

## Appendix A: Updated Officer's recommended amendments to the ECO - Ecosystems and Indigenous Biodiversity chapter

Note the below provisions represent the Section 42A Report Writing Officer's recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with red underline used for new text and ~~red strikethrough~~ for deleted text as recommended in the section 42A report, and purple underline used for new text and ~~purple strikethrough~~ for deleted text as recommended in the addendum to the section 42A report).

### Overview

Kaipara District is home to indigenous vegetation and habitat considered to be unique and special, including significant areas of indigenous forest, shrubland, wetlands, dune lakes and dunelands of high ecological value. These habitats support a unique range of indigenous plants and animals, including many species classified as 'Threatened' and 'At Risk' in the New Zealand Threat Classification System. The protection, maintenance and restoration of indigenous biodiversity is important to retain and enhance the District's ecological landscape, species diversity and natural character, and to contribute to social, economic and cultural well-being.

Indigenous habitats in the Kaipara District have suffered extensive loss and modification, mainly due to land clearance for agricultural activities, with only about 16% of former indigenous cover in the District remaining. While large, protected areas of indigenous forest, dune lands and saline wetlands have retained their ecological integrity and viability, there continues to be cumulative loss of indigenous biodiversity on private land. However, there is also active work from landowners to protect and restore indigenous biodiversity on private land which can provide a range of benefits and be complementary to other land uses.

The Resource Management Act 1991 requires Kaipara District Council to manage the subdivision, use and development of land in a way that protects areas of significant indigenous vegetation and significant habitats of indigenous fauna (section 6(c)) and maintains indigenous biological diversity (section 31(1)(b)(iii)). There are also specific requirements in national policy statements and the Northland Regional Policy Statement 2016 to protect, maintain and restore indigenous biodiversity.

The District Plan does not include mapped areas of significant indigenous vegetation and significant habitats of indigenous fauna at this point in time. Identifying and mapping these areas will occur through a future plan change in accordance with national policy requirements.

### Objectives

<b>ECO-01</b>	<b>Protection of significant indigenous vegetation and significant habitats of indigenous fauna</b>
Areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected <u>for current and future generations</u> <sup>1</sup> .	
<b>ECO-02</b>	<b>Maintenance of indigenous biodiversity</b>
Adverse effects on indigenous biodiversity are managed to maintain its extent and diversity in a way that provides for the social, economic and cultural well-being of people and communities.	
<b>ECO-03</b>	<b>Restoring indigenous biodiversity</b>
The restoration of indigenous biodiversity is promoted and enabled.	
<b>ECO-04</b>	<b>Stewardship <u>and kaitiaki</u> of indigenous biodiversity</b>
Landowners act as stewards <u>and tangata whenua as kaitiaki</u> <sup>2</sup> in the protection, maintenance and restoration of indigenous biodiversity.	

<sup>1</sup> NRC [332.12]

