Section 32 Report

Pūnaha Hauropi me te Rerenga Rauropi Taketake/ Ecosystems and Biodiversity Chapter

prepared for the

Proposed Waimakariri District Plan

18 September 2021

WAIMAKARIRI DISTRICT COUNCIL

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1. EXECUTIVE SUMMARY

The Ecosystems and Indigenous Biodiversity Chapter addresses:

1. the protection of Significant Natural Areas (SNAs), which are areas of significant indigenous vegetation and significant habitat of indigenous fauna, required as a matter of national importance under Section 6(c) of the RMA; and
2. the maintenance of indigenous biodiversity, which is required as a Council function under Section 31 of the RMA.

The key resource management issues are:

1. the continual loss of indigenous biodiversity through land use activities; and
2. actual and perceived restrictions on land use activities for the owners of land with identified SNA to achieve benefits for the community and natural environment.

The Operative District Plan does not adequately address these issues because:

3. it does not contain provisions for unmapped SNAs thus potentially ecologically significant areas that are not listed SNAs are not managed;
4. outside mapped SNAs, permitted indigenous vegetation clearance areas are too large given the context of how little indigenous vegetation remains in the District, particularly within the Lower Plains and High Plains Ecological Districts;
5. the list of rare identified plant species is outdated and only relates to SNAs;
6. the SNAs listed predates the SNA criteria in the Canterbury Regional Policy Statement (CRPS) and needs to be reviewed; and
7. the boundaries of SNAs are not shown on the planning maps which reduces clarity and certainty in protecting these areas.

To address these issues, the following changes are proposed:

1. provision for unmapped SNAs, which are areas of indigenous biodiversity that would likely be considered ecologically significant based on vegetation or habitat type and a minimum area thresholds, are provided for and managed in similar manner to a mapped SNA;
2. a reviewed list of mapped SNAs, primarily based on SNAs listed in the Operative District Plan, with identification of their boundaries on the planning map in order to provide greater certainty and better protection;
3. a more restrictive approach to indigenous vegetation clearance outside of SNAs, including an ecological district approach that recognises the limited indigenous vegetation that remains on the Lower Plains and High Plains Ecological Districts; and
4. bonus allotment and bonus residential unit provisions to help incentivise the protection and restoration of mapped SNAs and help to switch the perception of SNAs from an economic burden to an asset.

This section 32 evaluation concludes that while the proposed activity restrictions affecting indigenous biodiversity will create primarily economic opportunity costs on landowners, the benefits to the environment outweigh these. Such bottom lines are necessary because land use activities can have adverse and irreversible impacts on biodiversity values.

The anticipated result from these proposed provisions is that SNAs are protected and restored, and other areas of indigenous vegetation and habitat of indigenous fauna are maintained and enhanced in order to achieve an overall increase in indigenous biodiversity.

2. OVERVIEW AND PURPOSE

2.1 Purpose of Section 32 RMA

The overarching purpose of Section 32 of the Resource Management Act 1991 (RMA) is to ensure that plans are developed using sound evidence and rigorous policy analysis, leading to more robust and enduring provisions.

Section 32 reports are intended to clearly and transparently communicate the reasoning behind plan provisions to the public. The report should provide a record of the evaluation process, including the consultation, technical work, methods, assumptions and risks that informed that process. A robust report can prove highly useful to decision makers, particularly where it clearly communicates the analysis undertaken to identify the most appropriate way to achieve the purpose of the RMA.

The District Council is required to undertake an evaluation of any proposed District Plan provisions before notifying those provisions. The Section 32 evaluation report provides the reasoning and rationale for the proposed provisions and should be read in conjunction with those provisions.

2.2 Topic Description

Ecosystems are a group of organisms that live and interact within a specific environment. Indigenous biodiversity includes all plants and animals that occur naturally in New Zealand and have evolved or arrived without any human assistance. The purpose of the Ecosystems and Indigenous Biodiversity Chapter is to protect areas of significant indigenous vegetation and significant habitat of indigenous fauna (SNAs), and maintain indigenous biodiversity, as required by Sections 6(c) and 31(b)(iii) of the RMA respectively.

2.3 Significance of this Topic

Indigenous biodiversity provides important ecosystem services, shaping our local and cultural identity and has considerable intrinsic value to mana whenua and people of the District, as well as to the nation. The District's diverse ecosystems contain remnants of indigenous vegetation and habitats of indigenous fauna that was once widespread, but over time has been destroyed, fragmented and degraded by land use and pests.

This chapter recognises that these remnants have significant biodiversity value and are critical for preventing the extinction of rare species and loss of ecosystems. Land use activities within SNAs are restricted in order to protect their ecological values. Indigenous vegetation clearance is also restricted outside of SNAs in order to maintain indigenous biodiversity. These restrictions can be perceived by some landowners to be a burden.

