

PRE-HEARING REPORT

Stratford District Plan Review: Variation 1 – Biodiversity



File F10/05-D11/4695

SUBMITTER: Ngati Ruanui

MEETING DATE: 25 February 2011

CHAIRPERSON: Mike Avery, Stratford District Council

SUBMITTER Graham Young, Consultant
REPRESENTATIVE: Ngati Ruanui Group Management Ltd

IN ATTENDANCE: Rebecca Tayler, Stratford District Council

1. PURPOSE OF THE REPORT

This report is to provide a written record of the agreement reached at the pre-hearing meeting between Council and Ngati Ruanui on points raised in the submission provided by Ngati Ruanui to the Stratford District Plan Review: Variation 1 – Biodiversity in accordance with the provisions of Clause 8AA of Schedule 1 of the Resource Management Act 1991.

2. BACKGROUND

On 4 October 2010, the Stratford District Council received a submission from Ngati Ruanui Group Management Ltd (Ngati Ruanui) on the Stratford District Plan: Variation 1 – Biodiversity. All submissions on the Plan Change were summarised, and this summary was released in October 2010, with further submissions closing on 5 November 2010. Ngati Ruanui provided a further submission.

Ngati Ruanui support the overall intent of the Plan Change, and raised 16 points in their submission, of which three were in support and 13 were proposed amendments.

3. DISCUSSION

The Chair provided an overview of the process and anticipated next steps, and then each of the issues in the submission were addressed. The Chair noted that during initial engagement of development of the discussion document with iwi a preferred approach for working with Council was identified by Ngati Ruanui, and agreed with Council.

The parties reached general agreement across the range of points raised in the submission, as detailed on the following page.

The following points received agreement between parties, as provided below:

Ref	Issue	Comment
10/3-11	Peer review of plan change	Peer review was completed using planning professionals and legal experts. The Council is confident that this process was robust. Ngati Ruanui accepted this explanation, and commented that this would have been helpful to add into the section 32 report.
10/3-12	Definition of clearance	Council explained that the 3 metre measure is important to recognise the nature of the land use and vegetation in the District. Ngati Ruanui accepted that the 3 metre measure was important for some of this vegetation, but that there may be significant vegetation that is under this height and could be cleared due to the interpretation of this definition. Council responded that this needed to be seen in the broader context of the rule set and other definitions, such as indigenous vegetation which does not have any height of vegetation specified. The definitions are intended to work in conjunction to prevent any such effects. Council agreed that it would monitor the 3 metre measure in coming years to understand the effectiveness of the definition. If any adjustments are deemed necessary, this will be reflected through a future plan change.
10/3-13	Definition of indigenous vegetation	Ngati Ruanui submitted in support of this point.
10/3-14	Indigenous vegetation disturbance relating to infrastructure	Ngati Ruanui were concerned that upgrading of utilities was included in the definition. Council responded that it was required to ensure that upgrades to existing electricity transmission lines (including, for example, undergrounding of existing cables) was now regulated through the National Environmental Standards for Electricity Transmission. Council was required to account for these in the Plan. Ngati Ruanui accepted this, and did not raise any concerns about any other utilities.
10/3-15	Replace “forest” with “vegetation”	Agreed by both parties. Should be amended for consistency.
10/3-16	Rename title with “indigenous vegetation policies”	Agreed by both parties. Should be amended for consistency.
10/3-17	Replace “forestry” with “vegetation”	Agreed by both parties. Should be amended for consistency.
10/3-18	Enforcement provisions	Agreed that it did not need to be mentioned specifically.
10/03-19	Riparian margin method unclear	Council explained that Riparian Margin methods in the Plan had been examined as part of the scoping work for this Plan Change and been found to be working well. This was mentioned briefly in the section 32 report. A further look at riparian margins is scheduled in the District Plan rolling review programme as it is defined as a separate issue in the Plan. Council has undertaken to provide an explanation in the decision report that demonstrates the connection between the two issues.

Ref	Issue	Comment
10/03-20	Monitoring provisions	Agreed that the monitoring provisions could be removed as there is also general explanation of monitoring by the Council contained elsewhere in the Plan.
10/03-21	Active programme for identifying more sites	Council intends to add sites to the schedule as they are identified (either through consent applications or other activities) and sufficient information is available. Council does not have the funding or resources to undertake a comprehensive assessment of significant natural areas or similar. Ngati Ruanui acknowledged this, and requested that Council rewords the method or similar to ensure that this intent is clearly referenced and understood in the plan. Council agreed to re-look at this. Ngati Ruanui also made a further point that Council needed to not rely on TRC. Council responded that it did not solely rely on TRC data at present, and would continue to use a range of sources in the future.
10/03-22	Upgrading of utilities	As explained in 10/3-14, to not allow upgrading of existing utilities (in respect of electricity transmission) would be inconsistent with the National Environmental Standards for Electricity Transmission.
10/3-23	Any disturbance should be discretionary activity	As explained in 10/3-12, the status of activities and the associated rules need to take into account the nature of the activities and land use in the District. Elevating this activity to a discretionary activity would not effectively balance the competing land use needs of the District, and unduly restrict farming activity and productive land use.
10/3-24	Ltd discretionary activities	Ngati Ruanui submitted in support of this point.
10/3-25	Discretionary activities	Ngati Ruanui submitted in support of this point.
10/3-26	Non-complying activities	Council looked at these differentiations between species (Manuka/Kanuka) closely in the rules. It is recognised that these species are also significant kiwi habitats in the District, and are indicative of emergent forest. Council considers that this could be reduced to discretionary. Ngati Ruanui would be comfortable with this, but would not like to see any moves towards these activities becoming restricted discretionary.

Rebecca Tayler
POLICY PLANNER

Approved by
M R Avery
ACTING CHIEF EXECUTIVE

DATE