<sup>2</sup> NRC [332.15] Te Uri o Hau [367.75] and others

## Policies

<b>ECO-P1</b>	<b>Indigenous biodiversity in the coastal environment</b>
<p>Within the coastal environment:</p> <ol style="list-style-type: none"> <li>1. Avoid adverse effects of subdivision, land use and development on: <ol style="list-style-type: none"> <li>a. Threatened and At-Risk indigenous species;</li> <li>b. Areas of significant indigenous vegetation and significant habitat of indigenous fauna;</li> <li>c. Areas of indigenous biodiversity protected under other legislation; and</li> </ol> </li> <li>2. Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on: <ol style="list-style-type: none"> <li>a. Areas of predominantly indigenous vegetation; and</li> <li>b. Indigenous species, habitats and ecosystems that are important for recreational, commercial, traditional or cultural purposes or are particularly vulnerable to modification.</li> </ol> </li> </ol>	
<b>ECO-P2</b>	<b>Indigenous biodiversity outside the coastal environment</b>
<p>Outside the coastal environment:</p> <ol style="list-style-type: none"> <li>1. Avoid, remedy or mitigate adverse effects of subdivision, land use and development to ensure adverse effects are no more than minor on: <ol style="list-style-type: none"> <li>a. Threatened and At-Risk indigenous species;</li> <li>b. Areas of significant indigenous vegetation and significant habitat of indigenous fauna;</li> <li>c. Areas of indigenous biodiversity protected under other legislation; and</li> </ol> </li> <li>2. Avoid, remedy, or mitigate, <del>offset or compensate</del> adverse effects of subdivision, land use and development to ensure there are no significant adverse effects on: <ol style="list-style-type: none"> <li>a. Areas of predominantly indigenous vegetation; and</li> <li>b. Indigenous species, habitats and ecosystems that are important for recreational, commercial, traditional or cultural purposes or are particularly vulnerable to modification; <u>and</u></li> </ol> </li> <li>3. <u>When more than minor adverse effects remain after applying clause (1) or significant adverse effects remain after applying clause (2), biodiversity offsetting is provided where appropriate then biodiversity compensation is provided where appropriate to ensure there are no more than minor residual adverse effects on indigenous biodiversity<sup>3</sup>.</u></li> </ol>	
<b>ECO-P3</b>	<b>Protection and maintenance of indigenous biodiversity</b>
<p>Manage subdivision, land use and development to protect significant indigenous vegetation and significant habitat of indigenous fauna and maintain indigenous biodiversity in a way that:</p> <ol style="list-style-type: none"> <li>1. Does not unreasonably restrict existing primary production activities, particularly on highly productive land;</li> <li>2. Recognises the operational need or functional need of <b>regionally significant<sup>4</sup></b> infrastructure to traverse or locate within areas of significant indigenous vegetation and significant habitat of indigenous fauna where there are no practicable alternative locations;</li> <li>3. Allows for operation, use, <del>and</del> maintenance <u>and repair<sup>5</sup></u> of existing structures, including infrastructure; <b>and</b></li> <li>4. Enables land to be used and developed to support the social, economic and cultural well-being of people and communities; <u>and</u></li> <li>5. <u>Enables mana whenua to develop on whenua Māori and Treaty settlement land, where adverse effects on biodiversity are managed and minimised<sup>6</sup>.</u></li> </ol>	
<b>ECO-P4</b>	<b>Restoring and enhancing indigenous biodiversity</b>
<p>Promote and enable activities that restore and enhance indigenous biodiversity, including by:</p> <ol style="list-style-type: none"> <li>1. Recognising and providing for the role of landowners as stewards <u>and tangata whenua as kaitiaki<sup>7</sup></u> in the restoration of indigenous biodiversity;</li> <li>2. Enabling the removal or management of pest plant and animal species; and</li> <li>3. Enabling biosecurity works.</li> </ol>	
<b>ECO-PX</b>	<b>Restoration priorities<sup>8</sup></b>
<p><u>Promote the restoration of indigenous biodiversity, with priority given to:</u></p> <ol style="list-style-type: none"> <li>1. <u>Areas of significant indigenous vegetation and significant habitat of indigenous fauna whose ecological</u></li> </ol>	

<sup>3</sup> DOC [304.6]

<sup>4</sup> Northpower [283.147]

<sup>5</sup> Ibid

<sup>6</sup> Te Uri o Hau [367.12]

<sup>7</sup> DOC [304.70] and Te Uri o Hau [367.32]

<sup>8</sup> Forest & Bird [149.43]

<p><u>integrity is degraded;</u></p> <ol style="list-style-type: none"> <li><u>Threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems;</u></li> <li><u>Areas that provide important connectivity or buffering functions;</u></li> <li><u>Natural inland wetlands where ecological integrity is degraded or these no longer retain their indigenous vegetation or habitat for indigenous fauna;</u></li> <li><u>Areas of indigenous biodiversity on specified Māori land where restoration is advanced by the Māori landowners; and</u></li> <li><u>Any other priorities specified in regional biodiversity strategies or any national priorities for indigenous biodiversity restoration</u></li> </ol>	
<b>ECO-P5</b>	<b>Non-regulatory mechanisms</b>
<p>Encourage the protection, maintenance and restoration of indigenous biodiversity through non-regulatory methods, including consideration of:</p> <ol style="list-style-type: none"> <li>Reducing or waiving resource consent application fees;</li> <li>Providing funding, or assisting in obtaining funding from other agencies and trusts;</li> <li>Sharing and helping to improve information on indigenous biodiversity;</li> <li>Working directly with landowners and community groups on ecological protection, maintenance and restoration projects;</li> <li>Assistance with the establishment of protective covenants.</li> </ol>	
<b>ECO-PY</b>	<b><u>Managing pets and pest plants and animal species<sup>9</sup></u></b>
<p><u>Require landowners to manage pets and pest plants and animal species within their property through consent conditions where necessary to avoid risks adverse effects<sup>10</sup> to Threatened and At-Risk indigenous species.</u></p>	

## Rules

### Notes:

- There are additional rules for indigenous vegetation clearance in the Coastal Environment, Natural Character, and Natural Features and Landscapes chapters. These other rules for indigenous vegetation clearance are more stringent and apply in addition to the indigenous vegetation clearance rules in this chapter.*
- This chapter manages land disturbance associated with indigenous vegetation clearance. Earthworks that permanently alter the profile of the land are managed through the Earthworks chapter.*
- Indigenous vegetation clearance associated with plantation forestry is regulated under Regulations 93 and 94 of the National Environmental Standards for Commercial Forestry 2017 . The rules in this chapter apply to vegetation clearance that is carried out before afforestation of commercial forestry but do not apply to indigenous vegetation clearance associated with commercial forestry.*

<b>ECO-R1</b>	<b>Indigenous vegetation clearance and any associated land disturbance for specified activities<sup>11</sup></b>	
<b>All zones</b>	<p><b>1. Activity status:</b> Permitted</p> <p><b>Where:</b> The indigenous vegetation clearance is for the following purposes:</p> <ol style="list-style-type: none"> <li>To address an immediate risk to the public safety or damage to property;</li> <li>The formation of walking tracks less than 1.5m wide;</li> <li>The construction of a new fence where the purpose of the new fence is to exclude stock and/or pests from the</li> </ol>	<p><b>2. Activity status when compliance not achieved:</b> Not Applicable - proposed indigenous vegetation clearance is to be assessed under ECO-R2.</p>

<sup>9</sup> Piroa Conservation Trust [257.27], J&C Hawley [272.31], and Marunui Conservation Ltd [278.30] – Note that this footnote was omitted from the section 42A report so has been included here for completeness

<sup>10</sup> Ibid

<sup>11</sup> Clause 16 amendment to fix spelling error

	<p>area of indigenous vegetation, provided that the clearance does not exceed 3.5m in width <del>either side of the fence line</del>,<sup>12</sup></p> <p>d. To remove pest species in accordance with any approved pest management plan or biosecurity operational plan <u>or to control unwanted organisms as a response to directions of a person authorised under the Biosecurity Act 1993</u>;<sup>13</sup></p> <p>e. To create or maintain a 20m setback from an area of indigenous vegetation to a residential unit (excluding accessory buildings);</p> <p>f. To allow for the construction of a single residential unit on an existing Record of Title <u>dated prior to 28 April 2025</u><sup>14</sup>, including essential associated on-site infrastructure, <u>a garage</u><sup>15</sup> and access, where the total clearance does not exceed 1,000m<sup>2</sup>;</p> <p>g. Clearance provided for in a covenant or order under the Queen Elizabeth II National Trust Act 1977, a Ngā Whenua Rahui Kawenata, or the Reserves Act 1977;</p> <p>h. Clearance on land held or managed under the Conservation Act 1987 and in accordance with any applicable conservation management strategy, conservation management plan, or management plan established under that Act;</p> <p>i. The removal or clearance of indigenous vegetation from land that was previously cleared and where the indigenous vegetation to be cleared is less than <del>5</del> <u>40</u><sup>16</sup> years old;</p> <p>j. Creation and maintenance of firebreaks to manage fire risk;</p> <p>k. The harvesting of indigenous timber carried out in accordance with a forest management plan or permit</p>	
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<sup>12</sup> DOC [304.73]

<sup>13</sup> Horticulture NZ [140.50] and DOC [304.73]

<sup>14</sup> Forest & Bird [149.44] and DOC [304.73] – noting these submitters requested deletion of this clause, but limiting its application to titles existing at the time the PDP was notified is considered to be lesser relief that is still in scope.

<sup>15</sup> Tappenden Holdings Ltd [289.13], Bream Tail [300.15] and Daytona Trust [263.13]

<sup>16</sup> NRC [332.20] and DOC [304.73] - noting these submitters requested deletion of this clause, but reducing the timeframe for vegetation removal is considered to be lesser relief that is still in scope.

	<p>under Part IIIA of the Forests Act 1949; or</p> <p>I. Clearance for the operation, repair or maintenance of the following activities where they have been lawfully established:</p> <ul style="list-style-type: none"> <li>i. Fences;</li> <li>ii. Infrastructure <u>and associated access tracks</u><sup>17</sup>;</li> <li>iii. Buildings;</li> <li>iv. Driveways and access;</li> <li>v. Walking tracks;</li> <li>vi. Cycling tracks;</li> <li>vii. Farming tracks; and</li> <li>viii. Farm drains.</li> </ul>	
<b>ECO-R2</b>	<b>Indigenous vegetation clearance and any associated land disturbance not provided for under ECO-R1</b>	
<b>All zones</b>	<p><b>1. Activity status:</b> Permitted</p> <p><b>Where:</b><sup>18</sup></p> <ul style="list-style-type: none"> <li>a. It does not exceed <del>1,000</del><u>500</u>m<sup>2</sup> per site in any calendar year in the Māori purpose zone, General rural zone, and Rural lifestyle zone; or</li> <li>b. It does not exceed <del>500</del><u>250</u>m<sup>2</sup> per site in any calendar year in all other zones.</li> </ul>	<p><b>2. Activity status when compliance with ECO-R2.1 not achieved:</b> Restricted Discretionary</p> <p><del><b>Where:</b></del><sup>19</sup></p> <ul style="list-style-type: none"> <li>a. <del>The application includes an assessment, carried out by a suitably qualified ecologist, of whether or not any of the indigenous vegetation proposed to be cleared meets the criteria in Appendix 5 of the Northland Regional Policy Statement 2016 (Areas of significant indigenous vegetation and significant habitats of indigenous fauna).</del></li> </ul> <p><b>3. Matters over which discretion is restricted:</b></p> <ul style="list-style-type: none"> <li>a. The effect of the vegetation clearance and associated land disturbance on indigenous biodiversity values;</li> <li>b. The extent of clearance proposed and any practicable alternative locations or methods to avoid or reduce the extent of indigenous vegetation clearance and associated land disturbance;</li> <li>c. The proposed measures to avoid, remedy, mitigate, offset or compensate adverse effects on indigenous biodiversity values;</li> </ul>

<sup>17</sup> Transpower [292.62]

<sup>18</sup> Amendments to both clearance thresholds - Madara Vilde [125.6, 125.14], Fish & Game [267.8], NRC [332.21], Aoroa Farms [337.4], Cato Bolam [217.44] and DOC [304.74]

<sup>19</sup> Daytona Trust [263.14], Tappenden Holdings Ltd [289.14] and Bream Tail [300.16]

		<p>d. The reasons for the indigenous vegetation clearance and associated land disturbance; <del>and</del></p> <p>e. Any positive effects associated with the indigenous vegetation clearance and associated land disturbance; <del>and</del></p> <p>f. <u>Whether any of the indigenous vegetation proposed to be cleared meets the criteria in Appendix 5 of the Northland Regional Policy Statement 2016 (Areas of significant indigenous vegetation and significant habitats of indigenous fauna).</u><sup>20</sup></p> <p><b>4. Activity status when compliance with ECO-R2.2 not achieved: Discretionary.</b><sup>21</sup></p>
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<sup>20</sup> Ibid

<sup>21</sup> Daytona Trust [263.14], Tappenden Holdings Ltd [289.14] and Bream Tail [300.16]