2.4 Current Objectives, Policies and Methods

The Waimakariri District Plan became operative in November 2005. It is effects-based and manages biodiversity through district-wide provisions contained in Chapters 6 and 25. Issues, objectives and policies seek to protect, maintain and enhance the ecological integrity and intrinsic values of

indigenous ecosystems. Policies require identification of significant indigenous vegetation and fauna habitats for their protection and enhancement, promotion of understanding and awareness, and provision of assistance to landowners, to manage these sites. Policy 6.1.1.7 requires identification, maintenance and enhancement of ecological corridors; however this has not been implemented. Other specific policies relate to wetlands, waterways, and roadsides, noting their importance in terms of biodiversity and mahinga kai. A range of monitoring actions and indicators are identified.

The rules refer to 'Vegetation and Habitat Sites' which are listed SNAs (there are 111 listed sites). A 'Vegetation and Habitat Site' is shown on the planning map as a single point located on a particular property or near the centre of the indigenous vegetation, thus the entire area of a site is not mapped. Within these listed sites, the key rules aim to identify and protect rare plant species (eight species are listed), control earthworks and indigenous vegetation clearance (with exemptions for certain activities), require planting to be species of local provenance, and require resource consent assessment and application where rules are not complied with. Subdivision of 'Vegetation and Habitat Site' is a discretionary activity.

There is also a general indigenous vegetation clearance rule that requires resource consent for the clearance of more than 500m^2 of indigenous vegetation in a continuous five year period where that vegetation meets certain criteria in terms of species, or closed canopy height. All waterways scheduled for esplanade reserve or strip requirements include a conservation purpose.

Council Plan Change 14 involved an ecological survey of the Ashley Gorge area that identified seven new SNAs and became operative in November 2011. Proposed Council Plan Change 23 (circa 2010-2012) aimed to update the listed 'Vegetation and Habitat Sites' in accordance with results from a resurvey of certain sites, along with adding new sites identified in the Lees Valley area. However it did not proceed due to earthquake recovery projects taking priority.

2.5 Information and Analysis

Table 1: List of relevant background assessments and reports

Title	**Author**
New Zealand's Environmental Reporting Series: Our Land 2021.	*Ministry for the Environment and Statistics NZ*
Description of Report	
This report investigates how intensively New Zealand's land is being used and managed. It identifies a continued decline in indigenous vegetation cover.	
Title	**Author**
New Zealand's Environmental Reporting Series: Environment Aotearoa 2019	*Ministry for the Environment and Statistics NZ*
Description of Report	
Identifies as a key issue, the threat faced by our indigenous biodiversity due to pressures from pests, pollution, land use change, and the harvesting of wild species and notes that almost 4,000 indigenous species are threatened or at risk of extinction.	
Title	**Author**
New Zealand's Environmental Reporting Series: Our land 2018	*Ministry for the Environment and Statistics NZ*

Description of Report
Reported on the state of indigenous biodiversity and ecosystems and identifies a continued loss of indigenous vegetation, decline in the extent of coastal and lowland ecosystems, and a conservation status of 'threatened' or 'at risk of extinction' for 83% of vertebrates.

Title	Author
District Plan Effectiveness Review – Natural Environments (2017)	*Waimakariri District Council*

Description of Report
The report included the following recommendations: • The District Plan could have a greater focus on biodiversity including regeneration and enhancement. • SNAs require comprehensive monitoring and assessment criteria for evaluating site health would assist in future monitoring. • The District Plan does not specifically consider the biodiversity values of the coastal environment, including the Ashley-Rakahuri Estuary. • The District Plan currently only lists SNAs on a voluntary basis however other Councils take a mandatory approach which could protect other significant sites. • There are a range of methods used for protecting SNAs. These include covenants, district plan rules, regional plan rules, and Department of Conservation management plans and strategies. Coordination of these methods would avoid duplication, gaps and confusion. • Canterbury Regional Council has commented that controls for the prevention of the spread of wilding trees should be introduced into the District Plan.

Title	Author
Transferable Development Rights – Waimakariri District Council	*Quotable Value (QV), January 2020*

Description of Report
QV assessed the potential value of a transferable development right (TDR) in the Waimakariri District. A TDR would require the protection and restoration of a SNA at the donor site and then in exchange provide for a rural subdivision at a receiver site where it is not otherwise permitted by the District Plan rules (e.g. a lot size lower than the minimum lot size for the receiving zone). Assuming a well-established TDR market and demand for lifestyle properties remained constant, the value of a TDR was estimated to be within the range of $50,000 to $80,000, with the majority of demand being located within the higher value Greater Christchurch (Urban Development Strategy) area. The report concluded that there was sufficient activity in the Waimakariri District for a TDR incentive scheme to be successful. This is discussed further in Section 5.4.4 of this report.

