

PART 2 – DISTRICT-WIDE MATTERS / NATURAL ENVIRONMENT VALUES / Ecosystems and indigenous biodiversity

Ecosystems and indigenous biodiversity

Overview

The district is home to a wide range of indigenous species, habitats and ecosystems and a high number of regionally endemic species, including a number that are of cultural significance to tangata whenua. The protection, maintenance and enhancement of indigenous biodiversity contributes to the district's unique scenery, its natural character, its amenity values, and its economic opportunities, such as tourism and recreation.

A large portion of the district is covered in indigenous vegetation and habitat. Based on the criteria in Appendix 5 of the ~~Northland Regional Policy Statement 2016 (RPS)~~, approximately 42% of the district has indigenous vegetation and habitat with potentially significant ecological values. Around 58% of this indigenous vegetation and habitat is on private land, including Māori land, which can create tensions between the aspirations of landowners to develop their land while protecting those areas and habitats. Vegetation clearance, fragmentation, and the introduction of pest plants and species can all diminish the quality and extent of indigenous ecosystems.

Council has responsibilities under the RMA, the National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB), the NZCPS and the RPS to identify and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna biodiversity (Significant Natural Areas) and maintain indigenous biodiversity. The NPS-IB will be given effect to in full through a separate plan change in the future.

Where Significant Natural Areas areas of significant indigenous vegetation and significant habitats of indigenous fauna are identified ~~in the District Plan or~~ through ecological assessments in accordance with the significance criteria in Appendix 5 of the RPS ~~or any more recent National Policy Statement on indigenous biodiversity~~ there will be greater control over land use and subdivision to ensure that the ecological significance of these areas are protected. There may be tension between the public and ecological benefits in protecting, maintaining or enhancing indigenous biodiversity and the associated costs or restrictions to private and public (including Māori) landowners.

Objectives	
IB-O1	Areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Areas) are identified and protected for current and future generations.
IB-O2	Indigenous biodiversity is managed to maintain its extent and diversity in a way that provides for the social, economic and cultural well-being of people and communities.
IB-O3	The relationship between tangata whenua and indigenous biodiversity, including taonga species and habitats, is recognised and provided for.
IB-O4	The role of tangata whenua as kaitiaki and landowners as stewards in protecting, <u>maintaining</u> and restoring <u>areas of significant indigenous vegetation and significant habitats of indigenous fauna</u> natural areas and indigenous biodiversity is provided for.
IB-O5	Restoration and enhancement of indigenous biodiversity is promoted and enabled.
Policies	
IB-P1	<p>Identify Significant Natural Areas by:</p> <ul style="list-style-type: none"> a. using the ecological significance criteria in Appendix 5 of the RPS or in any more recent National Policy Statement on indigenous biodiversity; b. including areas that meet the ecological significance criteria as Significant Natural Areas in Schedule 4 of the District Plan and on the planning maps where this is agreed with the landowner and verified by physical inspection where practicable; c. encouraging landowners to include identified Significant Natural Areas in Schedule 4 of the District Plan at the time of subdivision and development; d. providing assistance to landowners to add Significant Natural Areas to Schedule 4 of the District Plan; and e. requiring an assessment of the ecological significance for indigenous vegetation clearance to establish permitted activity thresholds in Rule IB-R2-R4. <p><u>Ensure that the protection, maintenance and restoration of indigenous biodiversity is done in a way that:</u></p> <ul style="list-style-type: none"> a. <u>recognises and values the mana of tangata whenua as kaitiaki; and</u> b. <u>provides specific opportunities for tangata whenua to exercise kaitiakitanga in accordance with tikanga Māori.</u>
IB-P2	<p>Within the coastal environment:</p> <ul style="list-style-type: none"> a. avoid adverse effects of land use and subdivision on:

	<ul style="list-style-type: none"> i. <u>Threatened and At-Risk indigenous species;</u> ii. <u>areas of significant indigenous vegetation and significant habitat of indigenous fauna Significant Natural Areas;</u> iii. <u>areas of indigenous biodiversity protected under other legislation.</u> <p>b. avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on:</p> <ul style="list-style-type: none"> i. <u>areas of predominately indigenous vegetation; and</u> ii. <u>areas of important and vulnerable indigenous species vegetation, habitats and ecosystems that are particularly vulnerable to modification.</u>
<p>IB-P3</p>	<p>Outside the coastal environment:</p> <ul style="list-style-type: none"> a. avoid, remedy or mitigate adverse effects of land use and subdivision on Significant Natural Areas to ensure adverse effects are no more than minor on; <ul style="list-style-type: none"> i. <u>Threatened and At-Risk indigenous species;</u> ii. <u>areas of significant indigenous vegetation and significant habitat of indigenous fauna;</u> iii. <u>areas of indigenous biodiversity protected under other legislation;</u> and b. avoid, remedy, or mitigate, <u>offset or compensate</u> adverse effects of land use and subdivision on areas of important and vulnerable indigenous vegetation, habitats and ecosystems to ensure there are no significant adverse effects on: <ul style="list-style-type: none"> i. <u>areas of predominately indigenous vegetation; and</u> ii. <u>indigenous species, habitats and ecosystems that are particularly vulnerable to modification.</u>
<p>IB-P4</p>	<p>If adverse effects on indigenous species, habitats and ecosystems located outside of the coastal environment cannot be avoided, remedied or mitigated in accordance with IB-P3, consider whether it is appropriate to apply the following steps as an effects management hierarchy:—</p> <ul style="list-style-type: none"> a. biodiversity offsetting to address more than minor residual adverse effects to achieve a no net loss and preferably net gain in indigenous biodiversity; and b. environmental biodiversity compensation to address more than minor residual adverse effects where it is not practicable to achieve biodiversity offsetting. <p><u>Where adverse effects are not otherwise avoided, remedied, mitigated, offset or compensated under IB-P2 and IB-P3 do not apply, significant adverse effects on maintain indigenous biodiversity by:</u></p> <ul style="list-style-type: none"> a. <u>must be managed by applying the effects management hierarchy to any significant adverse effects;</u> <u>and</u> b. <u>managing any other adverse effects on indigenous biodiversity to maintain indigenous biodiversity across the district.</u>
<p>IB-P5</p>	<p>Ensure that the management of land use and subdivision to protect <u>areas of significant indigenous vegetation and significant habitat of indigenous fauna Significant Natural Areas</u> and maintain indigenous biodiversity is done in a way that:</p> <ul style="list-style-type: none"> a. does not impose unreasonable restrictions on existing primary production activities, particularly on highly <u>productive land versatile soils</u>; b. recognises the operational need and functional need of some activities, including regionally significant infrastructure; to be located within <u>areas of significant indigenous vegetation and significant habitat of indigenous fauna Significant Natural Areas</u> in some circumstances; c. allows for maintenance, use and operation of existing structures, including <u>upgrading of regionally significant infrastructure</u>; and d. enables Māori land to be used and developed to support the social, economic and cultural well-being of tangata whenua, including the provision of papakāinga, marae and associated residential units and infrastructure.
<p>IB-PX</p>	<p>Promote the restoration of indigenous biodiversity, with priority given to:</p> <ul style="list-style-type: none"> a. <u>areas of significant indigenous vegetation and significant habitat of indigenous fauna whose ecological integrity is degraded;</u> b. <u>threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems;</u> c. <u>areas that provide important connectivity or buffering functions;</u> d. <u>natural inland wetlands where ecological integrity is degraded or these no longer retain their indigenous vegetation or habitat for indigenous fauna;</u> e. <u>areas of indigenous biodiversity on specified Māori land where restoration is advanced by the Māori landowners; and</u> f. <u>any other priorities specified in regional biodiversity strategies or any national priorities for indigenous biodiversity restoration</u>
<p>IB-P6</p>	<p>Encourage the protection, maintenance and restoration of indigenous biodiversity, with priority given to Significant Natural Areas, through non-regulatory methods including consideration of:</p> <ul style="list-style-type: none"> a. assisting landowners with physical assessments by suitably qualified ecologists to determine whether an area is a Significant Natural Area; b. reducing or waiving resource consent application fees; c. providing, or assisting in obtaining funding from other agencies and trusts; d. sharing and helping to improve information on indigenous biodiversity; and

