

ECOSYSTEMS AND INDIGENOUS BIODIVERSITY - ECO

This chapter contains provisions that have legal effect. They are identified with a  to the right hand side of the provision.

Overview

The District contains areas of vegetation which have species and ecosystems that are native to New Zealand and the local area, and are classified as significant areas of *indigenous vegetation* or habitats of indigenous fauna under Section 6(c) of the Resource Management Act 1991 (RMA). To achieve the purpose of the RMA and promote *sustainable management*, the District Plan must identify and protect significant areas of *indigenous vegetation* and habitats of indigenous fauna as a matter of national importance. A key function of Territorial Authorities under the RMA is the maintenance of indigenous biological diversity under Section 31(1)(b)(iii).

The Operative District Plan (2006) predates the Southland Regional Policy Statement 2017 (RPS) and the release of the National Policy Statement Indigenous Biodiversity 2023 (NPSIB). The RPS and NPSIB both contain criteria for identifying areas of significant *indigenous vegetation* or significant habitat of indigenous fauna (SNA). While comprehensive mapping has not been undertaken to identify SNAs in the Gore District, the Gore District Plan Efficiency and Effectiveness Review 2023 indicates that:

- the Operative plan provisions have been partially effective at protecting identified SNAs, and
- there has been a reduction in native vegetation which would suggest further protection needs to be afforded to biodiversity within the District; and
- based on changes to national and regional policy direction, there is a gap in current identified SNAs that will need to be addressed following the release of the National Policy Statement on Indigenous Biodiversity.

The RPS and NPSIB also have a broader range of objectives and policies that have been considered in developing the provisions of this chapter. A 10 year implementation timeframe for the NPSIB is anticipated, which includes the development of a regional biodiversity strategy, an integrated approach across administrative boundaries, the need to work in partnership with *tangata whenua* and landowners, and notes that support will be provided from the regional council for mapping which must be completed by August 2028. It is proposed that a variation will be notified to the Proposed District Plan once mapping has been completed.

Objectives

ECO-O1 Maintain Indigenous *biological diversity* in the Gore District and protect areas of significant *indigenous vegetation* and significant habitats of indigenous fauna (*Significant Natural Areas*).

- ECO-O2 Work in partnership with Local Authorities, Government agencies, *mana whenua*, stakeholders and landowners to identify and protect *Significant Natural Areas*.
- ECO-O3 Provide for appropriate *subdivision*, use and development within *Significant Natural Areas* where the values of the area can be maintained and enhanced.
- ECO-O4 The relationship of *mana whenua* and their customs and traditions with *Significant Natural Areas* is recognised and provided for including through:
1. Facilitation and support for the exercise of kaitiakitanga in relation to indigenous species and habitats;
 2. Maintenance, enhancement, and restoration of habitats that support mahinga kai activities and sustain taonga species; and
 3. Enabling customary use.

Policies

- ECO-P1 Work in partnership with Local Authorities, *mana whenua*, stakeholders and landowners to:
1. identify *Significant Natural Areas* (SNAs) to include:
 - (a) Areas identified as SNA-1 (Waterfall Range) and SNA-2 (Pukerau Red Tussock Reserve) on the planning maps, and
 - (b) A variation to the Proposed District Plan to identify areas that meet the criteria set out in Appendix 4; and
 2. map and describe each *specified highly mobile fauna* area.
- ECO-P2 Allow activities within *Significant Natural Areas* that may impact indigenous biodiversity values where:
1. This is for a lawfully established activity; or
 2. Their purpose is to facilitate or express Ngāi Tahu rights, interests, or *cultural purpose*; or
 3. The activity has a *functional need* to be located in the area; or
 4. The activity has no more than minor adverse *effects* on the significant *indigenous vegetation* or fauna habitat, and/or Ngāi Tahu cultural *purpose*.
- ECO-P3 Any new subdivision, use, or development shall avoid adverse effects on an SNA that result in:
1. loss of ecosystem representation and extent;
 2. disruption to sequences, mosaics, or ecosystem function;
 3. fragmentation of SNAs or the loss of buffers or connections within an SNA;
 4. reduction in the function of the SNA as a buffer or connection to other important habitats or ecosystems; and
 5. a reduction in the population size or occupancy of Threatened or At Risk (declining) species that use an SNA for any part of their life cycle;
- Unless they relate to:
6. Construction of specified infrastructure that provides significant national or regional public benefit;

7. Mineral and aggregate extraction that provides significant national public benefit that could not otherwise be achieved using resource in New Zealand;
8. The operation or expansion of any coal mine that was lawfully established before 4 August 2023, except that after 31 December 2030 this exception applies only to coal mines that extract Coking coal; and
9. There is a functional need or operational need to be in that particular location and there are no practicable alternative locations.