Title	Author
Priorities for Indigenous Biodiversity Protection in Waimakariri District: Significant Vegetation and Habitat Types and Indigenous Plant Species - April 2021	*Wildland Consultants Ltd*

Description of report
A workshop with local ecologists from DoC, Canterbury Regional Council, QEII Trust, Selwyn District Council, Wildlands Consultants Ltd, an independent ecologist, and Waimakariri District Council was held in September 2020 to inform the development of a list of significant indigenous vegetation and

habitat types that should be priorities for protection in the District. The report lists the following species or habitats, that if naturally occurring, should be priorities for protection:

- Indigenous vegetation and habitat types that are priorities for protection in four geographic areas (ecological) in the District (Table 4);
- Naturally uncommon ecosystem types (Table 5);
- Threatened, at risk or data deficient vascular plant species recorded or likely to be present in the District (Table 6);
- Indigenous vascular plant species that are uncommon in the Low and/or High Plans Ecological Districts (Table 7); and
- Indigenous plant species that reach their national or regional distribution limits in the District (Table 8).

The report notes that lists of non-vascular plants (mosses and liverworts) and lichen species were compiled using the limited existing literature and observations available and acknowledges that this is likely to be only contain a small proportion of these species present in the District. The only non-vascular species known to be present is Resurrection Lichen (*Xanthoparmelia semiviridis*), which is 'at risk-declining'. No uncommon non-vascular species are listed.

These above lists were used to develop an approach for detailing unmapped SNAs, and managing general indigenous vegetation clearance. This is described in more detail in Section 5.

Title	**Author**
Review of Significant Natural Areas in the Waimakariri District - February 2021	*Wildland Consultants Ltd*

Description of report

Details the selected existing SNAs reviewed for ecological significance, and new SNAs identified. Key points are listed below.

- A total of 58 existing SNAs listed in the Operative District Plan were assessed against the Canterbury Regional Policy Statement criteria for SNAs.
- The assessments showed that five sites were no longer ecologically significant, while the remaining 53 were and therefore are proposed to be rolled over into the Proposed District Plan as SNAs. It is noted that Wildlands combined sites that were adjacent to one another and of a similar vegetation type so the total number of ecologically significant sites is 49).
- Field visits were undertaken for 30 of these existing sites while the rest were reviewed via desktop assessment.
- The boundaries of nine other existing SNAs were also mapped by Wildlands.
- Two other new sites were reviewed at request of the landowners however were determined to not be ecologically significant.
- New potential SNAs were also identified during the review process. A total of 12 new SNAs were identified during field visits of an existing SNA site. Desktop assessments also identified approximately 42 potential new SNAs however further verification is needed to confirm this, along with landowner engagement.

Title	**Author**
Identification of Vegetation and Habitat Sites in the Ashley Gorge - Report for Waimakariri District Council December 2009	*Boffa Miskell Ltd*

Description of report

Details the ecological survey of the Ashley Gorge area (excluding Department of Conservation (DoC) land, Ashley River and river margins) that identified seven SNAs as part of Council Plan Change 14, which became operative in November 2011.

Title	Author
Identification of Vegetation and Habitat Sites on Mt Pember Station, Lees Valley. Report for Waimakariri District Council, December 2011	*Boffa Miskell Ltd*
Description of report	
Outlines the survey and inventory of 38 SNAs identified at Mt Pember Station in the Lees Valley with ecological values, and assessment of those values against the criteria for significance set out in Operative District Plan. Management guidelines to protect and enhance the ecological values are also provided.	

Title	Author
Identification of Vegetation and Habitat Sites on Cromdale Station, Lees Valley. Report for Waimakariri District Council, September 2012	*Boffa Miskell Ltd*
Description of report	
Outlines the survey and inventory of 12 SNAs identified at Cromdale Station in the Lees Valley with ecological values, and assessment of those values against the criteria for significance set out in Operative District Plan. Management guidelines to protect and enhance the ecological values are also provided.	

Title	Author
Identification of Vegetation and Habitat Sites on Richon Station, Lees Valley. Report for Waimakariri District Council, September 2012	*Boffa Miskell Ltd*
Description of report	
Outlines the survey and inventory of 15 SNAs identified at Richon Station in the Lees Valley with ecological values, and assessment of those values against the criteria for significance set out in Operative District Plan. Management guidelines to protect and enhance the ecological values are also provided.	

2.6 Consultation Undertaken

Internal consultation with relevant Waimakariri District Council staff and Councillors was undertaken as part of developing and testing the direction and content of draft provisions. External consultation has been undertaken as part of this District Plan Review process with key stakeholders and the local community.

2.6.1 Public consultation

Feedback from public consultation relevant to the Ecosystems and Indigenous Biodiversity Chapter is summarised below:

(a) **District Development Strategy** *(August 2017)*
- General support for protecting and enhancing indigenous biodiversity.

(b) **District Plan Review - Issues & Options** *(November 2017)*
- Oppose development of indigenous vegetated land.
- Consider biodiversity offsetting.

- Support for reviewing, protecting SNAs, maintaining and enhancing other indigenous vegetation to ensure no net loss.
- Requirements to maintain and protect indigenous biodiversity should be considered in the context of existing regulatory and non-regulatory methods and involve consultation with rural landowners.
- Support enhanced riparian management, wetland protection and biodiversity corridors.

