

## Appendix 4

### Section 32AA Assessment

**Note:** The relevant provisions from the revised chapter are set out below, showing additions to the notified text in underlining and deletions in ~~strike-through~~ text (ie as per the revised chapter). The section 32AA assessment then follows in a separate table underneath each of the provisions.

#### Recommended Amendments to Purpose Statement 33.1

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

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>• None identified.</li> </ul>	<ul style="list-style-type: none"> <li>• The phrase is a more accurate statement regarding the concept and application of biodiversity offsetting.</li> </ul>	<ul style="list-style-type: none"> <li>• The policy is effective because it provides a more accurate statement of the concept, application and practice of biodiversity offsetting.</li> </ul>

#### Recommended Amendments to Policy 33.2.1.5

~~Recognise~~ Have regard to anticipated activities in rural areas such as farming or Ski Area Activities within the Ski Area Sub Zones and the ~~efficient use of land and resources while having regard to the maintenance, protection or enhancement of~~ while avoiding, remedying or mitigating the adverse effects of clearance on indigenous biodiversity values.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>• None identified.</li> </ul>	<ul style="list-style-type: none"> <li>• Replacing 'recognise' with 'have regard to' better reflects s7 of the RMA and in particular s7(b) 'the efficient use of natural and physical resources.</li> </ul>	<ul style="list-style-type: none"> <li>• The policy is effective because it provides a basis to contemplate the tensions of sustainable management, with regard to the Council's function to maintain indigenous biodiversity.</li> </ul>

	<ul style="list-style-type: none"> <li>• Retaining farming, and adding 'Ski Area Activities within the Ski Area Sub Zones' provides a direct reference to the two activities in the Rural Zone that are readily contemplated and that are primarily responsible for applications for resource consent for the clearance of indigenous vegetation.</li> <li>• By including the phrase 'avoiding, remedying or mitigating' while being susceptible of parroting the RMA, helps tie the policy to the spectrum of effects that could be contemplated in s5 of the RMA.</li> </ul>	<ul style="list-style-type: none"> <li>• The policy is also better suited to a policy on indigenous vegetation and has a better connection with S31 of the RMA.</li> </ul>
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**Recommended Amendments to Policy 33.2.1.8**

Where the adverse effects of an activity on indigenous biodiversity values cannot be avoided, remedied or mitigated, consideration will be given to whether there has been any ~~compensation or~~ biodiversity offset proposed and the extent to which any offset will result in no net loss and preferably, a net indigenous biodiversity gain.

<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>• None identified. Except where submitters favoured the ability to apply compensation but this concept is not supported within the ambit of the Indigenous Vegetation Chapter because it does not accord with the Council's function in terms of S31 of the</li> </ul>	<ul style="list-style-type: none"> <li>• Removing compensation accords with S31 of the RMA.</li> <li>• Removing compensation strengthens the distinction between this, and biodiversity offsetting which are very different concepts.</li> <li>• The addition of 'no net loss' accords with the overall</li> </ul>	<ul style="list-style-type: none"> <li>• The policy is more effective because it better accords with s31 of the RMA.</li> <li>• The policy rounds out the concept of biodiversity offsetting the outcome to be achieved in terms of no net loss and preferably a net gain.</li> </ul>

RMA.	concept and good practice on biodiversity offsetting. As set in the s42a report.	
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<b>Recommended New Policy 33.2.1.9</b>
<u>Protect the habitats of indigenous animals and in particular birds in wetlands, beds of rivers and lakes and their margins for breeding, roosting, feeding and migration.</u>

**And:**

<b>Recommended Amendment to Rule 33.5.8 (SNAs)</b>
The clearance of indigenous* vegetation shall not exceed 50m <sup>2</sup> in area in any continuous period of 5 years.
<u>*With the exception of specified indigenous animal habitat within exotic vegetation.</u>

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>• There are not any rules to protect indigenous animals habitat within exotic vegetation unless identified as an SNA e.g. Bird roosting habitat within willow trees. In this context there is a discord with the intent of the policy and rules.</li> </ul>	<ul style="list-style-type: none"> <li>• Protects indigenous animals and their habitat, irrespective of whether the vegetation is indigenous or not.</li> </ul>	<ul style="list-style-type: none"> <li>• The policy is effective because it provides a basis to protect indigenous animals and their habitat.</li> <li>• The amendment to the rule is effective in so far that it restricts exotic vegetation clearance within SNAs if the SNA is specified at comprising an identified animal habitat.</li> <li>• The effectiveness is compromised by not being able to generally protect exotic vegetation, however the protection of exotic vegetation on the basis it might contain significant habitats of indigenous fauna is very inefficient and would create a large amount of resource</li> </ul>

		<p>consents.</p> <ul style="list-style-type: none"> <li>• On balance the very large inefficiency that would result from protecting exotic vegetation on the basis it could contain significant habitats of indigenous fauna is outweighed by negative impact on effectiveness. In summary it is not practicable to protect exotic vegetation under a blanket rule for this purpose.</li> </ul>
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<p><b>Recommended Amendments to Policy 33.2.1.9</b></p>
<p>c. <b>Diversity and Pattern</b></p> <p>Whether the area supports a highly diverse assemblage of indigenous vegetation and habitat types, and whether these have a high indigenous biodiversity value, <u>including</u>:-</p> <ul style="list-style-type: none"> <li>• <u>indigenous taxa;</u></li> <li>• <u>ecological changes over gradients.</u></li> </ul> <p><u>OR</u></p>

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>• Costs to those who consider that all or many of the criteria need to be met for indigenous vegetation to qualify as significant.</li> </ul>	<ul style="list-style-type: none"> <li>• The policy better identifies and administers the accepted ecological practice of identifying SNA's using these criteria.</li> <li>• I refer to and rely on Mr Davis's evidence.</li> </ul>	<ul style="list-style-type: none"> <li>• The policy is more effective at managing expectations for land use and development within SNAs.</li> <li>• The policy is more effective because it better accords with s6(c) of the RMA.</li> <li>• I refer to and rely on Mr Davis's evidence</li> </ul>

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**Recommended Amendments to Policy 33.2.2.2**

Allow the clearance of indigenous vegetation within Significant Natural Areas only in exceptional circumstances and ensure that clearance is undertaken in a manner that retains the values of the area in circumstances where these activities will have a low impact or offer compensation commensurate to the nature and scale of the clearance.

<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>• None identified, noting that compensation or biodiversity offsets can be contemplated under Policy 33.2.1.8.</li> </ul>	<ul style="list-style-type: none"> <li>• The policy has a better focus on managing the impacts on the values of the SNA.</li> </ul>	<ul style="list-style-type: none"> <li>• The policy is more efficient because it removes duplication with other policies that contemplate compensation or biodiversity offsetting.</li> <li>• The policy is more effective at managing expectations for land use and development within SNAs.</li> <li>• The policy is better aligned with s6(c) of the RMA.</li> </ul>

**Recommended Amendments to Objective 33.2.3**

~~Ensure the efficient use of land, including ski-field development, farming activities and infrastructure improvements, do not reduce the District's~~ Land use and development maintains indigenous biodiversity values.

**Appropriateness (s32(1)(a))**

The objective as recommended to be modified is, simpler, more concise and relates specifically to the function of the Council under s31 of the RMA to 'maintain indigenous biodiversity'.

The objective provides a clearer goal and establishes a basis for provisions to directly address the use, development and protection of natural and physical resources in the context of the management indigenous biodiversity with activities seeking to maintain or develop land that involves the clearance

of indigenous vegetation. This matter is relevant to all components of Sections 6 and 7 of the RMA.

While the identified s6(c) items are included within Objective 33.2.2, this objective, by broadly outlining the goal of maintaining indigenous biodiversity, provides for a range of policies to apply to clearance proposals. The application of the policies could ascertain that the area in question is significant.

**Recommended Amendments to Policy 33.2.3.1**

33.2.3.1 ~~Provide standards controlling~~ *The clearance of indigenous vegetation within 20 meters the margins of water bodies, and ensure that proposals for clearance does not create erosion, or reduce natural character and indigenous biodiversity values.*

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>The change removes the 20m setback, which was drafted to provide a direct link to the corresponding rule, however as discussed under Issue 2, the respective definition of water body, and bed in the RMA, and the rule 33.5.6 will assist with assessing what constitutes indigenous vegetation within the margin of a water body.</li> </ul>	<ul style="list-style-type: none"> <li>The change can be more generally applied to the potential impacts of indigenous vegetation clearance within the margins of waterbodies. Noting that the 20m mark qualifier used in the rule.</li> <li>The rule clarifies that it is not permitted to remove exotic plants where this is identified as a habitat in the SNA schedule.</li> </ul>	<ul style="list-style-type: none"> <li>The policy is more effective because it seeks to ensure that clearance of indigenous vegetation does not result in a reduction of biodiversity values.</li> <li>The policy is more efficient because it has incorporated Policy 33.2.3.6.</li> <li>The phrase is more concise without reducing its effectiveness.</li> <li>The rule is more effective because it confirms that an SNA that is a habitat for fauna but within an area of exotic vegetation cannot be cleared as a permitted activity.</li> </ul>

