

 MEMO	TO	District Plan Hearings Panel	
	FROM	Andrew Wharton Senior Policy Planner	<input checked="" type="checkbox"/> <i>For Information</i>
	GROUP	District Plan Team	<input type="checkbox"/> <i>For Approval</i>
	DATE	14 April 2015	<input type="checkbox"/> <i>For Action</i>
	SUBJECT	Option for Extension to Conservation Lot Priority Areas	<input type="checkbox"/> <i>For Recommendation</i>

At the 24–25 February District Plan Hearing following the Pohutukawa Slopes Tairua presentation, the Hearing Panel members indicated they wanted some changes to the conservation lot rule (Section 38 Rule 8). This memo is an option for the hearing panel to consider, so the Panel can tell us (staff) if we're on the right track. We will still need to consider if this option within the scope of submissions.

We still support the Priority Areas framework in the Plan. These priority areas can be enhanced further by adding adjoining land for restoration. Often, a priority area is a remnant of a former larger ecosystem. Conservation lots could encourage enhancement of an existing priority indigenous ecosystem, and restoration of adjoining land to expand that ecosystem. This will bring more biodiversity gains by:

- Increasing the area of ecosystem types that the Plan identifies as important for biodiversity.
- Making the restored/enhanced ecosystem more self-sustaining over time.
- Encouraging indigenous vegetation buffers and ecological corridors between priority areas.
- Reducing pest threats to threatened/at-risk indigenous flora and fauna.

These gains can be further supported by replacing the maximum number of conservation lots from two per lot, to a ratio of one per 4 ha of the parent lot. For example, a 15 ha property could have a maximum of three conservation lots. A 17 ha property could have four conservation lots. This change would provide greater potential for biodiversity protection on large lots. Small rural lots less than 8 ha within a high priority (red) area would have less potential for conservation lots, to maintain the sense of openness and rural character in the Rural Area by limiting the proliferation of smaller lots.

An example of this change is shown in the track changes below to Rule 8 from the RMA Section 42A Subdivision Report Appendix 2. The Panel may wish to consider this option in their deliberations on the conservation lot subdivision rule.

RULE 8 Subdivision creating one or more conservation lots

1. Subdivision creating one or more conservation lots in the Rural Zone is a **restricted discretionary activity** provided:
 - a) The lot to be subdivided has not been the subject or result of a previous subdivision under this rule; and
 - b) The lot to be subdivided contains a priority area identified on Figure 1 Priority Areas for Indigenous Ecosystem Restoration or Enhancement, and Protection by Conservation Lot; and
 - c) The priority area identified on Figure 1 land to be restored or enhanced, and protected, meets the following standards in Table 1; and

Table 1 - Identification of Priority Areas for Protection		
Key from Figure 1	Minimum priority area to be set aside for restoration or enhancement , and protection , for each additional conservation lot	Rationale for the area
	2 ha	Internationally or nationally significant of high or medium high priority
	4 ha	Internationally to regionally significant of medium high or medium priority
	10 ha	Nationally to locally significant of high to medium priority
	14 ha	Regionally to locally significant of medium high to medium priority

The Minimum Priority Area standards above can include land adjoining an area identified in Figure 1 that is up to 50% of the Figure 1 area.

For example, Figure 1 identifies a 3 ha wetland as an 'orange' priority area. The landowner wants to enhance this wetland, and also wants to restore the adjoining 1.5 ha of swampy land to a fully functional wetland (which is 50% the size of the 3 ha priority area in Figure 1). The total area for restoration/enhancement and protection is 4.5 ha. This allows the landowner to apply for one conservation lot under Rule 8.1.

- d) The application is accompanied by a report prepared by a suitably qualified ecologist that:
- i) Identifies the area/feature to be restored or enhanced and protected; and
 - ii) Identifies the existing ecological values and benefits of the area/feature to be restored or enhanced and protected; and
 - iii) Confirms that the area/feature, or part of it, where it forms part of a larger continuous natural area that has been identified for protection will protect the best biodiversity values of that area and provide the greatest biodiversity gains; and
 - iv) Confirms that where an area is part of a natural area that is not protected, the area to be protected is able to be successfully managed ensuring its ability to be ecologically functional and self-sustaining; and
 - v) Includes a management plan specifying the steps to be taken to restore or enhance the area/feature and its ongoing management requirements to ensure that the biodiversity gains are maintained; and
 - vi) Specifies how the management requirements of the area/feature will be monitored and measures to be taken if they are not being fulfilled; and
 - vii) Identifies the location of house sites and associated access outside of the **priority-area for restoration or enhancement and protection**; and
 - viii) Specifies how the area/feature will be legally protected in perpetuity; and
- e) The maximum number of conservation lots is no more than one per 4 ha of the parent lot. ~~No more than two conservation lots are created per lot~~; and
- f) Where an allotment of 4 ha or more is created along the mark of mean high water springs of the sea or along the bank of any river an esplanade reserve or esplanade strip is set aside.
2. The Council restricts its discretion to all the matters in Table 5 at the end of Section 38.
 3. Subdivision creating one or more conservation lots in the Rural Zone that does not meet the standards in Rule 8.1 b),c) or f) is a **discretionary activity**. Subdivision creating up to two conservation lots that does not meet the standards in Rule 8.1 a), d) or e) is a **non-complying activity**.

NOTE

1. *The requirement for esplanade reserves/strips can only be waived, reduced or altered by Rule 11.*