	e. working directly with iwi and hapū, landowners and community groups on ecological protection and enhancement projects.
IB-PX7	Subdivision and associated land use is: a. <u>enabled where this results in the restoration, enhancement and legal protection of indigenous biodiversity vegetation in accordance with SUB-R6 or SUB-R7; or</u> b. <u>considered where this will achieve positive, secure and long-term benefits for indigenous biodiversity through active and ongoing restoration and enhancement activities.</u>
IB-P78	Encourage and support active management control of pests <u>and enable a timely and efficient response to biosecurity incursions of unwanted organisms, plants and pest animals.</u>
IB-P89	Promote Assist with the protection of species that are endemic to Northland <u>by promoting, supporting and using eco-sourced</u> eco-sourcing plants from within the ecological district.
IB-P910	Require landowners to manage pets and pests <u>species within their property through consent conditions, including dogs, cats, possums, rats and mustelids, where necessary to avoid risks to Threatened and At-Risk indigenous fauna threatened indigenous species, and where appropriate, including avoiding the introduction of pets and pests species into kiwi present or high-density kiwi areas where appropriate.</u>
IB-P4011	Manage land use and subdivision to address the effects of the activity requiring resource consent for <u>Consider the following matters where relevant when assessing and managing the effects of indigenous vegetation clearance and associated land disturbance, including (but not limited to) consideration of the following matters where relevant to the application:</u> a. the temporary or permanent nature of any adverse effects; b. cumulative effects of activities that may result in loss or degradation of habitats, species populations and ecosystems; c. the extent of any vegetation removal and associated land disturbance; d. the effects of fragmentation; e. linkages between indigenous ecosystems and habitats of indigenous species; f. the potential for increased threats from pests plants and animals ; g. any downstream adverse effects on waterbodies and the coastal marine area; h. where the area has been mapped or assessed as <u>significant indigenous vegetation and significant habitat of indigenous fauna</u> a Significant Natural Areas: i. the extent to which the proposal will adversely affect the ecological significance, values and function of that area; ii. whether it is appropriate or practicable to use biodiversity offsets or environmental biodiversity compensation to address more than minor residual adverse effects; i. the location, scale and design of any proposed development; j. the extent of indigenous vegetation cover on the site and whether it is practicable to avoid or reduce the extent of indigenous vegetation clearance; k. the functional or operational needs of regionally significant infrastructure; l. any positive contribution any proposed biodiversity offsets <u>settings</u> or environmental biodiversity compensation will have on indigenous biodiversity; and m. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6; n. <u>the extent to which the proposed activity provides for the social, economic and cultural wellbeing of people and communities;</u> o. <u>adopting a precautionary approach where the effects on indigenous biodiversity are uncertain, unknown, or little understood and those effects could cause significant or irreversible damage to indigenous biodiversity;</u> p. <u>promoting the resilience of indigenous biodiversity to climate change and recognising the role of indigenous biodiversity in mitigating the effects of climate change; and</u> q. <u>the benefits provided by the indigenous biodiversity, including ecosystem services.</u>

Rules

Notes:

1. Rules IB-R2 and ~~to IB-R34~~ applies to indigenous vegetation clearance not permitted under Rule IB-R1.
2. There are rules for indigenous vegetation clearance in the following District-Wide Matters chapters: Natural Character, Natural Features and Landscapes, and Coastal Environment. These other rules for vegetation clearance may be more stringent and apply in addition to the indigenous vegetation clearance rules in this chapter. Refer to the How the plan works chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.
3. 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. The Earthworks chapter rules apply 'in addition' to the earthworks rules in this overlay chapter, not instead of. ~~In the event of a conflict between the earthworks chapter and this chapter's earthworks rules, the most stringent rule will apply.~~
4. This chapter does not apply to indigenous vegetation clearance in urban environment allotments. Refer to the Notable Trees chapter for rules relating to scheduled notable trees and groups of trees.

5. Plantation Commercial forestry is regulated under the National Environmental Standards for Plantation Commercial Forestry 2017 (NES-PCF). The NES-PF allows district plan rules to be more stringent than the NES-PF when the rule relates to the protection of Significant Natural Areas and IB-R5 in this chapter is a more stringent rule for plantation forestry activities in Significant Natural Areas. This chapter applies to vegetation clearance that is carried out before afforestation but does not otherwise apply to indigenous vegetation clearance associated with plantation commercial forestry activities outside Significant Natural Areas which is regulated under Regulation 93 and 94 of the NES-PCF.

