed by key stakeholders and Council officers could be incorporated into the rules, and to identify any consequential changes that may also be required.

A field trip and meetings were held between stakeholders in May and July 2007 (which drew on the outcomes of an earlier meeting of the key parties). A further meeting was held on 14 August 2007 (following the circulation of the Officer's Section 42A Report on the Indigenous Biodiversity Chapter of the Proposed Combined Plan) between key parties to review the recommended changes to the rules set out in the Officer's report. As part of this process, Council officers prepared and circulated reports for discussion to ensure the rule was the most efficient and effective.

The addendum report sought to resolve the possible ambiguity in relation to the interpretation of the terms 'contiguous' and 'any' in the Section 42A report recommended Rule 21.1.6(a), which read as follows:

"Any activity involving disturbance, removal, damage or destruction ("modification") of kanuka, manuka and tauhinu, except where any area of contiguous vegetation canopy has any indigenous podocarp or other indigenous tree species growing above this canopy."

The addendum report focused on many of the submitters concerns to allow for the blanket removal of areas of kanuka, manuka and tauhinu. Other amendments included:

- Limiting any modification of indigenous vegetation that did not meet permitted activity standards to a restricted discretionary activity under proposed Rule 21.3.12;
- Allowing for the harvesting of indigenous timber in accordance with an approval under Part IIIA of the Forests Act 1949 as a permitted activity (an approval under Part IIIA of the Forests Act 1949 refers to the harvesting of indigenous timber carried out under an approved sustainable forest management plan or permit that has been approved by the Secretary of Forestry); and
- Restricting the modification of indigenous vegetation if it is greater than 10% of the area of the indigenous vegetation per Certificate of Title up to a maximum of 200m²; and
- Allowing for the modification of indigenous vegetation in the construction of new fencelines and firebreaks as a permitted activity.

The addendum report also identified that a couple of other consequential amendments are required:

- An additional permitted activity clause under Rule 21.1.6 that provides for the modification of indigenous vegetation other than kanuka, manuka and tauhinu as a permitted activity, where the modification meets specified thresholds, based on those in Rule 21.3.12.

- Delete that part of Rule 21.4 which makes any proposed modification of indigenous vegetation that is not otherwise a permitted or restricted discretionary activity a discretionary activity.

The amended rules are considered by the stakeholders involved to be the most efficient and effective in protecting areas of biodiversity value.

Evidence Heard

Evidence was presented accepting and supporting Rule 21.1.6 as per the Addendum Report by each of the following stakeholders involved in the meetings informing the Addendum Report process: **Federated Farmers of New Zealand (Inc)**, the **Department of Conservation**, **Greater Wellington Regional Council** and the **Royal Forest and Bird Protection Society**. The majority of the other submitters presented evidence accepting and supporting Rule 21.1.6 as per the addendum report.

Birch Hill Partnership presented evidence on the indigenous vegetation provisions, specifically in relation to clauses concerning height and diameter of scrub, the 200m² clearance limits, access tracks and RAPs becoming default SNAs.

The **Forestry Wairarapa Cluster Group** presented evidence on the indigenous vegetation provisions, particularly in relation to the definitions of indigenous and exotic forestry and clarification in relation to the definition of 'rivers' and the possible implications of this term on commercial forestry operations. **Juken New Zealand** presented evidence outlining the implications of the definition of 'rivers and waterbodies' on commercial forestry operations and tabled additional relief sought.

Palliser Ridge presented evidence on the indigenous vegetation provisions and outlined the importance of biodiversity initiatives undertaken on private land and the implications of the proposed rules on such activities.

Snowy Range Station and **Lagoon Hill Limited** presented evidence supporting the indigenous vegetation provisions in the Addendum Report and seeking greater clarification on the exact locations of SNAs and RAPs in relation to the Oterei River. Evidence was tabled in relation to the RAPs.

The **Trustees of the W N Pharazyn Charitable Trust** presented evidence supporting aspects of the Section 42A report as agreed by Federated Farmers of New Zealand (Inc), but raised questions in relation to the Certificate of Title rule being discriminatory, the native vegetation rule needing greater clarification, Rule 21.2.12 in general and the arbitrary identification of RAPs in the Plan.

Wairarapa Helicopters Limited presented evidence suggesting that the amount of indigenous vegetation identified by DOC was misleading.

Wairarapa Inc Trading as Go Wairarapa presented evidence on the indigenous vegetation provisions, contending the chapter had too great an emphasis on environmental wellbeing as opposed to economic wellbeing and that RAPs should not be used as surrogate SNAs.

E Bannister presented evidence on the indigenous vegetation provisions reiterating that farmers undertook conservation on their own land for soil conservation purposes.

C Bargh presented evidence on the indigenous vegetation provisions seeking that voluntary biodiversity protection was the best method and that clearing scrub should not be restricted. Evidence was tabled in relation to requested changes to the rules on indigenous biodiversity.

J Boyne presented evidence accepting and supporting the indigenous vegetation provisions as per the Addendum Report.

J Busby and B McKenzie presented evidence on the indigenous vegetation provisions supporting the Addendum Report as it relates to their interests in honey production and firewood.

M Butterick presented evidence supporting the Addendum Report in relation to the indigenous vegetation provisions.

D Colville presented evidence indicating that he had a Wellington Regional Council land clearance permit to clear land for his firewood business and that this should not be affected by the proposed indigenous vegetation rules.

A Crofoot presented evidence supporting the Addendum Report in relation to the indigenous vegetation provisions. He expressed concerns in relation to riparian vegetation clearance and SNAs.

E Crofoot presented evidence outlining concerns as to the extent and location of the SNA identified in the Otahome Road Reserve.

D Daniell presented evidence on the indigenous vegetation provisions, questioning the height restriction on scrub that could be cleared and contended that landowners were conservationists that had protected areas of indigenous vegetation on their land. He noted the value of manuka honey production and contended there should be compensation for landowners with large areas of scrub affected by the rules.

T Didsbury presented evidence on the indigenous vegetation provisions supporting the Addendum Report.

B Elder presented evidence on the indigenous vegetation provisions and the implications of these rules on the rights of landowners.

R Joblin presented evidence on the indigenous vegetation provisions, contending that SNAs were historical evidence of the importance of voluntary biodiversity initiatives on private land for many years. He contended that the 200m² per title had implications for landowners.

T Koers presented evidence on the indigenous vegetation provisions.

R Kyle presented evidence supporting the Addendum Report in relation to the indigenous vegetation provisions. He expressed concerns over the consultation process undertaken in regard to the RAPs and that these should not be included in the Plan.

J & M McGuiness presented evidence supporting in principle the Addendum Report provisions in relation to the indigenous vegetation provisions

C Morrison presented evidence supporting the Addendum Report in relation to the indigenous vegetation provisions.

A Petrie presented evidence in relation to the indigenous vegetation provisions, citing his own efforts at biodiversity protection on private land.

D Riddiford presented evidence in relation to the indigenous vegetation provisions, specifically citing the SNA restrictions in relation to his land.

T Tatham presented evidence in relation to the indigenous vegetation provisions, citing that land clearance should be considered on a case-by-case basis.

J Taylor presented evidence supporting the Addendum Report in relation to the indigenous vegetation provisions.

M Taylor presented evidence supporting the Addendum Report in relation to the indigenous vegetation provisions.

B Tosswill presented evidence supporting the Addendum Report in relation to the indigenous vegetation provisions. He noted the process undertaken was disappointing and more consultation with farmers was required.

G Vermeer presented evidence in relation to the indigenous vegetation provisions, contending the RAP located on his property was 80% covered in scrub. He stated that he had purchased the property to be cleared and the rule would prevent this.

A & F Warren presented evidence in relation to the indigenous vegetation provisions.

M Wyeth presented evidence in relation to the indigenous vegetation provisions, contending that the 200m² area was not practical and that Council purchase land from him if it wanted it set aside.

Further detail in relation to the evidence presented on the specific clauses of Rule 21.1.6 is outlined below.

