

# PRE-HEARING REPORT

## Stratford District Plan Review: Variation 1 – Biodiversity



File F10/05-D11/5257

**SUBMITTER:** Department of Conservation

**MEETING DATE:** 3 March 2011

**CHAIRPERSON:** Mike Avery, Stratford District Council

**SUBMITTER** Michael Nielsen, Planner  
**REPRESENTATIVE:** Giles Boundy, Planner and Graeme La Cock, Botanist

**IN ATTENDANCE:** Rebecca Tayler, Stratford District Council

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### 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 Department of Conservation on points raised in the submission provided by the Department of Conservation 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 6 October 2010, the Stratford District Council received a submission from the Department of Conservation (DoC) 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. DoC did not provide a further submission.

DoC support the overall intent of the Plan Change, and raised 23 points in their submission, of which seven were in support and 16 were proposed amendments.

### 3. DISCUSSION

Council staff provided an overview of the process and anticipated next steps, and then each of the issues in the submission were addressed. The Department stated that they were broadly in support of the Plan Change, and were pleased at the point that negotiations and discussions had got to given the history of this issue, arising from the appeal against the earlier Plan Change.

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:

<b>Ref</b>	<b>Issue</b>	<b>Comment</b>
10/05 – 28	Amendment of the term indigenous forest	DoC submitted in support of this change.
10/05 - 29	Definition of clearance	The Council wished to retain the definition as it stood. DoC responded that this appeared to be a double up – where it really related to rule B1.2.1.1 bullet point 3, with reference also to B1.2.1.5 bullet point 1. Council acknowledged that this could be a double up, and that if this is not required in the definition for clarity, it can be removed.
10/05-30	Replace “forest with “vegetation”	Agreed by both parties. Should be amended for consistency.
10/05-31	New definition of “disturbance of vegetation”	DoC commented that there appears to be a distinct difference between disturbance of vegetation and indigenous vegetation disturbance, and that given the similarity of terms, it would improve clarity to define both. Council felt that there was enough understanding of what the term disturbance of vegetation would mean, such that it does not require a definition, and wanted it viewed in its widest context – meaning any vegetation, not just limiting it to indigenous species. DoC suggested that an explanatory note or similar would provide sufficient clarity.
10/05-32	Add definition of approved ecologist	Council acknowledged that DoC were not the only organisation seeking clarity on who might be deemed to be appropriate to undertake an ecological assessment. Council stated that the costs of undertaking such a specific process (such as maintaining a list approved by the CEO and undertaking wide consultation would not easily be achieved within current resources. DoC were not wedded to a specific process, but did want to see more specificity of the type of person that would be considered competent to undertake this type of assessment. Council agreed to add more specificity – taking into account the suggestions from DoC and other parties.
10/05-33	Objective	DoC submitted in support of this change,
10/05-34	Change policy wording relating to ring plain	Council agreed to reword policy to reflect the intention of the s.32 report to provide protection to these areas of indigenous vegetation/forest within the ring plain, but may not necessarily include the words “all or “remnants”.
10/05-35	Policies	DoC submitted in support of this change.
10/05-36	Include indigenous vegetation in scheduling method	Agreed by both parties. Significant indigenous vegetation needs to be distinguished from habitats, as they are not necessarily one and the same. The scheduling of these areas and their relevant distinctions would be dependent on data being available.
10/05-37	New method for reviewing schedule	Council intends to do this, and while it is not necessary for this method to be included in the plan to achieve it, the new method can be included.
10/05-38	Support changes to the methods	Agreed by both parties.

<b>Ref</b>	<b>Issue</b>	<b>Comment</b>
10/05-39	Delete reference to farm management plans	Agreed by both parties. While there may be a role to include farm management plans in the future, there is not sufficient description of biodiversity and related on-farm management in plans at present.
10/05-40	Limited discretionary rules for SFMPs	DoC questioned whether this classification of activity was appropriate in the statutory context. Council stated that it was important to realise that selective logging was the main activity that people undertook, and it was an important activity from which land owners could derive an income. Given that this is currently a permitted activity, the change in activity status needs to also give some certainty – and appropriately restrict discretion to be exercised only on the matters where it is important. Council is confident that applications can be turned down, when exercising control over important matters.
10/05-41	Changes to rules	DoC submitted in support of this change.
10/05-42	Performance standards	DoC submitted in support of this change.
10/05-43	Assessment criteria wording	Agreed by both parties. DoC saw it as significant that the words “any or all of” was removed from the rule. Retaining these words was seen to soften the rule and reduce its effectiveness.
10/05-44	Changes to assessment criteria	DoC submitted in support of this change.
10/05-45	Information requirements for SFMPs	As Council proposes to maintain limited discretionary rules for SFMPs, the information requirements will be retained.
10/05-46	Information requirements	DoC submitted in support of this change.
10/05-47	Information requirements for ecological assessment.	Council noted that it intends to replicate the ecological assessment information in the discretionary section also, as it is currently only listed in the limited discretionary information requirements section. Council invited DoC to provide any comment on this criteria, and its sufficiency. Changes to this section will also be consequential depending on the requirements of “approved person” description for an ecological assessment.
10/05-48	Title of appendix 9	Agreed by both parties.
10/05-49	Footnote in appendix 9 on amendments	Council will include this if it is necessary after other changes have been made (such as new method).
10/05-50	Consequential amendment – disturbance	Would not be required unless new definition is inserted (ref to 10/05-31 above).
10/05-51	Consequential amendment – forest to vegetation	Agreed by both parties.

Rebecca Tayler  
**POLICY PLANNER**

Approved by  
M R Avery  
**ACTING CHIEF EXECUTIVE**

**DATE**