- ECO-P4 Manage any adverse effects on an SNA from a new subdivision, use or development relating to the following matters in accordance with the *effects management hierarchy*:
1. Construction of specified infrastructure that provides significant national or regional public benefit;
 2. Mineral and aggregate extraction that provides significant national public benefit that could not otherwise be achieved using resource in New Zealand;
 3. The operation or expansion of any coal mine that was lawfully established before 4 August 2023,
 4. a single residential dwelling on an allotment created before 4 August 2023 and there is no practicable location within the allotment for dwelling construction and on site infrastructure to avoid adverse effects outlined in ECO-P3(1) to ECO-P3(5),
 5. maintaining or restoring an SNA and this does not involve the permanent destruction of significant habitat of indigenous biodiversity,
 6. An activity associated with the harvest of indigenous tree species from a SNA carried out in accordance with a forest management plan or permit under part 3A of the Forests Act 1949, such as track clearance and timber storage, but not the harvesting of trees itself.
- ECO-P5 *Plantation Forest* activities in any existing plantation forest within a SNA must be managed in a manner that:
1. Maintains indigenous biodiversity in the SNA as far as practicable while providing for *plantation forest* activities to continue, and
 2. Maintains the long-term populations of any Threatened or At Risk (declining) species present in the area.
- ECO-P6 Promote the restoration of indigenous biodiversity by prioritising:
1. SNAs whose ecological integrity is degraded:
 2. threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems:
 3. areas that provide important connectivity or buffering functions:
 4. natural inland wetlands whose ecological integrity is degraded or that no longer retain their indigenous vegetation or habitat for indigenous fauna:
 5. areas of indigenous biodiversity on specified Māori land where restoration is advanced by the Māori landowners:
 6. any other priorities specified in regional biodiversity strategies or any national priorities for indigenous biodiversity restoration.
- ECO-P7 Protect, enhance and restore *Significant Natural Areas* by:
1. Minimising the loss, fragmentation and reduction of:

- (a) *Significant Natural Areas*
- (b) connections between *Significant Natural Areas*, and
- (c) *threatened or at risk* and indigenous species populations;
- 2. Promoting the creation of connections and ecological corridors between *Significant Natural Areas*;
- 3. Promoting the use of eco-sourced species from the relevant ecological district;
- 4. Enabling opportunities for *mana whenua* to exercise their customary rights and responsibilities and *mana whenua* responsibilities as kaitiaki in restoring, protecting and enhancing areas of significant indigenous biodiversity; and
- 5. Supporting initiatives by landowners, community groups and others to protect, restore and maintain areas of significant indigenous biodiversity.

- ECO-P8 When assessing consents for *subdivision, land use* and development, avoid effects which will:
- 1. Prevent an indigenous species or community being able to persist in their habitats in the ecological district;
 - 2. Result in a degradation of the threat status, further measurable loss of indigenous cover or disruption to ecological processes, functions or connections in *land environments* in category one or two of the Threatened Environment Classification at the ecological district level;
 - 3. Result in a reduction in the local population of threatened taxa in the Department of Conservation Threat Categories 1 – 3a - nationally critical, nationally endangered and nationally vulnerable; and
 - 4. discourage *mana whenua* access to indigenous biodiversity for a *mana whenua cultural purpose* -

- ECO-P9 When assessing resource consents in *Significant Natural Areas*, consider the following matters:
- 1. The necessity for the activity to provide for *critical infrastructure* or *renewable electricity generation*;
 - 2. Whether formal protection and active management of all or part of any *Significant Natural Area* will occur as part of the *subdivision, land use* or development;
 - 3. The extent to which the proposed activity recognises and provides for Ngāi Tahu *cultural purposes*, rights and interests;
 - 4. The cumulative *effects* of activities within or adjacent to any area of *indigenous vegetation* or habitat;
 - 5. The *effects* the activity may have on the introduction or spread of exotic weed species and pest animals both terrestrial and aquatic;
 - 6. The impacts on mahinga kai activities and species;
 - 7. The impact of the activity on the values of any *Significant Natural Area*, rare or threatened indigenous species or taonga species and how any potential impact could be avoided, remedied or mitigated; and
 - 8. The appropriateness and effectiveness of any biodiversity offsetting or compensation in accordance with ECO – P7 to offset any residual adverse *effects* that remain after avoiding, remedying and mitigating measures have been applied.

- ECO-P10 Maintain indigenous biodiversity across the district by:
- 1. Managing any significant adverse effects of new subdivision, use or development by applying the effects management hierarchy;

2. Managing the adverse effects of new subdivision, use or development on highly mobile fauna areas in order to maintain viable populations of specified highly mobile fauna across their natural range
3. Maintaining, and where appropriate enhancing or restoring, the functioning of ecological corridors and linkages;
4. Minimising adverse *effects* on, and encouraging *mana whenua* access to, areas of indigenous biodiversity which are significant to *mana whenua*;
5. Establishing a Biodiversity Stakeholder Group to review District Plan provisions, encourage non-regulatory assistance, and enhance landowner engagement;
6. Developing a biodiversity strategy that would consider free ecological surveys, financial support to *Significant Natural Area* landowners, rates remissions for *Significant Natural Areas*, and advice and support for local conservation groups and programmes;
7. Preserving protected wildlife; and
8. Recognising the benefits of farm management practices and active management of indigenous biodiversity, including voluntary animal and plant pest and stock control and/or formal legal protection.