Commissioners' Deliberations

The Commissioners noted the Section 42A report analysis cited case law in recent years that the Act requires Councils to promote, via an integrated package of methods, the sustainable management of a district's indigenous biodiversity, including the protection of significant indigenous vegetation and habitats of indigenous fauna. In this regard, the Commissioners note the Environment Court's recognition that voluntary mechanisms alone are insufficient to protect significant natural areas in accordance with the Act.

The Commissioners acknowledge that outside that land administered by the Department of Conservation, there are only limited areas of biodiversity value in the Wairarapa that are protected and that there is a lack of detailed survey information or assessments specifically undertaken for RMA purposes to identify areas of significant indigenous vegetation and significant habitat of indigenous fauna. Given this limited extent of legal protection and lack of detailed survey information, we consider there is a need for a twofold approach to recognising and providing for the protection of significant natural areas and maintaining indigenous biodiversity in the District Plan is the most efficient and effective:

- The continuing use of a schedule to list all recognised and surveyed significant natural areas currently included with the three operative District Plans, as well as significant sites identified in the development of the Wairarapa Coastal Strategy; and
- The use of general vegetation clearance rules for areas not listed in the schedule.

The first approach is applied in Rule 21.1.5, where sites listed in Appendix 1.3 Significant Natural Areas cannot be modified or destroyed without resource consent. For non-listed areas, the Commissioners consider that an amended Rule 21.1.6 is effective in managing other areas of indigenous vegetation and habitats which have potential biodiversity value and significance as indigenous habitat.

We have considered a number of alternative approaches for Rule 21.1.6 raised in the submissions. The alternatives considered included thresholds based on the age of vegetation and predominance of indigenous regrowth scrub, modification for maintenance of pasture, options for species exclusions and inclusions, various area, height and diameter thresholds and slope and landuse classification. These alternative approaches had some practical limitations or subjective element, such as how to determine the age of vegetation, what was meant by clearance for maintaining pasture, and how to identify different species. We concur with the assessment in the Section 42A report that these alternative approaches are not the most efficient or effective rules for achieving the Plan objectives.

A number of submitters requested the rule permit the clearance of "scrub". We concur with the outcome reached in the Addendum Report discussion on this matter, that a distinction is

required in the Plan between remnant or older regenerating indigenous vegetation and younger regenerating indigenous “scrub”, particularly kanuka, manuka and tauhinu (amongst other species). The Committee has considered the merits of excluding particular species to allow them to be cleared as of right. We concur with the Section 42A report and Addendum Report that it is appropriate to exclude fast-growing aggressive pioneer species predominant in the Wairarapa such as kanuka and manuka.

We concur with many submitters and the Section 42A report that regenerating “scrub” on pastoral land is a naturally occurring process and the ongoing clearing of this “scrub” contributes to the economic and social wellbeing of the Wairarapa. While these colonising species are indigenous to New Zealand, they are widespread across the Wairarapa depending on the nature of historical and current landuse practices. We concur that not providing for some removal of these areas of “scrub” could limit the efficient operation of primary production activities, particularly on steeper hill-country and coastal farms where the ongoing maintenance of pasture can be difficult.

Notwithstanding the exclusion of the “scrub” species, for non-scrub species, tree height and diameter thresholds within Rule 21.1.6 are applied. The approach provides for areas of “scrub” to be distinguished from the more ecologically significant remnant or older regenerating vegetation. The Commissioners consider that for tree height and diameter, the 1991 New Zealand Forest Accord criteria (developed by a range of forestry and ecological representatives and used by a range of Councils) is an appropriate basis for these thresholds. The 200m² per five-year threshold has been set to protect indigenous vegetation and habitats across the range of Wairarapa environments. The 10% per site threshold has also been included to recognise that there are extremely small areas of indigenous vegetation in some environments, such as the Wairarapa plains, where any greater removal could have significant adverse effects on biodiversity. We consider that these thresholds provide an appropriate baseline that is sufficient to protect indigenous biodiversity across the wide range of coastal, plains and hill country environments.

Inclusion of the combination of the measurements of tree height and trunk diameter to benchmark the age and structure of the forest alongside the area (including percentage of site) of the vegetation is considered a practical approach for determining compliance with the rules.

We consider this distinction between “scrub” and remnant or older regenerating indigenous vegetation is effective in achieving the objectives in the Plan of providing for the economic wellbeing of the Wairarapa, and protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna and maintaining indigenous biodiversity. We consider that permitting the clearance of areas of regenerating “scrub” (limited to the indigenous species of kanuka, manuka and tauhinu) would be the most efficient and effective rule for achieving the Plan objectives.

We heard evidence about the importance of habitats near waterbodies and in gully systems. We concur with the Section 42A report to assess the clearance of all indigenous vegetation (including kanuka, manuka and tauhinu) within 20m of a stream to be an effective approach. In determining resource consents under this Restricted Discretionary Activity rule, Council’s discretion would be restricted to six matters relating to ecological significance and values, and applications could be processed on a non-notified process.

Overall, the Commissioners concur with the Addendum Report that the revised rules are easily understood and can be consistently applied across the Wairarapa environments. We consider the thresholds in Rule 21.1.6 are an appropriate balance between the Act’s requirements to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna and maintain indigenous biodiversity, while also recognising the ability to continue to efficiently use the Wairarapa’s natural and physical resources for primary production.

The Commissioners recognise that this clearance rule would permit some areas with high biodiversity value to be modified, such as old-growth kanuka forest that provides habitat for regenerating primary forest species of broadleaved trees that do not meet the size, height or area thresholds. However, we considered that a large proportion of these areas of high biodiversity value would be located in steeper gully systems, which would be protected by the restricted discretionary activity Rule 21.3 which restricts indigenous vegetation modification within 20 metres of a river or a water body. In addition, these rules would be implemented in conjunction with the other methods for achieving the Plan objectives. These other methods include the preparation of a Biodiversity Strategy, which may lead to further refinement of these Methods.

The Commissioners acknowledge and are grateful for the substantial work undertaken by submitters and Council officers to reach an agreement on amending Rule 21.1.6 that meets the requirements of the Act.

The Commissioners are supportive of the collaborative process used following receipt of submissions, and consider that the stakeholders involved in the process ensured that a wide range of affected interests was represented. The process also used allowed the parties sufficient opportunities to have their views heard and thoughts incorporated. In addition, the Commissioners acknowledge that the work of the key stakeholders and Council officers has resulted in the building of strong relationships on which to continue the development of a Biodiversity Strategy from 2008.

Decision: Rule 21.1.6 Permitted Activity

Submission Reference:

187.1	Accept in part
387.1	Accept in part
525.88	Reject
525.89	Accept in part
175.1	Reject
524.63	Accept in part
FS 106	Accept in part
FS 157	Accept in part
FS 155	Accept in part
524.64	Reject
FS 155	Accept in part
524.65	Accept in part
FS 106	Accept in part
FS 157	Accept in part
FS 155	Accept in part
524.66	Reject
FS 106	Reject
FS 157	Reject
FS 155	Reject
524.67	Accept in part
FS 106	Accept in part
285.12	Accept in part
FS 16	Accept in part

515.13	Accept in part
FS 103	Accept in part
199.1	Accept in part
193.1	Reject
419.1	Reject
371.3	Reject
403.1	Reject
439.1	Reject
273.23	Reject
391.2	Reject
308.1	Accept in part
505.1	Reject
398.32	Accept in part
423.2	Accept
292.1	Reject
191.1	Reject
248.1	Reject
205.1	Reject
229.1	Reject
250.1	Reject
230.4	Reject
67.1	Reject
179.1	Accept
210.1	Reject
512.1	Accept in part
258.3	Reject
FS 152	Reject
FS 106	Reject
198.1	Reject
234.1	Accept in part
402.6	Accept in part
401.6	Accept in part
499.1	Accept in part
20.1	Accept in part
260.6	Accept in part
FS 157	Accept in part
FS 106	Accept in part
182.1	Accept
183.1	Reject
167.1	Reject
197.1	Reject
69.1	Reject
196.1	Reject
166.1	Reject
323.3	Accept
194.1	Reject
65.1	Accept in part
294.1	Reject