IB-R1	Indigenous vegetation pruning, trimming and clearance and any associated land disturbance for specified activities within and outside a Significant Natural Area	
All zones	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>It is <u>the minimum necessary</u> for any of the following:</p> <ol style="list-style-type: none"> 1. To address an immediate risk to the health and safety of the public or damage to property; 2. To remove dead trees, provided that no more indigenous vegetation is cleared or trimmed than is necessary for safe removal; 3. The formation of walking tracks less than 1.2m wide using manual methods which do not require the removal of any tree over 300mm in girth; 4. Clearance for <u>the control of pests when necessary for biosecurity reasons and to control unwanted organisms as a response to directions of a person authorised under the Biosecurity Act 1993;</u> 5. The sustainable non-commercial harvest of plant material for rongoā Māori (customary medicine); 6. To create or maintain a 20m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area; 7. To allow for the construction of a single residential unit on <u>an existing title</u> and essential associated on-site infrastructure and access and it does not exceed 1,000m²; 8. <u>Clearance of vegetation provided for in a covenant or order under It is within an area subject to an Open Space Covenant under the Queen Elizabeth II National Trust Act 1977, a Ngā Whenua Rahui Kawenata, a Conservation Covenant under the Reserves Act 1977 or the Conservation Act 1987, or a Heritage covenant under the Heritage New Zealand Pouhere Taonga Act 2014 and the vegetation clearance is provided for in that covenant or order;</u> 9. The construction of a new fence where the purpose of the new fence is to exclude stock and/or pests from the area of indigenous vegetation provided that the clearance does not exceed 3.5m in width either side of the fence line; 10. The removal or clearance from land which was previously cleared and the indigenous vegetation to be cleared is less than 10 years old; 11. Creation and maintenance of firebreaks to manage fire risk; 12. The harvesting of indigenous timber approved under the Forests Act 1949 via either a registered sustainable forest management plan, a registered sustainable forest management permit or a personal use approval for the harvesting and milling of indigenous timber from the Ministry of Primary Industries; or 13. <u>The upgrade of lawfully established existing infrastructure where this is permitted under the relevant rule in Infrastructure chapter; or</u> 	<p>Activity status where compliance not achieved with PER-1: Discretionary– <u>N/A – compliance assessed under IB-R2 and IB-R3 as applicable</u></p>

	<p>14. It is for the operation, repair and maintenance of the following activities where they have been lawfully established:</p> <ul style="list-style-type: none"> i. fences; ii. infrastructure; iii. buildings; iv. driveways and access; v. walking tracks; vi. cycling tracks; or vii. farming tracks. 	
IB-R2	Indigenous vegetation clearance and any associated land disturbance within a Significant Natural Area for papakāinga	
Māori Purpose zones, Treaty Settlement Land overlay, Rural Production zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 It does not exceed:</p> <ul style="list-style-type: none"> 1. 1,500m² for a marae complex, including associated infrastructure and access; and 2. 1,000m² for the first residential unit and 500m² for each additional unit per residential unit. <p><i>Note: Rules MPZ-R5 and RPROZ-R20 include specific land use rules that also apply to papakāinga in the Māori Purpose zones, Treaty Settlement Land overlay and Rural Production zones.</i></p>	Activity status where compliance not achieved with PER-1: Discretionary
IB-R3	Indigenous vegetation clearance and any associated land disturbance within a Significant Natural Area	
All-zones	<p>Activity status: Permitted</p> <p>-</p> <p>Where:</p> <p>-</p> <p>PER-1 It does not exceed 100m² per site in any calendar year.</p>	Activity status where compliance not achieved with PER-1: Discretionary
IB-R34	Indigenous vegetation clearance and any associated land disturbance outside a Significant Natural Area	
All zones	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <ul style="list-style-type: none"> 1. A report has been obtained from a suitably qualified and experienced ecologist confirming that the indigenous vegetation does not meet the criteria for a Significant Natural Area and it is submitted to Council 14 days in advance of the clearance being undertaken; and It does not occur in a remnant forest except that for within the Māori Purpose zone or Treaty Settlement Land Overlay – 1,500m² over a calendar year; and 2. For areas outside of remnant forest it does not exceed the following amounts per site over a calendar year 5-year period: <ul style="list-style-type: none"> i. Māori Purpose zones and Treaty Settlement Land Overlay – 1,500m²; ii. Rural Production zone, Māori Purpose zone and Treaty Settlement Land Overlay – 5,000m² if not in a remnant forest, otherwise 500m² in a remnant forest; or iii. Rural Lifestyle zone – 250m²; or iv. All other zones – 5100m². <p>PER-2</p>	<p>Activity status where compliance not achieved with PER-1 or PER-2: Discretionary</p> <p><i>Note: This rule only has immediate legal effect for indigenous vegetation clearance where compliance is not achieved with PER-2 (i.e. in circumstances where a report confirming that the indigenous vegetation is not a Significant Natural Area has not been obtained).</i></p>

	<p>1. A report has not been obtained from a suitably qualified and experienced ecologist confirming that the indigenous vegetation does not meet the criteria for a Significant Natural Area and a report has not been submitted to Council 14 days in advance of the clearance being undertaken; and</p> <p>2. It does not exceed 100m² per site in any calendar year.</p>	
IB-R5	Plantation forestry and plantation forestry activities within a Significant Natural Area	
All-zones	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable