

Decision Report

Plan Change 11 – Ecological Features

Important Note

The Proposed District Plan May 2011 Annotated Version was the current version of the District Plan when Plan Changes 1-27 were notified in November 2011 and this version was therefore used as the base document for preparing the Plan Changes and the Section 32 and Planning Reports.

Since then the District Plan has been made operative (16 June 2012). The Operative District Plan 2012 is now the current version of the District Plan and therefore Plan Changes 1-27 are proposed to change this version only.

For the purpose of understanding how decisions on this Plan Change relate to the Section 32 and Planning Report and to both versions of the District Plan discussed above, this Decision Report is divided into three parts.

Part A contains the decisions made on the topics in the Planning Report and uses the Proposed District Plan May 2011 Annotated Version as the base document.

Part B shows how the full notified Plan Change and subsequent decisions on topics would change the Proposed District Plan May 2011 Annotated Version Base Document.

Part C shows how the full notified Plan Change and subsequent decisions on topics are proposed to change the Operative District Plan 2012.

Advice to Submitters:

Submitters will be familiar with the rule and map numbers from the Proposed District Plan May 2011 Annotated Version and so should refer to Parts A and B of this report to understand the decisions on their submission points.

However any submitter wishing to make an appeal will need to refer to the rule and map numbers of the Operative District Plan 2012 in Part C and reference these in their appeal.

Part A: Decisions on Topics in the Planning Report

Any changes to rules are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in [red](#), and any changes resulting from decisions on the topics in the Planning Reports in [blue](#).

Topic 1: New Rule – Permitted Activities 5.4.1(g)

Decision

That proposed Rule 5.4.1(g) be reworded as follows:

~~5.4.1(g) All activities that would otherwise be permitted where evidence can be provided which shows that the are where the activity does not contain anything of ecological significance and has not contained anything of ecological significance since 1994 then that activity shall be permitted.~~

5.4.1(g) All activities that would otherwise be permitted by the Plan shall be permitted where evidence is provided to the satisfaction of Council that demonstrates that an area(s) (or part of an area) identified on the District Planning Maps as an ecological feature does not contain any ecological values and has not contained the ecological values since 1994.

The following submissions are therefore:

Accepted in Part

Submission	Point Number	Name
2	1	Department of Conservation
35	6	Land Matters New Zealand
43	4	Bay of Plenty Regional Council
45	24	Federated Farmers of New Zealand
FS81	4	Bay of Plenty Regional Council
FS79	16	Surveying Services Limited

Rejected

Submission	Point Number	Name
34	18	Trustpower Limited
45	23	Federated Farmers of New Zealand
FS75	65	Federated Farmers of New Zealand
FS75	66	Federated Farmers of New Zealand
FS79	15	Surveying Services Limited

Reason for Decision

The above definition is clear for District Plan users, it allows for scope for landowners or applicants to provide evidence that an ecological feature is in fact not contained within area identified on the District Planning Maps, and will therefore be a permitted activity.

The rule wording provides flexibility for the Council to assess whether the evidence required is appropriate such as aerial photographs or a full ecological report.

Part B: Changes to the Proposed District Plan May 2011 Annotated Version Base Document

Any changes to rules are shown as follows; existing District Plan text in black and changes (being the culmination of the notified Plan Change and subsequent decisions) are shown in red.

That a new Permitted Activity be added as Rule 5.4.1(g) as follows:

5.4.1(g) All activities that would otherwise be permitted by the Plan shall be permitted where evidence is provided to the satisfaction of Council that demonstrates that an area(s) (or part of an area) identified on the District Planning Maps as an ecological feature does not contain any ecological values and has not contained the ecological values since 1994.

Part C: Changes to the Operative District Plan 2012

Any changes to rules are shown as follows; existing District Plan text in black and changes (being the culmination of the notified Plan Change and subsequent decisions) are shown in red.

That a new Permitted Activity be added as Rule 5.4.1(g) as follows:

5.4.1(g) All activities that would otherwise be permitted by the District Plan shall be permitted where evidence is provided to the satisfaction of *Council* that demonstrates that an area(s) (or part of an area) identified on the District Planning Maps as an ecological feature does not contain any ecological values and has not contained the ecological values since 1994.