385.11	Accept in part
169.1	Reject
201.1	Reject
173.1	Accept in part
19.1	Accept in part
73.1	Reject
320.1	Accept
68.1	Reject
31.1	Reject
10.1	Accept in part
168.1	Accept
172.1	Reject
416.1	Reject
36.1	Accept in part
171.1	Accept in part
106.1	Reject
39.1	Accept in part
54.1	Reject
231.1	Reject
490.2	Accept in part
FS 5	Accept in part
32.1	Reject
34.7	Accept in part
176.1	Reject
192.2	Reject
186.1	Reject
227.1	Reject
434.1	Accept in part
253.1	Reject
331.6	Accept in part
500.1	Accept in part
181.1	Accept in part
190.1	Reject
51.1	Accept
62.1	Reject
178.1	Reject
290.1	Reject
FS 106	Reject
FS 155	Reject
178.1	Reject
264.2	Accept in part
FS 157	Accept in part
FS 155	Accept in part
264.28	Accept in part
FS 157	Accept in part
FS 155	Accept in part
283.1	Reject

528.1	Reject
189.1	Reject
180.1	Reject
21.1	Reject
15.1	Reject
360.2	Reject
24.2	Accept in part
174.1	Reject
13.6	Accept in part
170.1	Reject
508.1	Accept in part
426.1	Accept in part
228.3	Accept in part
254.1	Reject
278.2	Accept in part
195.1	Reject
251.1	Reject
184.1	Reject
233.1	Accept in part
177.1	Reject
204.1	Reject
257.2	Accept
188.1	Accept in part
18.1	Reject
14.1	Reject
169.2	Reject
526.95	Accept in part
238.7	Accept in part
239.7	Accept in part

Decision Amendment: Rule 21.1.6 Permitted Activity

Amend Rule 21.1.6 as follows:

- (a) Any activity involving disturbance, removal, damage or destruction ("modification") of **kanuka, manuka and tauhinu**, ~~indigenous vegetation and habitats which meets the following standards:~~
 - ~~(i) The disturbance, removal, damage or destruction ("modification") of naturally occurring indigenous vegetation does not exceed 200m² in total per site in any 5 year period, and does not disturb vegetation which is more 4 metres high, or which has a trunk diameter of more than 30 centimetres measured at a height of 1.4 metres or higher above the ground.~~
- (b) Any activity involving disturbance, removal, damage or destruction ("modification") of naturally occurring indigenous vegetation (excluding kanuka, manuka and tauhinu) which is more than 4 metres high, or which has a trunk diameter of more than 30 centimetres measured at a height of 1.4 metres above the ground, provided that no more than 10% of the total area of indigenous vegetation is "modified" per site up to a maximum of 200m² in any 5 year period.
- ~~(c)~~ The removal of up to 50m³ of timber per 10-year period per Certificate of Title for personal use.

- ~~(c) The clearance, modification or destruction of indigenous vegetation that has grown naturally from previously cleared land (i.e. regrowth) and is less than 15 years in age.~~
- (d) The harvesting of indigenous timber undertaken in accordance with an approval under Part IIIA of the Forests Act 1949.**
- ~~(ed) The disturbance, removal, damage or destruction of naturally occurring indigenous vegetation that has grown under the canopy of a plantation forest.~~
- ~~(fe) The clearance or modification of indigenous vegetation that has been planted and managed specifically for the purpose of commercial production forest.~~
- ~~(gf) The disturbance or damage, but not destruction of naturally occurring indigenous vegetation as a consequence of harvesting of plantation forest, including where the harvesting involves:~~
- ~~(i) The lifting and/or dragging of logs~~
 - ~~(ii) The construction and maintenance of forestry roads and stream crossings.~~
- ~~(hg) The disturbance, removal, damage or destruction (“modification”) of naturally occurring indigenous vegetation by any network utility operator to ensure the safety and integrity of any network utility or to maintain access to the network utility.~~
- (i) The disturbance, removal, damage or destruction (“modification”) of naturally occurring indigenous vegetation associated with the maintenance of existing access tracks, fencelines and firebreaks and the construction of new fencelines and firebreaks.**
- ~~(jh) Any activity involving disturbance, removal, damage or destruction (“modification”) of indigenous vegetation and habitats necessary for the avoidance of imminent danger to human life or property.~~
- ~~(ki) Activities are carried out subject to and in accordance with any specific covenants or other legal agreements entered into with the District Council, or Wellington Regional Council, or Department of Conservation, or QEII Trust.~~

~~Provided that for any of the above:~~

- ~~(j) No disturbance, removal, damage or destruction (“modification”) of indigenous vegetation within 20 metres of any permanent surface water body, including within the permanent waterbody itself. This rule does not apply to entirely artificially created water bodies (e.g. duck ponds, existing farm drains or streams crossings) or vegetation in gardens.~~

Add the following note to the text immediately following this rule:

Note: An approval under Part IIIA of the Forests Act 1949 means the harvesting of indigenous timber carried out under an approved sustainable forest management plan or permit that has been approved by the Secretary of Forestry under Part IIIA of the Forests Act 1949 (as amended by the Forests Act Amendment Act 1993).

Consequential Amendments: Rule 21.3 and 21.4

Add a new Rule to 21.3 in relation to Restricted Discretionary Activities to include the following:

“21.3.12 Indigenous Vegetation

- (a) Any disturbance, removal, damage or destruction (“modification”) of indigenous vegetation within 20 metres of a river or a water body. This rule does not apply to entirely artificially created water bodies (e.g. duck ponds, existing farm drains) or vegetation in gardens.***
- (b) Any disturbance, removal, damage or destruction (“modification”) of indigenous vegetation not complying with the permitted activity standards in Rule 21.1.6.***

Discretion is restricted to the following matters:

- (i) The significance of the affected indigenous vegetation or habitat of indigenous fauna in terms of ecological, intrinsic, cultural or amenity values.***
- (ii) The extent to which an area of affected indigenous vegetation or habitat of indigenous fauna and its inter-relationship with other habitats or areas of indigenous vegetation represents or exemplifies the components of the natural diversity of a larger reference area.***
- (iii) The sustainability of the habitat or area of vegetation proposed to be modified or damaged or of any adjoining habitat of vegetation to an area proposed to be affected.***
- (iv) Whether any affected area of indigenous vegetation is naturally occurring or has been artificially created.***
- (v) The degree to which the vegetation or habitat is threatened or is uncommon in the ecological district within which it is located.***
- (vi) Whether any affected area contains a vegetation type or species of flora or fauna that is regionally rare or threatened.***

Notification and service of Application

An application for resource consent for restricted discretionary activities made under Rule 21.3.12 need not be notified; and need not be served on affected persons.

Consequential Amendments: Renumbering of Rules

Renumber Rules 21.3.12 to 21.3.13.

Reasons

This decision is made for the following reason:

- The amended rules are the most effective and efficient in protecting biodiversity and areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Wairarapa.
- Areas of indigenous vegetation exclusively comprising of the species kanuka, manuka and tauhinu have limited biodiversity value, and it is effective to provide for their clearance as a permitted activity. For all other indigenous species, the thresholds would be effective in restricting their modification to achieve the Plan objectives of protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- The harvesting of indigenous timber under the Forests Act provides for a particular type of modification activity. Allowing this modification as a permitted activity is the most effective approach, and avoids duplication of processes in determining the management of particular harvesting activities.
- Existing access tracks, fencelines, firebreaks and the construction on new fencelines and firebreaks are an essential part of providing for the efficient functioning of primary production and other activities.
- The restricted discretionary activity status for assessing resource consent applications for activities which do not comply with the standards is the most effective approach, as it identifies the specific matter to be assessed for determining any application.

Clause 21.1.6 (a)

Discussion

The **Department of Conservation** (525.88) supports this rule but request that the rule is modified to include a restriction in relation to nationally rare or threatened species or vegetation types. DOC's submission included an appendix of rare and threatened species. **Wellington Regional Council** (526.95) support this rule.