(c) **'What's the Plan?'** *(May 2019)*

- Overall support for proposed development bonuses to incentives protection of biodiversity, with the importance of ensuring long term protection and successful biodiversity outcomes noted.
- Wetlands, remnants, water races have important biodiversity values. While one respondent suggested that there is no natural value worth protecting in the plains due to the level of cultivation/development there.
- Clearer rules are needed to protect SNAs and maintain other indigenous vegetation including riparian areas.
- Maintenance of improved pasture needs to be considered.
- Areas should be managed relative to their degree of biodiversity values (under a scale of low, medium, high).
- Incorrect enhancement planting can create issues with biodiversity and ecosystems.
- Provide for existing plantation forestry operations to continue.
- Clarity needed on how wetlands are defined.
- SNAs, rural character and potential productive land are interconnected so rules need to balance this.
- Support for the establishment of ecological corridors and SNA review process.

Comment: Overall, this feedback shows the protection and enhancement of indigenous biodiversity is important to the community.

2.6.2 RMA Schedule 1 consultation

RMA Schedule 1 consultation with statutory parties was carried out in March 2021 and included the following comments:

(a) Canterbury Regional Council

- Clarity is needed on how policies and rules apply to both mapped and unmapped SNAs.
- Amend biodiversity offsetting to ensure it is only applied in certain circumstances.
- Policy 11 of NZCPS needs to be addressed.
- Ensure activities regulated by the NES-Freshwater are not duplicated.
- Explain the different approach to limited indigenous vegetation clearance between the different ecological districts.
- Improved pasture maintenance should not apply to SNAs.

Response: The proposed provisions were updated to address these matters.

(b) Department of Conservation

- Improved pasture maintenance should not apply to SNAs.
- The definition of improved pasture needs a date to which the aerial imagery pertains to.

Response: The proposed provisions were updated to address these matters.

(c) Christchurch City Council

- Waimakariri River and margins should be a SNA given its biodiversity values, which would align with the SNA status for the Christchurch City Council side of the river.

Response: The Waimakariri River has not been identified and mapped as an SNA in the Proposed Plan, but could be considered through a variation or plan change if biodiversity values are assessed and confirmed as being significant.

(d) Selwyn District Council

- Questioned the appropriateness of allowing customary harvesting within SNA.
- Avoid duplication with NES-PF.

Response: Duplication with NES-PF has been addressed. Customary harvesting is a defined term so can be only undertaken within the defined parameters. It should be enabled in order to maintain and enhance cultural values associated with indigenous biodiversity therefore no change has been made to the provisions in relation to this.

2.6.2 Targeted consultation

2.6.2.2 Consultation with external stakeholders regarding bonus allotment incentives

The following consultation was undertaken with external stakeholders in relation to TDR and on-site bonus lot incentives.

(a) **Queen Elizabeth the Second National Trust (QEII)** *(October 2019)*

- Recommended that bonus lots should focus on areas of existing indigenous vegetation rather than planted areas, as more biodiversity gains could be made through existing sites.
- Provided some additional information on issues with planted sites, such as a lack of biodiversity and poor understory regrowth.

(b) **Canterbury Regional Council - Ecologist** *(October 2019)*

- Proposed incentives would be a useful tool for improving the health of kānuka remnants in the District.
- Kānuka sites in the Waimakariri District were some of the best examples of dryland kānuka in Canterbury and that this should be a high priority.

(c) **A sample of 18 landowners with existing SNAs – phone interviews & engagement evening to gauge perspectives toward the incentives and likelihood of implementation** *(November 2019)*

- There was approximately equal support for and against including TDR and on site bonus lot provisions in the Proposed District Plan.
- Monitoring requirements associated with subdivision incentives did not concern landowners.
- Overall, there was some support for subdivision incentives through district plan provisions.
- Many landowners interviewed are already undertaking some form of management of the listed SNA on their property.
- In general, landowners would consider utilising these if more information was available such as costs, monitoring requirements, and inspection conditions.

- Opposition to these proposed incentives was primarily related to protecting rural character and rural production, lifestyle choices, or because a landowner did not have enough information.

(d) **Canterbury Regional Council – Planners** *(March 2020)*

- Support for proposals to protect and enhance indigenous biodiversity.
- On-site development outside of Greater Christchurch was acceptable as Chapter 5 of the CRPS applies and does not contain any strong directive restrictions on the sort of urban scale development proposed in rural zones.
- While consolidation of urban development is the aim, if it is for the protection of indigenous biodiversity it is more acceptable.

Response: The above feedback, along with internal input and Council direction, informed the proposed on-site bonus allotment and bonus residential unit provisions.

2.6.2.1 Engagement with landowners of proposed SNAs (March – July 2021)

(a) Landowners of existing SNAs, or new SNAs identified via a field assessment were engaged with during March to July 2021 regarding the proposed SNA listings in the PDP. Refer to Appendix 1 for an outline of the SNA review process.