- ECO-P11 Provide for biodiversity offsets and compensation to manage residual adverse *effects* of an activity where:
1. The goal of the biodiversity offsets is no net loss and, preferably, a net gain of biodiversity of similar species and location where practicable;
 2. The conservation outcomes are measurable and positive; and
 3. The biodiversity offsets or compensation are in accordance with best practice, including but not limited to New Zealand Government guidance on biodiversity offsetting; and
 4. Off-setting and compensation packages are consistent with Ngāi Tahu *cultural purposes*.
- ECO-P12 Avoid the planting of exotic weed species and the intentional release or farming of animal pests within SNA's.

Notes

Note 1 Provisions in Other Chapters

The provisions in this chapter apply in addition to the provisions of the other chapters in the District Plan and the plan should be read as a whole. This chapter also implements other chapters in the District Plan that do not have specific rules such as Sites and Areas of Significance to Māori and Mana Whenua.

Rules

ECO-R1  <i>Indigenous vegetation clearance and land disturbance</i>		
All areas	Activity status: Permitted Where: - It is necessary for the following purposes: - the maintenance, repair or replacement of existing <i>lawfully established</i>: - fences, - vehicle tracks, - roads, - Critical infrastructure, - walkways, - firebreaks, - dams, - waterway crossings, or - network utilities and the clearance or land disturbance is no more than 1.0m in width from those works in (ii), (iii), (iv), (v), (vii), (viii) and (ix), and 1.5m for ~~(i)~~¹ and (vi).	Activity status where compliance is not achieved with: ECO-R1(1)(a)(i) or ECO-R1(1)(a)(vi): Restricted discretionary Where: - The <i>indigenous vegetation clearance and land disturbance</i> does not comply with ECO-R1(1)(a)(i) or ECO-R1(1)(a)(vi). Matters of Discretion: - Effects on indigenous biodiversity values. - the matters outlined in ECO-P3, ECO-P7, ECO-P8, ECO-P9 and ECO-P10. - The quantity and quality of indigenous vegetation impacted and the reasons for the works. - the potential danger the vegetation is causing to human life. - The need for fencing to protect indigenous biodiversity values.

¹ Withdrawn by Council resolution 21 November 2023

- (b) The vegetation is causing an imminent danger to human life, structures, and *infrastructure or the works are required to address a high risk to public health or safety.*
- (c) For Mahinga kai activities or for other Ngāi Tahu *cultural purposes* where the clearance is by *mana whenua* and in accordance with tikanga protocols.
- (d) For the safe operation or *maintenance* of the *National Grid*.
- (e) *Maintenance of improved pasture* where:
 - (i) the improved pasture has not become a *SNA*, and
 - (ii) the land is not an uncultivated *depositional landform*, and
 - (iii) it will not adversely affect a *Threatened or At Risk (declining)* species.
- (f) In accordance with an approved Reserve Act or Conservation Act reserve management plan.
- (g) For the maintenance, repair or replacement of existing *buildings* and *structures*, or to remove a potential fire risk, including an area no further than 2.0m from the exterior wall of an existing *building*.
- (h) The removal of exotic species generally and pest plants and pest animals in accordance with any Regional Pest Management Plan or the Biosecurity Act 1993.
- (i) The works are undertaken in accordance with a *Biodiversity Covenant*.
- (j) The works are associated with the harvest of indigenous tree species in accordance with a forest management plan or permit under Part 3A of the Forests Act 1949

- 6. any functional or operational constraints and the route, site and method selection process.

ECO-R1(1) and ECO-R1(2): Discretionary

Where:

- 3. The *indigenous vegetation clearance* and *land disturbance* takes place outside a *Significant Natural Area*.

ECO-R1(1) and ECO-R1(2): Non-complying

Where:

- 4. The *indigenous vegetation clearance* and *land disturbance* takes place inside a *Significant Natural Area*.

- (k) The works relate to indigenous vegetation that was deliberately planted:
- (i) Within a domestic garden; or
 - (ii) For the use of screening/shelter belt purposes (such as farm hedgerows).

ECO-R2 **Planting of exotic weed species identified in a Southland Regional Pest Management Plan.**

**Significant
Natural Areas**

Activity status: Non-complying

Activity status where compliance is not achieved: N/A

Where:

1. The activity is undertaken within a Significant Natural Area.

ECO-R3 **The intentional release or farming of animal pests identified in a Southland Regional Pest Management Plan.**

**Significant
Natural Areas**

Activity status: Non-complying

Activity status where compliance is not achieved: N/A

Where:

1. The activity is undertaken within a Significant Natural Area.