Forestry Wairarapa Cluster Group (285.12), **Juken New Zealand Limited**, **Forestry Wairarapa** (515.13) and **Wairarapa Inc trading as Go Wairarapa** (398.32) request Rule 21.1.6(a)(i) be amended to align this provision with the Forests Act and the Forestry Accord. **Waipine** supports the submissions of the Forestry Wairarapa Cluster Group and Juken New Zealand Limited, Forestry Wairarapa. **Transpower New Zealand** supports the submission of the Forestry Wairarapa Cluster Group.

Wairarapa Inc trading as Go Wairarapa (398.32) considers that the use of two measures of vegetation (tree height and trunk diameter) is unnecessary. This submission supported the height limit of 4 metres but suggested that the stem diameter measure should be removed in line with the Forest Act.

A number of submitters request the ability to clear scrub and remove limitations from being able to continue their farming operations on their own land, particularly their ability to continue developing marginal land into productive grazing land. **Federated Farmers of New Zealand (Inc)** (524.63) seek to delete Rule 21.1.6(a) or in the alternative amend Rule 21.1.6 to read:

- (a) *"Any activity involving disturbance, removal, damage or destruction ('modification') of indigenous vegetation and habitats excluding kanuka, manuka and tauhinu which meets the following standards:*
- (i) *The disturbance, removal, damage or destruction ('modification') of naturally occurring indigenous vegetation does not exceed ~~200m²~~ 2000m² in total per site in any ~~5-year~~ 12 month period, and does not disturb vegetation which is more than 4 6*

metres high, or which has a trunk diameter of more than 30 centimetres measured at a height of 1.4 metres or higher above the ground”.

Similar support for the specific exclusion of kanuka, manuka and tauhinu from Rule 21.1.6 and revising the general clearance criteria was received from many other submitters. The **Martinborough Community Board** (199.1) and other submitters request that Rule 21.1.6 be amended to allow the clearance of indigenous vegetation (i.e. regrowth) on productive farmland.

Many submitters requested some form of compensation for indigenous forest on private land if the Rule were introduced in its current form, particularly those landowners in forestry, firewood and honey production businesses. A similar number of submitters stated that rates were still payable on unimproved land and options for rates reductions and other forms of compensation would be necessary under the proposed rule.

Palliser Ridge Limited (193.1) was one of a range of submissions in relation to the role land owners already played in biodiversity protection on private land. This submission stated that "fostering a sense of partnership and proactively offering assistance" was likely to be far more productive than having prescriptive regulations. Many submitters in opposition to this rule highlighted the large amounts of indigenous biodiversity on private land that had been protected as a result of voluntary protection mechanisms and rural landowners taking their own initiatives to protect indigenous forest and habitats. Areas retired ranged to as much as 44.8% of their farm being voluntarily placed in QEII Trust Covenant (**Stonestead Trust** 439.1).

A number of submissions from landowners were received who sought to be able to continue to maintain access tracks on their land without having to apply for a resource consent. More specifically, the **Wairarapa Rural Fire District** (423.2) sought that this rule be amended to allow for maintenance of fire breaks and other fire risk mitigation actions.

D Colville (234.1) sought that there be exemptions from this rule for existing “land clearing” permits issued by GWRC. A suggestion from **C Garland** (65.1) was that scrub clearance should remain a permissible activity subject to advice and input from soil conservators of the Greater Wellington Regional Council and promotion of best practice by a similar authority.

R Joblin (19.1) submits that any legislation needs to be targeted to areas of ‘significant biodiversity value’ or where there are erosion-prone or other land management issues. This submission also suggested that enforcement monies would be better spent on education and assistance. **D Neal** (500.1) sought that to “annex” land on the basis of its recent farming history, rather than its potential farm productivity or erosion risk defies logic in this day of technological advances.

I Lucas (36.1) suggests that large areas of scrub provide a haven for vector animals that spread TB and that the proposed rule would restrict the ability of farmers being able to clear such areas so as to enhance the eradication of such diseases.

J Busby & B MacKenzie (210.1) outlined concerns that the scrub clearance rule was negating government initiatives to encourage CO² capture from new plantings. A couple of submitters in opposition were concerned at the possible cost of getting scrub clearance permits or resource consents was another expense for landowners that was not justified.

Federated Farmers of New Zealand (Inc) (524.67) seeks that Rule 21.1.6 be amended to include a new rule in relation to Indigenous Vegetation Clearance as a Permitted Activity throughout the District. Federated Farmers of New Zealand (Inc) sought that the following amendments provide certainty to the resource users and the effects of which are no more than minor:

“(j) Clearance arising from plantation forest or the cultivation or harvesting of crops including:

(i) Vegetation that has grown under and/or may have overtopped the plantation species; or

(ii) Areas of failed planting within the plantation forest in areas that have been cleared and planted within the past 30 years; or

(iii) Incidental damage and disturbance to indigenous vegetation adjacent to the crop where forestry best practice is followed.

(k) The maintenance of existing fence lines, or the removal is for a new fence

(l) The removal is in accordance with an existing use right; or

(l) Creation and maintenance of firebreaks provided that no more vegetation is cleared than is necessary to achieve the practical purpose of the firebreak.

(m) Removal is for the purpose of constructing a stream crossing.”

A small number of submitters sought that the views of Coastal landowners had been largely ignored in the development of Rule 21.1.6.

There were 25 further submissions received in relation to Rule 21.1.6. All of these further submissions were in support of original submissions in opposition to either the rule or part of the rule.

Evidence Heard

The **Department of Conservation** presented evidence accepting and supporting the Section 42A assessment and recommendations in relation to Rule 21.1.6(a).

Greater Wellington Regional Council presented evidence supporting the indigenous vegetation clearance controls as proposed in the Addendum Report.

Federated Farmers of New Zealand (Inc) presented evidence supporting and accepting the reasons discussed in the Section 42A report and the provisions outlined in the Addendum Report in relation to Rule 21.1.6.

Palliser Ridge Limited presented evidence outlining the role private landowners played in biodiversity protection and enhancement in the Wairarapa.

J Busby & B MacKenzie presented evidence in relation to young scrub and carbon emissions.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report that a rule in relation to nationally rare or threatened species would not be an effective approach for achieving the objectives in the Plan. In particular, as no specific evidence was presented identifying the location, extent and distribution of these species in the Wairarapa, it would be difficult for landowners and Council officers to monitor compliance with this rule. We consider the other rules in 21.1.6 would protect many areas that would indirectly provide habitat for rare and threatened species. While this may not be the most effective, it is the most efficient method at present.

For determining the minimum thresholds for the indigenous species (i.e. except for kanuka, manuka and tauhinu), we concur with the findings in the Addendum Report. The measurements of tree height and trunk diameter are generally as per the Forests Act and the 1991 New Zealand Forests Accord, which are the most suitable option to benchmark the age and structure of the forest within Rule 21.1.6.

Similarly, the Commissioners consider the use of a threshold of 200m² in any five year period is the most effective and efficient baseline size and time period to protect the indigenous biodiversity in the coastal, plains and hill country environments of the Wairarapa. This threshold recognises the state of the indigenous vegetation areas, which are of a relatively small size.

As discussed above in the overall deliberations, we consider the revised rule that replaces these threshold limits through the specific exclusion of kanuka, manuka and tauhinu is the most effective method for managing the Wairarapa's biodiversity without unduly affecting the wellbeing of landowners.

With regards to compensation, we note that Section 85 of the RMA states that compensation is not payable in respect of controls on land, although we note that there is provision in the Act for challenging whether a plan provisions renders an interest in the land incapable of reasonable use. As this matter was raised by numerous submitters on the Plan, we note that the Environment Court has determined that the test under Section 85 is not whether a plan provision is unreasonable to the owner, but whether it serves the statutory purpose of promoting the sustainable management of natural and physical resources.

As outlined in the Section 42A report, the provisions in the Plan are there to serve two statutory functions: the requirement under section 6(c) RMA to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna; and the function under section 31 of the Act of maintaining indigenous biodiversity. We agree that the Plan provisions allow for a range of activities that would have little effect on biodiversity values, and require resource consent for any modification or destruction that might have a significant adverse effect. Accordingly, we concur that compensation is not payable as the rules are effective in achieving the objectives in the Plan.

The Commissioners acknowledge the significant role that landowners play in biodiversity conservation and concur with submitters and the Section 42A report that the policies and methods support and encourage voluntary biodiversity protection mechanisms in a manner that ensures current farming practice can continue.

The Commissioners concur with the Section 42A report that the amended rule is the most effective in providing for the maintenance of existing farm tracks, fence lines and fire breaks as permitted activities.

The Commissioners concur with the Section 42A report that it is inappropriate to amend the rule to provide reference to other documents, such as land clearance permits, that are not related to the RMA. Rule 21.1.6 already provides for activities that are "carried out subject to and in accordance with any specific covenants or other legal agreements entered into" by a range of parties, such as QEII land covenants.

The matters of controlling infectious diseases and carbon credits are managed by other legislation; therefore it is not appropriate to manage them through the District Plan.

Overall, the Commissioners concur with the Section 42A report and Addendum Report that the amended rule is the most effective and efficient approach for achieving the Plan objectives for the protection of significant indigenous vegetation and significant habitat of indigenous fauna and maintaining indigenous biodiversity.

Decision: Rule 21.1.6(a) Permitted Activity Rule

Refer to decisions above for all of Rule 21.1.6.

Decision Amendment: Rule 21.1.6(a) Permitted Activity Rule

Refer to decisions above for all of Rule 21.1.6.

Reasons

Refer to decisions above for all of Rule 21.1.6.

Clause 21.1.6 (b)

Discussion

Federated Farmers of New Zealand (Inc) (524.64) seeks that Rule 21.1.6(b) be amended as the criterion used creates uncertainty and confusion. The submitter considers that it is difficult to understand how this rule would be accurately monitored and the use of the certificate of title trigger is unfairly discriminatory. Federated Farmers of New Zealand (Inc) suggested the clause read: *“removal of up to 50m³ of timber per 10 year period per Certificate of Title for personal use”*. **J Diederich** supports this submission.

A Johnson (73.1) opposed this clause because it gives no consideration to the size of the timber resource on the lot and 50m³ is a large amount of timber for personal use. A Johnson recommended “Personal Use” should be defined and the wording be changed to *“The removal of up to 25m³ of timber for personal use per 10 year period provided that no more than 10 percent by volume of each tree species is harvested in this time period.”*

Evidence Heard

Federated Farmers of New Zealand (Inc) presented evidence supporting and accepting the reasons discussed in the Section 42A report and the provisions outlined in the Addendum Report in relation to Rule 21.1.6.

Commissioners’ Deliberations

The Commissioners concur with the Section 42A report and Addendum Report that the existing rule relating to the removal of up to 50m³ of timber per 10 year period per certificate of title for personal use is the most effective for providing for this limited extent of harvesting indigenous trees for timber purposes. The Commissioners concur that a definition of personal use is not required as this rule is consistent with the Forests Act and has been widely adopted by other Councils.

Decision: Rule 21.1.6(b) Permitted Activity Rule

Submission Reference:

524.64	Reject
FS 155	Reject

Decision Amendment: Rule 21.1.6(b) Permitted Activity Rule

Refer to decisions above for all of Rule 21.1.6.

Reasons

Refer to decisions above for all of Rule 21.1.6.

Clause 21.1.6 (c)

Discussion

A range of submitters in opposition disagreed with the arbitrary age limits on trees and other submitters outlined concerns that the age limit of 15 years would have implications on both the firewood business and honey production in the Wairarapa. Many submitters in opposition sought that development or redevelopment of land containing indigenous vegetation should not be determined based upon an arbitrary age limit.

Federated Farmers of New Zealand (Inc) (524.65) seeks that the rule be deleted or amended to read *“The clearance, modification or destruction of indigenous vegetation excluding kanuka, manuka and tauhinu that has grown naturally from previously cleared land (ie regrowth) and is less than 15 20 years in age”*.

Evidence Heard

Federated Farmers of New Zealand (Inc) presented evidence supporting and accepting the reasons discussed in the Section 42A report and the provisions outlined in the Addendum Report in relation to Rule 21.1.6.

Commissioners’ Deliberations

The Commissioners concur with the submitters and the Section 42A report to remove the 15 year age limit given the potential enforcement issues, and replace it with the rule permitting the clearance of kanuka, manuka and tauhinu.

Decision: Rule 21.1.6(c) Permitted Activity Rule

Submission Reference:

524.65	Accept
FS 106	Accept
FS 157	Accept
FS 155	Accept

Decision Amendment: Rule 21.1.6(c) Permitted Activity Rule

Amend rule 21.1.6(c) as follows:

~~(c) — The clearance, modification or destruction of indigenous vegetation that has grown naturally from previously cleared land (i.e. regrowth) and is less than 15 years in age.~~

Reasons

Refer to decisions above for all of Rule 21.1.6.

Clause 21.1.6 (e)

Discussion

Wellington Regional Council (526.95) considers that the current wording of the rule would be difficult or unrealistic to enforce, as this would need, as a minimum, a record of areas that had been specifically planted for this purpose. The Council gives the example of the construction of roads for the harvesting of plantation forest in which it would seem impossible to complete the work without destroying at least some of the vegetation.

Evidence Heard

Greater Wellington Regional Council presented evidence supporting the indigenous vegetation rules as proposed in the Addendum Report.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report and Addendum Report that areas of indigenous forest specifically planted for commercial production forest would be relatively easy to identify and distinguish from areas of naturally occurring or regenerating indigenous vegetation. Accordingly, we have retained the existing rule.

Decision: Rule 21.1.6(e) Permitted Activity Rule

Submission Reference:

526.95 Accept in part

Reasons

This decision is made for the following reason:

- The existing rule is the most effective approach for providing for indigenous plantation forestry which contributes towards the economic wellbeing of the Wairarapa.

Clause 21.1.6 (j)

Discussion

Federated Farmers of New Zealand (Inc) (524.66) seeks that clause (j) be deleted.

The **Department of Conservation** (525.89) requests clarification that clause (j) refers to wetlands by amending the rule to state "*Water body includes all wetlands*".

Greater Wellington Regional Council (526.95) seeks that a cross reference to Rule 21.4 (j) is inserted.

Juken New Zealand Limited (515.13), **Forestry Wairarapa** and the **Wairarapa Forestry Cluster Group** (285.12) submitted that the closing bracket in the sixth line after the word crossings is in error and should be on the fifth line after the word drains. Stream crossings are not an example of entirely artificially created water bodies.

Evidence Heard

Federated Farmers of New Zealand (Inc) presented evidence supporting and accepting the reasons discussed in the Section 42A report and the provisions outlined in the Addendum Report in relation to Rule 21.1.6.

The **Department of Conservation** presented evidence accepting the reasons discussed in the Section 42A report and the provisions outlined in the Addendum Report in relation to Rule 21.1.6.

Greater Wellington Regional Council presented evidence supporting the indigenous vegetation rules as proposed in the Addendum Report.

Juken New Zealand presented evidence outlining the implications of this clause on commercial forestry operations and tabled additional relief sought. The **Forestry Wairarapa Cluster Group** also presented evidence outlining the implications of the clause and the inclusion of the term 'river' on commercial forestry operations.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report to amend the terms 'any permanent surface water body, including within the permanent waterbody itself' be replaced with the terms 'river and water body' as this terminology is more consistent with the RMA definitions. Similarly, the Commissioners concur with the submitters and the Section 42A report to delete the term 'or stream crossings' as they are not artificial waterbodies.

The Commissioners concur with the Section 42A report and the Addendum Report amendments to improve the structure of the rules through removing clause (j) as a permitted activity and including it as a restricted discretionary activity.

The Committee considers that the areas of riparian vegetation surrounding a river or water body are typically where the majority of forest remnants and habitats remain and generally where the most advanced areas of successional indigenous vegetation occur. Accordingly, the Commissioners concur that the existing restricted discretionary rule is the most efficient and effective to meet the Act's requirement to protect this key element of the Wairarapa's indigenous biodiversity.

Decision: Rule 21.1.6(j) Permitted Activity Rule

Submission Reference:

524.66	Reject
525.89	Reject
526.95	Accept in part
515.13	Accept in part
285.12	Accept in part

Decision Amendment: Rule 21.1.6(j) Permitted Activity Rule

Refer to decisions above for all of Rule 21.1.6.

Reasons

Refer to decisions above for all of Rule 21.1.6.

21.3.6 Restricted Discretionary Activity – Goat Farming

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
525.93	Department of Conservation	-	
524.75	Federated Farmers of New Zealand (Inc)	FS 157 J Diederich FS 155 K Reedy	Support Support

Discussion

The **Department of Conservation** (525.93) requests Rule 21.3.6 be retained.

Federated Farmers of New Zealand (Inc) (524.75) seek that Rule 21.3.6 be deleted, or in the alternative, the Rule be amended to introduce a minimum fencing standard. **J Diederich** and **K Reedy** support this submission.

Evidence Heard

The **Department of Conservation** presented evidence accepting and supporting the reasons discussed in the Section 42A report in relation to Rule 21.3.6.

Federated Farmers of New Zealand presented evidence seeking that Policy 11.3.2(h) be either deleted or amended so that the farming of goats near areas of significant indigenous vegetation and significant habitats of indigenous fauna “must meet appropriate fencing standards”.

Commissioners’ Deliberations

Goats are a potential pest in State Forest Parks and land administered by the Department of Conservation, which are identified as Significant Natural Areas in the Wairarapa. The escape of goats from farms into the State Forest Parks and land administered by the Department of Conservation has the potential to significantly degrade the biodiversity values in these areas. We consider the 2 kilometre buffer area is the most effective approach for managing the establishment and operation of goat farming near State Forest Parks and land administered by the Department of Conservation. If goat farming was proposed, a case-by-case assessment would be undertaken to determine whether fencing was appropriate for mitigating the effects from goat farming. Given the varied topography and number of watercourses within the 2 kilometre buffer, we do not consider a general fencing standard can be effectively applied in these locations.

Decision: Restricted Discretionary Rule 21.3.6

Submission Reference:

525.93	Accept
524.75	Reject
FS 157	Reject
FS 155	Reject

Reasons

This decision is made for the following reason:

- The existing rule is the most effective and efficient in terms of protecting areas of significant indigenous vegetation and significant habitat of indigenous fauna from the effects of goat farming.

21.4 (j) Discretionary Activities

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
525.95	Department of Conservation	-	
524.76	Federated Farmers of New Zealand (Inc)	FS 157 J Diederich FS 155 K Reedy	Support Support
465.1	Java Trust Limited	-	
368.6	Oops!! Ltd	-	
476.1	D & R Broadmore	-	

Discussion

The **Department of Conservation** (525.95) supports the clause in relation to wetlands. However, it seeks that clarification is provided that the clause includes modification to the wetland vegetation by including the following wording: *“Any activity involving the disturbance, removal, damage or destruction (modification) of a wetland, including the vegetation.”*

Federated Farmers of New Zealand (Inc) (524.76) seek that Rule 21.4(j) be amended to provide for Restricted Discretionary status with discretion restricted to the relevant matters in Section 22 of the Plan. **J Diederich** and **K Reedy** support this submission.

Java Trust Limited (465.1) and **D & R Broadmore** (476.1) fully support protection of wetlands and seek the term “disturbance” be omitted from the rule and any acceptable riparian and restoration planting should be permitted. **Oops!! Ltd** (368.6) also seek that the term ‘disturbance’ should be deleted from the rule citing that acceptable riparian and restoration planting should be permitted. These submitters sought that this rule be amended to read: *“Any activity involving the removal, damage or destruction of a wetland”*.

Evidence Heard

The **Department of Conservation** presented evidence accepting and supporting the Section 42A report recommendation retaining Rule 21.4(j).

Commissioners’ Deliberations

The Commissioners concur with the Section 42A report that the use of the terms “disturbance, removal, damage or destruction (modification)” in Rule 21.4(j) already effectively encapsulates the management of vegetation in a wetland.

Overall, the Commissioners concur with the Section 42A report to retain the current discretionary activity status for any modification of wetlands in the Wairarapa. The protection

of wetlands is a matter of national importance and any further loss needs to be assessed considering all relevant matters.

The Commissioners concur with Federated Farmers of NZ (Inc) and the Section 42A report to add a new rule to provide for wetland restoration and enhancement as a controlled activity. This approach is considered the most effective approach to manage the nature of the restoration and enhancement works to protect the values of the wetland.

Decision: Rule 21.4(j) Restricted Discretionary

Submission Reference:

525.95	Reject
524.76	Reject
FS 157	Reject
FS 155	Reject
465.1	Accept in part
368.6	Reject
476.1	Accept in part

Consequential Amendment:

Add new controlled activity to Rule 21.2 as follows:

21.2.3 Wetland Restoration and Enhancement

(a) Any modification to indigenous vegetation within wetland for enhancement and restoration purposes, including the planting of exotic species (but not weed or pest removal), shall be a controlled activity.

The matters over which control is reserved are:

- (i) The removal, damage or modification of indigenous vegetation***
- (ii) Changes to the hydrology of the wetland***
- (iii) The species for planting***
- (iv) Ongoing wetland management***

Reasons

This decision is made for the following reason:

- The existing rule is the most effective and efficient in terms of protecting wetlands.
- Wetland restoration and enhancement works can contribute to the protection and improvement to the condition of a wetland. The Controlled Activity status provides for an assessment of the works to ensure they do not degrade the biodiversity values of the wetland.

22.1.6 Assessment Criteria for SNAs and Areas of Indigenous Vegetation and Habitats of Indigenous Fauna

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
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525.100	Department of Conservation	-	
498.11	Wairarapa Public Health	-	

Discussion

The Department of Conservation (525.100) seeks that the term “including any wildlife” be added to assessment criteria (i).

Wairarapa Public Health (498.11) seeks that the assessment criteria be amended through the removal of the words “water catchment protection”.

Evidence Heard

The **Department of Conservation** presented evidence accepting the Section 42A report recommendation in relation to the assessment criteria for SNAs and areas of significant indigenous vegetation and significant habitats of indigenous fauna.

Commissioners’ Deliberations

The Commissioners concur with the Section 42A report that a specific reference to wildlife within the assessment criteria is not necessary as it is already embodied in the term “ecological”. Further, the Commissioners consider that stand alone criteria for water protection is not appropriate as such protection is already included within the existing criteria.

As outlined in the Commissioners’ deliberations into Method 11.3.7(c) and (d), we agree that there are a range of different techniques and criteria that can be used to assess the significance of an area and that the criteria in the Plan are generally well understood in terms of their application and meaning. We consider that the aim of the Plan is to use ecological criteria that have the dual role of meeting the Act section 6(c) requirements while also being easily interpreted by landowners, planners and other non-ecologists. Accordingly, the Commissioners have determined the assessment criteria in the Plan are suitably robust and explicit to determine the significance of indigenous vegetation and significant habitats of indigenous fauna in the Wairarapa. Accordingly, to coincide with the amended Methods 11.3.7(c) and (d), the following amendments to the assessment criteria in Section 22.1.6 are consequential changes.

Decision: 22.1.6 Assessment Criteria

Submission Reference:

525.100	Reject
498.11	Reject

Decision Amendment: 22.1.6 Assessment Criteria - Significant Natural Areas and Areas of Indigenous Vegetation and Habitats of Indigenous Fauna

Amend Assessment Criteria 22.1.6 with the following:

- (i) *Effects of the activity on the ecological, intrinsic, cultural or amenity values of the area.*
- (ii) *The effectiveness of any existing or proposed protection or enhancement mechanisms.*

(iii) *The significance of the affected indigenous vegetation or habitat of indigenous fauna, in terms of meeting the criteria listed below—~~for Significant Natural Areas.~~*

Criteria for ~~Significant Natural Areas~~ determining the significance of areas of indigenous vegetation and habitats of indigenous fauna

- *Representativeness*
 - *Contains an ecosystem that is unrepresented, uncommon or unique;*
- *Rarity: Contains or supports:*
 - *Threatened ecosystems;*
 - *Threatened species;*
 - *Endemic species;*
- *Diversity: Diversity of ecosystems, species, vegetation.*
- *Distinctiveness:*
 - *Large population of viable species*
 - *Natural state*
 - *Uninterrupted ecological sequence*
 - *Significant Landforms*
- *Continuity: Corridor or buffer zone present.*
- ~~*Cultural Values:*~~
 - ~~*Significant to Maori*~~
 - ~~*Recreational*~~
 - ~~*Landscape*~~
 - ~~*Water catchment protection*~~
 - ~~*Tourism*~~
 - ~~*Aesthetic coherence*~~
- *Ecological Restoration: Contains/supports indigenous vegetation/habitat that contributes to the recovery or restoration of threatened or uncommon species. Ability of the area to be restored.*
- ~~*Landscape Integrity: Represents original character of landscape.*~~
- *Sustainability: Including size, shape, activities on boundary, adjoining protected areas, links and management.*

Reasons

This decision is made for the following reason:

- The amended Assessment Criteria are the most effective and efficient in terms of protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna and identifying these areas.

22.1.19 Assessment Criteria – Goat Farming

Submitter Number	Submitter Name	Reason	Relief Sought
525.104	Department of Conservation	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose

Discussion

The **Department of Conservation** (525.104) requests Assessment Criteria 22.19 in relation to goat farming. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** oppose this submission.

Evidence Heard

The **Department of Conservation** presented evidence accepting the Section 42A report recommendation to retain the assessment criteria for goat farming.

Commissioners' Deliberations

The Commissioners concur with the submitter and the Section 42A report to retain the existing assessment criteria in relation to goat farming as they provide guidance for assessing any resource consent application.

Decision: 22.1.19 Assessment Criteria

Submission Reference:

525.104	Accept
FS 112	Reject
FS 85	Reject

Reasons

This decision is made for the following reasons:

- The existing assessment criteria are the most efficient and effective in assessing resource consent applications for goat farming and protecting significant indigenous vegetation and significant habitats of indigenous fauna and maintaining biodiversity.

27 Definitions

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
524.81	Federated Farmers of NZ (Inc)	FS 106 S & S Barton FS 157 J Diederich FS 155 K Reedy	Support Support Support

285.2	Forestry Wairarapa Cluster Group	FS 16 Transpower New Zealand	Support
492.4	Horticulture New Zealand	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Support Support
515.3	Juken New Zealand Limited, Forestry Wairarapa	FS 103 Waipine	Support
398.36	Wairarapa Inc trading as Go Wairarapa	-	
264.10	D Riddiford	FS 157 J Diederich FS 155 K Reedy	Support

Discussion

Federated Farmers of New Zealand (Inc) (524.81) and **D Riddiford** (264.10) seek that the definition of indigenous vegetation be amended to exclude three transitional species, manuka, kanuka and tauhinu. **S & S Barton**, **J Diederich** and **K Reedy** support the submission of Federated Farmers of New Zealand (Inc). **J Diederich** and **K Reedy** support the submission of D Riddiford.

The **Forestry Wairarapa Cluster Group** (285.2), **Juken New Zealand Limited, Forestry Wairarapa** (515.3) and **Wairarapa Inc trading as Go Wairarapa** (398.36) recommend that the definition on page 266 should be defined consistently with the Forests Act or by reference to the Forest Act definitions which are as follows:

"Indigenous", in relation to a species of flora or fauna, means a species that occurs naturally in New Zealand or arrived in New Zealand without human assistance.

"Indigenous forest land" means land wholly or predominantly under the cover of indigenous flora.

Transpower New Zealand supports the submission of the Forestry Wairarapa Group. **Waipine** supports the submission of Juken New Zealand Ltd, Forestry Wairarapa.

Horticulture New Zealand (492.4) seeks that the definition of indigenous vegetation be amended with an exclusion to specifically state that crops grown for agriculture and horticulture are not included as indigenous vegetation. **D Riddiford** and **Federated Farmers of New Zealand (Inc)** support this submission.

Evidence Heard

D Riddiford presented evidence in relation to the removal of kanuka, manuka and tauhinu from the definition.

The **Forestry Wairarapa Cluster Group** presented evidence in relation to the definition of indigenous forest in the Plan in line with their submission.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report not to include any criteria in definitions within the Plan such as species inclusions or exclusions. The revised Rule 21.1.6 now specifically excludes manuka, kanuka and tauhinu as sought by many submitters.

The Commissioners concur with the Section 42A report that the definition of indigenous vegetation appropriately reflects the indigenous vegetation in the Wairarapa. There are specific rules for indigenous vegetation excluding commercial, production forestry (including indigenous forest planted for production purposes) and horticulture.

Decision: Indigenous Vegetation Definition

Submission Reference:

524.81 Reject
 FS 106 Reject
 FS157 Reject
 FS 155 Reject

285.2 Reject
 FS 16 Reject

492.4 Reject
 FS 112 Reject
 FS 85 Reject

515.3 Reject
 FS 103 Reject

398.36 Reject

264.10 Reject
 FS 157 Reject
 FS 155 Reject

Reasons

This decision is made for the following reasons:

- The existing definition is the most appropriate for managing indigenous vegetation in the Wairarapa.

Appendix 1.3 Significant Natural Areas

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Opposition
525.111	Department of Conservation	FS 112 D Riddiford FS 85 Federated Farmers of New Zealand (Inc)	Oppose Oppose
388.1	Birch Hill Partnership	-	

525.112	Department of Conservation	-	
441.8	Genesis Power Limited	FS 71 Mighty River Power Limited	Support
9.1	R Kyle	FS 71 Mighty River Power Limited	Support
524.83	Federated Farmers of New Zealand (Inc)	FS 89 Wellington Regional Council FS 71 Mighty River Power Limited FS 157 J Diederich FS 155 K Reedy	Oppose Support Support Support
468.3	Java Trust Limited	-	
470.1	Java Trust Limited	-	
368.10	Oops!! Ltd	-	
522.68	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	FS 102 Windy Peak Trust	Oppose
217.3	Upper Hutt Rural Residents' Association	-	
479.3	D & R Broadmore	-	
481.1	D & R Broadmore	-	
258.4	J Cameron	FS 152 J Cameron FS 156 G Diederich	Support Support
264.3	D Riddiford	FS 157 J Diederich FS 155 K Reedy	Support Support
264.56	D Riddiford	FS 157 J Diederich FS 155 K Reedy	Support Support
264.57	D Riddiford	-	
360.3	J Taylor	FS 87 Masterton District Council	Support
405.3	J van Bergen	-	

Evaluation

The **Department of Conservation** (525.111), **Java Trust Limited** (468.3), **Oops!! Ltd** (368.1) and **D & R Broadmore** (479.3) request Appendix 1.3 be retained. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** oppose the submission of the Department of Conservation.

Birch Hill Partnership (308.11), **Genesis Power Limited** (441.8), **K Robert** (9.1), **Federated Farmers of New Zealand (Inc)** (524.83) seek that the table in Appendix 1.3 in

relation to Recommended Areas for Protection be deleted. **Mighty River Power Limited** supports the submission of Genesis Power Limited. **J Diederich, K Reedy** and **Mighty River Power Limited** support the submission of Federated Farmers of New Zealand (Inc). **Wellington Regional Council** opposes the submission of Federated Farmers of New Zealand (Inc). **K Robert** supports his original submission.

Federated Farmers of New Zealand (Inc) (524.83) requests that the statement that indicates that the table will be referred to if a resource consent is required under any rule in the District Plan be deleted.

The **Department of Conservation** (525.112) seeks the retention of these RAP sites in the plan for information purposes.

The submissions of **Java Trust Limited** (470.1) and **D & R Broadmore** (481.1) seek that the Taumata Oxbow in Carterton District be included as an SNA in 28.3 Appendix 1.3.

The **Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.68) seek to amend Appendix 1.3. Significant Natural Areas by adding map numbers and correctly identify SNAs through amended references. **Windy Peak Trust** opposes this submission.