(b) Landowners were initially contacted by phone (where possible) to inform them of the SNA review process, they were then posted information which comprised a letter outlining the proposed SNA listings, maps, any ecological reports, review process and implications of having a SNA, the process to follow if they had any issues, ecosystem factsheet(s), and a funding and advice factsheet) for consideration.

(c) Landowners were asked to get in touch with Council to arrange a follow up meeting (either on their property or elsewhere) to discuss the SNA(s) and any queries or concerns they may have in more detail.

(d) Rural industry groups, industry stakeholders and local media were engaged with at the commencement of this landowner engagement process.

(e) A small number (eleven out of 93) landowners are opposed to the proposed listings. Reasons for opposition include the reduction of land use rights, the perception that SNAs are a 'land grab', the uncertainty around what exactly the rules for SNAs will be and what they may be in the future, the desire to use land within an SNA for another purpose, and concerns about reduced property value.

(f) Two of the landowners in opposition, along with one general member of the public, participated in a deputation to Council to outline their opposition to SNA listings.

(g) On 7 September 2021, Council confirmed to not list SNAs (or a portion of an SNA) where the landowner is opposed to the listing in the Proposed Plan.

Response: Discussions with landowners informed the proposed provisions to the extent that certain low risk activities undertaken within SNAs are provided for.

2.7 Iwi Authority Advice

Clause 3(1)(d) of Schedule 1 of the RMA sets out the requirements for local authorities to consult with iwi authorities during the preparation of a proposed plan. Clause 4A requires the District Council to provide a copy of a draft proposed plan to iwi authorities and have particular regard to any advice received. This section summarises the consultation feedback/advice received from the iwi authority relevant to ecosystems and indigenous biodiversity, and the District Council's consideration of, and response to (as required by Section 32(4A)(b) of the RMA), that feedback/advice.

Date	Iwi Authority	Subject Matter	Advice Received	Consideration of, and response to, Advice
10 June 2021	Ngāi Tūāhuriri Rūnanga	SNAs on Maori Land	All Maori land (Special Purpose Zone Kainga-Nohoanga) should be exempt from all rules in the Ecosystems and Indigenous Biodiversity Chapter. The Te Tiriti o Waitangi/Treaty of Waitangi guaranteed Maori rangatiratanga and the right for Maori to control decisions in relation to their lands and the things of value to them. The Canterbury Deeds of Purchase set aside reserves for mana whenua as both kainga nohoanga and mahinga kai. Ecosystems and indigenous biodiversity would be considered a taonga to Maori. An SNA which limits mana whenua from exercising rangatiratanga and kaitiakitanga over their land would be opposed. SNAs and their requirements should not apply to Maori Land.	*Advantages:* The proposed provisions allow Maori to exercise of rangatiratanga while recognising the right of the Crown to govern. *Disadvantages:* Perception of unfairness from landowner's outside-Maori land. *Recommended amendments:* Provisions give effect to advice received in that the rules of the Ecosystems and Indigenous Biodiversity Chapter do not apply to Maori Land, and there are no mapped SNAs on Maori land. *Reasons:* Recognises rangatiratanga and the right for Maori to control decisions in relation to their lands and the things of value to them as determined in Te Tiriti o Waitangi/Treaty of Waitangi.

2.8 Reference to Other Relevant Evaluations

This Section 32 topic report should be read in conjunction with the following evaluations:

- Strategic Directions: contains an overarching objective relating to indigenous biodiversity;
- Rural Zones: the underlying zones for many SNAs, contains correlating provisions relating to bonus allotments and bonus residential units, along with setback requirements for certain activities from SNAs;
- Subdivision: contains provisions for creation of a bonus allotment, and subdivision of a mapped SNA;
- Earthworks: contains provisions for earthworks within a SNA, or near water bodies;
- Sites and Areas of Significance to Māori: this chapter recognises the cultural values of certain SNA including wetlands/repo. It also aims to protect the ecological values of wāhi tapu and wāhi taonga sites;
- Special Purpose Zone (Kāinga Nohoanga): outlines how the Ecosystems and Indigenous Biodiversity Chapter provisions apply in the Special Purpose Zone (Kāinga Nohoanga);
- Natural Character of Freshwater Bodies: contains provisions regarding activities within natural character of scheduled freshwater bodies setbacks;
- Coastal Environment: contains provisions for activities within the coastal environment including natural character areas (ONC, VHNC, HNC), many of which overlay SNAs;
- Natural Features and Landscapes: contains provisions for natural features and landscapes, many of which overlay SNAs;
- Hazardous Substances: contains a rule precluding the establishment of a major hazard facility within a SNA;
- Energy and infrastructure: contains provisions managing activities within a SNA;
- Temporary Activities: contains provisions managing temporary military training activities within a SNA; and
- Natural Open Space Zone and Open Space Zone: the underlying zone for many SNAs.

3. STATUTORY AND POLICY CONTEXT

3.1 Resource Management Act 1991

Section 5 of the RMA sets out its purpose, which is to promote the sustainable management of natural and physical resources. In achieving this purpose, authorities need to recognise and provide for matters of national importance identified in Section 6, have particular regard to other matters listed in Section 7, and take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) under Section 8.