**Recommended Amendments to Policy 33.2.3.2**

33.2.3.2 ~~Where the permanent removal of indigenous vegetation is proposed, e~~  
*Encourage opportunities to remedy adverse effects through the retention, rehabilitation or ~~establishment~~ protection of the same indigenous vegetation community elsewhere on the site.*

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>• None identified.</li> </ul>	<ul style="list-style-type: none"> <li>• The changes remove the potential that the policy is intended to address biodiversity offsetting.</li> <li>• The changes are more specific and directly associated with opportunities to remedy adverse effects in the context of rehabilitation or restoration of degraded areas of indigenous vegetation, noting that this is not offsetting.</li> <li>• The removal of the 'establishment' further assists with clarifying that the policy is not intended for offsetting.</li> </ul>	<ul style="list-style-type: none"> <li>• The policy is more effective because it provides opportunities to reconcile clearance with the maintenance of indigenous biodiversity.</li> <li>• The policy is more effective because it specifically relates to rehabilitation and remedying in the context of 'avoid, remedy or mitigate'.</li> </ul>

**Recommended Amendments to Policy 33.2.3.3**

33.2.3.3 *Encourage the retention and enhancement of indigenous vegetation including in locations that have potential for regeneration, or provide stability, and particularly where productive values are low, or in riparian areas or gullies.*

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>• None identified.</li> </ul>	<ul style="list-style-type: none"> <li>• Adding the qualifier 'enhancement' broadens the outcomes sought.</li> </ul>	<ul style="list-style-type: none"> <li>• The policy can be applied in a broader context and is more effective and efficient.</li> </ul>

	<ul style="list-style-type: none"> <li>• Adding the word 'including' broadens the ability for the policy to be applied and means that the policy is not exclusive to parameters listed in the policy.</li> </ul>	<ul style="list-style-type: none"> <li>• In light of the recommended changes to 33.2.3.2, the policy specifically focuses on potential for regeneration where productive values are low relative to the cost of the loss of indigenous vegetation and identified locations such as gullies and riparian areas.</li> </ul>
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Recommended Amendments to Policies 33.2.3.4 and 33.2.3.5	
<p><del>33.2.3.4</del></p> <p><del>33.2.3.5</del></p>	<p><del>When considering the effects of proposals for the clearance of indigenous vegetation, have particular regard to whether threatened species are present, or the area to be cleared is within a land environment (defined by the Land Environments of New Zealand at Level IV) identified as having less than 20% indigenous vegetation remaining; and,</del></p> <p><del>Where indigenous vegetation clearance is proposed within an environment identified as having less than 20% indigenous vegetation remaining (defined by the Land Environments of New Zealand at Level IV), have regard to the threatened environment status, the nature and scale of the clearance, potential for recovery or the merit of any indigenous biodiversity offsets.</del></p>
<p>33.2.3.4</p>	<p><i>Have regard to whether the area to be cleared is within a chronically or acutely threatened land environment (defined by the Land Environments of New Zealand at Level IV), and the degree to which the clearance would maintain indigenous biodiversity, using the criteria in Policy 33.2.1.10</i></p>

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>• None identified.</li> </ul>	<ul style="list-style-type: none"> <li>• The policy has been consolidated and streamlined to more simply require consideration of the impacts of clearing indigenous vegetation within a chronically or acutely threatened environment.</li> </ul>	<ul style="list-style-type: none"> <li>• The amendment is more efficient because it removes unnecessary text and simply requires consideration of the degree to which the clearance would be able to maintain indigenous biodiversity values.</li> </ul>



	<ul style="list-style-type: none"> <li>• The policy provides the ability to determine whether the clearance would be significant by cross referencing with Policy 33.2.1.10 that requires an assessment to determine significance.</li> </ul>	
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**Recommended deletion of Policy 33.2.3.6**

~~33.2.3.6 — Ensure indigenous vegetation removal does not adversely affect the natural character of the margins of water ways.~~

<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>• None, the matter is provided for with no less protection in revised Policy 33.2.3.1.</li> </ul>	<ul style="list-style-type: none"> <li>• The removal of the policy removes duplication.</li> </ul>	<ul style="list-style-type: none"> <li>• The suite of policies overall are more efficient.</li> </ul>

**Recommended Amendments to Policy 33.2.4.1**

~~Recognise that~~ The alpine environments contribute to the distinct indigenous biodiversity and landscape qualities of the District, ~~and~~ are vulnerable to change and require protection from vegetation clearance or establishment of exotic plants.