J Taylor (360.3) seeks to delete SNm07 from Appendix 1.3 and Map 74 - Southern Reserve at Riversdale Beach citing a lack of land for public use at the resort now without precluding future recreational use of this land. **Masterton District Council** supports this submission.

D Riddiford (264.3) requests that the SNAs at the mouths of the Oterei and Rerewakaitu Rivers and similar reference to the Heights Bush be deleted. **J Diederich** and **K Reedy** support this submission.

D Riddiford (264.56 and 264.57)) objected to the designations of Oterei SN11 and Rerewakaitu Rivers SN12 PP278, 279 as SNAs, all references to the Heights Bush RAP 44 and the description of the Oterei River Ws10 or other rivers as significant. **J Diederich** and **K Reedy** support both of D Riddiford's submissions.

J Cameron (258.4) questioned the significance of SNA SNS06 and the importance of RAP37 Mt Adams – Pahaoa River Forest Remnant. John Cameron also stated that SNA SNS05 has a track running through it that his farm needs to keep open and that SNA SNS10 is also a significant part of his farm which he intends to track and fence as appropriate. **J Cameron** and **G Diederich** support this submission.

The **Upper Hutt Rural Residents' Association** (217.3) seeks that Appendix 1 be deleted and replaced with only publicly owned significant property and vegetation areas.

J van Bergen (405.3) seeks to amend Appendix 1.3 by identifying for each SNA the specific biodiversity values that the Council has identified, so that applicants for resource consent for activities specified under section 21.4(d) know what values are significant and need to be protected.

Evidence Heard

The **Department of Conservation** presented evidence accepting and supporting the Section 42A report recommendations in relation to Appendix 1.3 retaining RAPs for information purposes only.

Birch Hill Partnership presented evidence specifically seeking that the RAPs did not become default SNAs.

Federated Farmers of New Zealand (Inc) presented evidence outlining issues associated with the identification and boundary delineation of RAPs.

J Taylor presented evidence seeking to remove the Southern Reserve at Riversdale Beach from Appendix 1.3.

D Riddiford presented evidence requesting the deletion of the SNAs at the mouths of the Oterei and Rerewakaitu Rivers and the Heights Bush RAP.

J van Bergen presented evidence in relation to the SNA and RAP areas on their property, seeking better delineation of the biodiversity values within these areas and some allowance for activities undertaken by the Forest Accord.

Commissioners' Deliberations

The Commissioners concur with the Section 42A report to retain the SNAs identified in Appendix 1.3 in their current form with minor alterations as outlined below. The SNAs included in the Plan were either previously included as SNAs in the three operative District Plans, or were included as a result of the Wairarapa Coastal Strategy. The Wairarapa Coastal Strategy included a technical assessment specifically identifying areas of significant indigenous vegetation and significant habitats of indigenous fauna. All the areas included as SNAs in the Plan have been assessed as being areas of significant indigenous vegetation and significant habitats of indigenous fauna.

The Commissioners concur with the Section 42A report's recommendation to retain the list of RAPs in the Plan for information purposes only. We note that as the RAP survey work has not been specifically undertaken within a formal RMA context, inclusion of these sites in the Plan beyond information purposes is inappropriate. However, we consider it is appropriate to include the list of RAPs in the Plan as it provides an important reference source of known indigenous habitats of the Wairarapa.

The Commissioners also concur with the Section 42A report that it is inappropriate to include the Taumata Oxbow in the list of SNAs as it has not been ecologically assessed for district plan purposes. Additional areas of significant indigenous vegetation and significant habitats of indigenous fauna, or modifications to the existing identified areas may be an outcome of the Wairarapa Biodiversity Strategy.

The Commissioners agree with the Section 42A report to amend Appendix 1.3. Significant Natural Areas by adding map numbers and correctly identify SNAs through amended references as outlined below.

We concur with the Section 42A report to remove that portion of SNA SNm07 that covers the area of Recreation Reserve at Riversdale Beach. This area is most effectively managed by the provisions of the Reserves Act 1977. The Commissioners consider it appropriate to retain the remainder of SNm07 which is consistent with other identified SNAs.

The Commissioners concur with the Section 42A report to retain SNAs SNs11 and SNs12 as they have been identified in the Wairarapa Coastal Strategy as being areas of important wildlife habitat. Similarly, the Commissioners concur with the Section 42A report recommendation to retain RAP44 'Lagoon Hills-Heights' given the area's significance for having the highest quality and most extensive areas of semi-coastal and lowland primary, modified primary and secondary forest of any RAP in the Ecological District.

SNs05, SNs06 and SNs10 were identified during the Wairarapa Coastal Strategy as having significant coastal habitat for wildlife. Given this significant value, we consider these areas are to be retained as SNAs in the Plan for their important ecosystem and wildlife values. The Commissioners concur with the Section 42A report to retain RAP37 as it has been identified as containing the largest examples of coastal, semi-coastal and lowland secondary scrub on the moderately steep hills and steep hills land type in the Ecological District. These areas all have been identified as having significant biodiversity values.

The Commissioners agree with the Section 42A report that the level of detail in the Plan on each of the listed SNAs is appropriate. The technical reference documents describing the qualities of each site are easily accessible for reference purposes.

Decision: Appendix 1.3

Submission Reference:

525.111	Accept
FS 112	Reject
FS 85	Reject
388.1	Reject
525.112	Accept
441.8	Reject
FS 71	Reject
9.1	Reject
FS 71	Reject
524.83	Reject
FS 157	Reject
FS 155	Reject
FS 71	Reject
FS 89	Accept
468.3	Accept
470.1	Reject
368.10	Accept
522.68	Accept
FS 102	Reject
217.3	Reject
479.3	Accept
481.1	Reject
258.4	Accept in part
FS 152	Accept in part
FS 156	Accept in part
264.3	Reject
FS 157	Reject
FS 155	Reject
264.56	Reject
FS 157	Reject
FS 155	Reject
264.57	Reject
FS 157	Reject
FS 155	Reject

360.3	Accept in part
FS 87	Accept in part
405.3	Reject

Decision Amendment: Appendix 1.3

Correct the Listings for South Wairarapa District in Appendix 1.3 as follows:

SNs01: Add map numbers 31 and 35.

SNs02: Add map numbers 19 and 63

SNs08: Amend reference (WR-HR(a)013) to read (WR-HR(b)013)

SNs09: Amend reference (WR-HR(a)012) to read (WR-HR(b)012)

SNs10: Amend reference (WR-HR(a)011) to read (WR-HR(b)011)

SNs11: Amend reference (WR-HR(a)010) to read (WR-HR(b)010)

SNs12: Amend reference (WR-HR(a)009) to read (WR-HR(c)009)

SNs13: Amend reference (WR-HR(a)008) to read (WR-HR(c)008)

SNs14: Amend reference (WR-HR(a)006) to read (WR-HR(c)006)

SNs15: Amend reference (WR-HR(a)005) to read (WR-HR(c)005)

SNs16: Amend reference (WR-HR(a)004) to read (WR-HR(c)004)

SNs17: Amend reference (WR-HR(a)003) to read (WR-HR(c)003)

SNs18: Amend reference (WR-HR(a)003) to read (WR-HR(c)002)

SNs19: Amend reference (WR-HR(a)003) to read (WR-HR(c)001)

Delete the portion of SNm07 located at the southern end of Riversdale Beach where it is located on the parcel of land identified as Recreation Reserve on 'SECT 966 WHAREAMA District' and amend Maps 22 and 74 accordingly.

Reasons

- The existing listed SNAs have been determined as being significant in the Wairarapa consistent with the Acts requirements to protect significant indigenous vegetation and significant habitats of indigenous fauna, and the scheduling and mapping of these areas provides certainty to the community for their protection.
- The RAPs provide an important reference source of known indigenous habitats of the Wairarapa.
- A Wairarapa wide Biodiversity Strategy would provide a basis for identifying other areas of significant indigenous vegetation and significant habitats of indigenous fauna and re-evaluating previously identified areas using the same criteria. Until this assessment is completed, it is most appropriate to retain the current listings.
- The amendments are limited to correcting notations of some of the current listings in Appendix 1.3.