3.1.1 Section 6

The Section 6 matters relevant to this topic are:

(a) the preservation of the natural character of the coastal environment (including the Coastal Marine Area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;

(c) the protection of areas of significant indigenous vegetation and significant habitats of fauna; and

(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

Section 6(c) provides clear direction that the resources identified in the Chapter are to be protected. Aligned to that, sections 6(a) and 6(e) also identify coastal environment and fresh waterbody natural character and the relationship of Maori with ancestral land and water (among others), which can be supported through protection of significant indigenous vegetation and fauna habitat.

3.1.2 Section 7

The Section 7 matters relevant to this topic / chapter are:

(a) kaitiakitanga;
(aa) The ethic of stewardship;
(b) the efficient use and development of natural and physical resources;
(c) the maintenance and enhancement of amenity values;
(d) intrinsic values of ecosystems;
(f) maintenance and enhancement of the quality of the environment;
(g) any finite characteristics of natural and physical resources;
(h) the protection of the habitat of trout and salmon;
(i) the effects of climate change;

The section 7 matters identified above are relevant to this topic as the intrinsic values of ecosystems are directly relevant and supported by the matters of kaitiakitanga and the ethic of stewardship. Maintaining and enhancing environmental quality and recognising the finite qualities of the environment are also directly relevant, particularly in relation to the limited remaining remnants within the District. Efficient use of natural resources, climate change, amenity values, and trout and salmon habitat are also matters that are relevant in consideration of ecosystems and indigenous biodiversity.

3.1.3 Section 8

Section 8 requires the Council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Mana whenua, through iwi authorities, have been consulted as part of the review process. Runanga members were opposed to any provisions relating to SNAs applying to Maori Land due to the Treaty of Waitangi matters. This matter, along with the proposed response, has been outlined in Section 2.7.

3.1.4 Section 86B

Section 86B states that rules in proposed plans that protect areas of significant indigenous vegetation or habitats of indigenous fauna have immediate legal effect.

3.2 National Instruments

3.2.1 National Planning Standards

Under RMA s75 (3), a District Plan must give effect to a National Planning Standards. The Proposed District Plan has been prepared in accordance with National Planning Standards 2019, which were introduced by the Resource Legislation Amendment Act 2017 to make plans and policy statements more useable, accessible and easier to prepare.

The Proposed District Plan will give effect to the National Planning Standards by including a separate district-wide chapter for ecosystems and indigenous biodiversity that will address the identification

and management of significant natural areas, maintenance of biological diversity, and the intrinsic values of ecosystems and indigenous biodiversity.

3.2.2 National Policy Statements (NPS)

3.2.2.1 New Zealand Coastal Policy Statement 2010 (NZCPS)

Objectives 1 and 3 of the NZCPS provide relevant direction to safeguard and protect significant natural ecosystems and sites of biological importance, including coastal flora and fauna. There is also direction to recognise the role of tangata whenua as kaitiaki.

Policy 11, Indigenous biological diversity (Biodiversity), takes a two-tiered approach to protecting indigenous biodiversity in the coastal environment. Firstly, it requires avoidance of adverse effects on species that are threatened, at risk, naturally rare, or at their limit of their natural range, or areas that are nationally significant examples of community types, or areas set aside for protection. Secondly, it requires the avoidance of significant adverse effects, and the avoidance, remedying, or mitigation of other adverse effects on areas of predominantly indigenous vegetation, habitats that are important during vulnerable stages of indigenous species, vulnerable and unique habitats and ecosystems, habitats of indigenous species important for recreational, commercial or cultural purposes, habitats important to migratory species, and ecological corridors.

Direction in the proposed provisions to protect indigenous species and habitat, avoid adverse effects on these resources and recognise the significance of these resources to mana whenua as well as wider recognition of the role as kaitiaki, gives effect to Objectives 1, 3 and Policy 11 of the NZCPS. Policy direction includes ECO-P7, which seeks to avoid a range of adverse effects on indigenous biodiversity in the coastal environment, and this is supported by rule ECO-R2 and matter of discretion ECO-MD1.

3.2.2.2 Draft National Policy Statement for Indigenous Biodiversity (Draft NPS-IB)

The NPS-IB is currently under development with a draft released in November 2019 and an exposure draft expected later in 2021. It will likely provide a clear direction on the maintenance, restoration and integrated management of indigenous biodiversity at a national level. This Draft NPS-IB has been considered in the development of this chapter.

3.2.2.3 National Policy Statement for Freshwater Management 2020 (NPS-FM)

The NPS-FM was released in 2011, then amended in 2014 and 2017. The NPS-FM provides policy direction for the management of freshwater bodies, including protection of ecosystems, while giving effect to the Treaty of Waitangi. Its fundamental concept is Te Mana o te Wai, which is the vital importance of water. It requires freshwater to be managed so to prioritise (in this order) the health and well-being of water, the health needs of people, and the ability of people and communities to provide for their social, economic and cultural well-being.