<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>• None identified.</li> </ul>	<ul style="list-style-type: none"> <li>• The policy has a better focus on addressing the impacts of activities through the inclusion of the word 'protection'</li> </ul>	<ul style="list-style-type: none"> <li>• The policy is more effective at addressing the impacts of activities through the inclusion of the word 'protection'</li> </ul>

**Recommended Amendments to Rule 33.5.4**

Clearance is more than 20m from the bed of a water body.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>• None identified.</li> </ul>	<ul style="list-style-type: none"> <li>• The rule is more definitive and can be more readily quantified.</li> </ul>	<ul style="list-style-type: none"> <li>• The rule is more definitive and can be more readily quantified.</li> <li>• The rule is more efficient because it is more certain and this reduces the potential for poor planning processes.</li> </ul>

**Recommended Amendments to Rule 33.5.9**

Does not involve the planting of any exotic species tree or shrub planting.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>• Costs to persons who wish to undertake exotic tree planting or oversowing as a permitted activity.</li> </ul>	<ul style="list-style-type: none"> <li>• The rule is better equipped at protecting and encouraging the enhancement of SNA's and better fulfils s6(c) of the RMA.</li> <li>• The rule is more efficient in that it is simpler to administer and not 'split hairs' over the type of exotic vegetation planted within an SNA.</li> </ul>	<ul style="list-style-type: none"> <li>• The rule is more effective at maintaining indigenous biodiversity and accords with s6(c) of the RMA because it better protects, maintain or enhances SNAs.</li> </ul>

**Recommended Amendments to Rule 33.5.10**

Does not involve the clearance of indigenous vegetation, or the planting of shelterbelts, or any exotic species tree or shrub planting.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>• Costs to persons who wants to plant any exotic plant above 1070masl.</li> <li>• Costs to opportunities to any persons who may wish to sow</li> </ul>	<ul style="list-style-type: none"> <li>• The rule is better equipped at maintaining indigenous biodiversity in alpine environments (1070masl).</li> <li>• The rule better helps the</li> </ul>	<ul style="list-style-type: none"> <li>• The rule is more effective at maintaining indigenous biodiversity.</li> </ul>

exotic grass at 1070masl.	QLDC meet s31 function.	
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**Recommended Amendments to Definition**

<p><b>Clearance Of Vegetation (Includes Indigenous Vegetation)</b></p>	<p>Means the removal, trimming, felling, or modification of any vegetation and includes cutting, crushing, cultivation, <u>soil disturbance including direct drilling</u>, spraying with herbicide or burning.</p> <p>Clearance of vegetation includes, the deliberate application of water where it would change the ecological conditions such that the resident indigenous plant(s) are killed by competitive exclusion. Includes dryland cushion field species.</p>
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<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>• Costs to persons who wish to undertake direct drilling within indigenous vegetation that has a coverage that qualifies with the methods in 33.3</li> </ul>	<ul style="list-style-type: none"> <li>• The definition better covers the activities that constitute clearance because direct drilling can crush native vegetation to a degree that constitutes direct clearance of indigenous vegetation.</li> </ul>	<ul style="list-style-type: none"> <li>• The rule is more effective at maintaining indigenous biodiversity better helps the QLDC meet s31 function.</li> <li>• More certainty is provided to clarify this activity, rather than relying on interpretation of whether it is 'crushing'. This improves efficiency in terms of plan administration and effectiveness in terms of confident administration in the District Plan.</li> </ul>

**Recommended Amendments to Schedule 33.7**

List of threatened plants as requested by Submitter 373

<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>• Potential costs to persons who have these plants on their property because the permitted rules are restrictive relative to clearance of indigenous vegetation that is</li> </ul>	<ul style="list-style-type: none"> <li>• Updating the list assist with the protection of threatened plants.</li> </ul>	<ul style="list-style-type: none"> <li>• The updated schedule is more effective in terms of s31 of the RMA and the Council's function to maintain indigenous biodiversity.</li> </ul>

not identified as a SNA or threatened plant.		
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