The proposed provisions for ecosystems and indigenous biodiversity include setback distances from water bodies from indigenous vegetation clearance, and policy direction to safeguard the ecological integrity of waterbodies.

3.2.3 National Environmental Standards

The following regulations within the identified National Environmental Standards are directly relevant because they involve activities that require vegetation removal within SNAs and therefore can adversely affect the biodiversity values. The regulations recognise sensitive environments and set the regulation activity status accordingly.

3.2.3.1 NES Plantation Forestry 2017 (NES-PF)

The following NPS-PF regulations are relevant:

- Regulation 6(2)(b): A rule in a plan may be more stringent than these regulations if the rule recognises and provides for the protection of SNAs.

- Regulation 12: Afforestation must not occur within a SNA or an outstanding natural feature or landscape.

- Regulation 14(1)(d): Afforestation must not occur within 10m of a SNA.

- Regulation 78(1): Replanting must not occur in any area closer than the stump line to an adjacent SNA.

- Regulation 79(6): Wilding conifers established in wetlands and significant natural areas must be eradicated—
    - before replanting begins, if the wilding conifer has resulted from the previous harvest:
    - at least every 5 years after replanting, if the wilding conifer has resulted from the replanting.

- Regulation 93(2)(d): Clearance of indigenous vegetation in a SNA associated with a plantation forestry activity is a permitted activity if the indigenous vegetation is overgrowing a forestry track, if the track has been used within the last 50 years.

Comment: These regulations complement the proposed provisions, and a specific rule precluding plantation forestry within or near a mapped SNA was not included given it is controlled by the NES-PF.

3.2.3.2 NES Telecommunications Facilities (NES-TF)

The following NES-TF regulations are relevant:

- Regulation 48 and 49: Require that works are carried out in accordance relevant District Plan rules relating to SNAs.

3.2.3.3 NES for Electricity Transmission Activities 2009 (NES-ETA)

The following NES-ETA regulation is relevant:

- Regulation 30(2): Precludes trimming, felling and removing trees and vegetation within a natural area (which includes SNAs).

Comment: Transmission lines are included in the definition of critical infrastructure, strategic infrastructure, and regionally significant infrastructure. Rule ECO-R1(1)(d) permits indigenous

vegetation clearance within any mapped or unmapped SNA for maintenance, repair or replacement purposes within 2m of definition of critical infrastructure, strategic infrastructure, and regionally significant infrastructure. The proposed rule is therefore more lenient than the NES-TA. The NES-TA does not state either way whether a rule in a district plan may be more stringent or more lenient than it.

3.2.3.4 National Environmental Standards for Freshwater (NES-F)

The following NES-F regulations are relevant:

- Regulations 37 to 56 relate to natural wetlands and control restoration, scientific research, construction and maintenance of wetland utility structures, construction, maintenance and operation of specified infrastructure, sphagnum moss harvesting, arable and horticultural land use, natural hazard works, and drainage.

The proposed rules provide for any indigenous vegetation clearance (both within and outside a SNA) that is expressly provided for in the NES-F.

3.3 Regional policy statement and plans

3.3.1 Canterbury Regional Policy Statement 2013 (CRPS)

The District Plan must give effect to the CRPS. Ecosystems and indigenous biodiversity are specifically covered in Chapter 9 of the CRPS, which became operative in 2013. The CRPS specifies that territorial authorities will be solely responsible for specifying the objectives, policies and methods for the control of the use of land for the maintenance of indigenous biological diversity on all land outside of wetlands, the coastal marine area, and beds of rivers and lakes. It also identifies shared responsibility for the control of the use of land in the beds of rivers and lakes and in wetlands for maintenance of indigenous biological diversity where they are SNAs or if indigenous vegetation clearance provisions apply to them.

Objectives clearly identify the goal to halt the decline of Canterbury's ecosystems and indigenous biodiversity, restore and enhance those resources, and to protect SNAs.

Policy 9.3.1 requires that district plans provide for the identification and protection of SNAs to ensure no net loss of indigenous biodiversity or indigenous biodiversity values from land use, and manage the clearance of indigenous vegetation. It states that territorial authorities *may* include methods to provide for the identification and protection of SNAs however that it *will* include rules to manage indigenous vegetation clearance which provides for an assessment of whether the area comprises a SNA that warrants protection. The policy also promotes consultation with landowners in relation to identifying SNAs, consideration of fencing requirements and incentives for protection.

Policy 9.3.2 identifies priorities for protection including sand dune and wetland indigenous vegetation, (which in turn gives effect to the NZCPS). Other priorities are where there are low levels of remaining indigenous vegetation, rare ecosystems and threatened habitats.

Policy 9.3.3 seeks integrated management to halt indigenous biodiversity decline, including engagement with Ngāi Tahu, and use of iwi management plans to identify and protect areas and habitats of significance to Ngāi Tahu.

Policy 9.3.4 promotes ecological enhancement and restoration, Policy 9.3.5 seeks protection and enhancement of wetlands, and Policy 9.3.6 limits the use of biodiversity offsets.

Comment:

The proposed provisions give effect to the direction of the CRPS by providing a pathway for identifying and protecting both mapped SNAs and unmapped SNAs. The proposed provisions provide for Ngāi Tūāhuriri cultural heritage values associated with indigenous biodiversity.

Proposed provisions recognise the Regional Council's Plans for vegetation clearance and the applicable regulations, as well as the provisions of other chapters in the Proposed Plan. Incentives are proposed through a bonus allotment or bonus residential unit to encourage legal protection in perpetuity and physical protection and restoration.

3.3.2 Canterbury Land and Water Regional Plan 2018 (CLWRP)

The purpose of the CLWRP is to identify the resource management outcomes for managing land and water resources in Canterbury and achieve the purpose of the RMA. It manages land, water and biodiversity within the region in conjunction with other non-statutory methods.

Policy 4.85A, seeks to preserve indigenous biodiversity, the habitats of indigenous flora and fauna and natural character of Canterbury's braided river system by preventing further encroachment of activities onto the beds, banks and margins of lakes, braided rivers and associated wetlands and coastal lagoons (including by limiting vegetation clearance).

The CLWRP includes rules to manage vegetation clearance and earthworks, and effects on water bodies (including wetlands).

Comment:

The Proposed Plan is consistent with the above directions as it includes provisions to manage earthworks and indigenous vegetation clearance, including near water bodies.

3.4 Mahaanui Iwi Management Plan 2013 (IMP)

Under section 74(2A) the District Council must, when preparing or changing a district plan, take into account any relevant planning document recognised by an iwi authority and lodged within the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. The IMP is the mana whenua planning document that applies to the Waimakariri District (amongst other jurisdictional authorities).

The IMP identifies issues relating to the loss of indigenous biodiversity and restoration of it. It also notes an issue of wilding trees in the high country and foothill regions of the District. Mahinga kai habitat is also identified as a key issue to be addressed.

Issue TM2 Identifies that the widespread loss of indigenous biodiversity has significant effects on Ngāi Tahu and their culture and traditions with ancestral lands, water and sites, mahinga kai values and the health of land, water and communities.

The IMP recognises the ecosystem services provided by indigenous biodiversity, and policies under this issue address Ngāi Tahu interests in biodiversity, protection of remnant and restored areas, integrating indigenous biodiversity into the landscape, advocating for biodiversity corridors and recognition of ecosystem services.

Policies under Issue TM3 relate to the restoration of indigenous biodiversity. Policies advocate for, and provide principles for restoration, promotion of Ngāi Tahu knowledge, tools and tikanga, incorporation of mahinga kai and use of local seed sources.

Policies P11.7 and P11.8 require replacement of indigenous vegetation removed by earthworks and as mitigation for earthworks. Policy WAI19.1 supports the eradication of wilding trees.

Comment:

The proposed provisions are aligned with the IMP's direction of protecting and restoring indigenous biodiversity, and provide for customary harvesting of mahinga kai.

3.5 Any Relevant Management Plans and Strategies

The following management plans and strategies are relevant to this matter:

3.5.1 Reserve Management Plans

Relevant Reserve Management Plans include those for:

- Silverstream;
- Ashley Gorge;
- Matawai Park;
- Waikuku Beach Reserve;
- Northern Pegasus Bay Coastal Management Plan 2008;
- Tuhaitara Coastal Reserve;
- Waikuku Beach Reserves Management Plan 2006; and
- Forestdale Wetland Management Plan.

The Draft Recreation and Ecological Linkage Reserve Management Plan 2015 also considers issues relating to ecosystems and indigenous biodiversity. These reserve management plans play a role in managing biodiversity and have been taken into account.

3.5.2 Activity Management Plans

The Council's Activity Management Plans set annual levels of service and direction to guide development requirements, restrictions and conditions. The Utilities and Roading Activity Management Plan and Drainage Activity Management Plans can assist district plan implementation in relation to indigenous biodiversity. The current roading maintenance contract includes areas of roadside indigenous vegetation that must be protected during roading maintenance activities.

3.5.3 Long Term Plan (LTP) 2018-2028

The current LTP includes community outcomes relating to biodiversity and encourages conservation and restoration of areas of significant of indigenous vegetation and habitats for indigenous fauna. The Arohatia te Awa (Cherish the River) project on the Cam River is underway which will link land parcels together, increase public access, enhance biodiversity and improve environmental outcomes for the waterway over the longer term. These outcomes and projects are aligned with the proposed provisions.

3.5.4 Annual Plan 2020/2021

The Annual Plan also encourages the conservation and restoration of significant areas of vegetation as a community outcome, which aligns with the direction of the proposed provisions.

3.5.5 Engineering Code of Practice (ECoP) May 2016

The ECoP sets out the technical standards for engineering requirements and can be applied as conditions of resource consent and provides brief guidance around reserve planning, revegetation and restoration and connection of habitats.

3.5.6 Northern Pegasus Bay Bylaw (NPBB) 2016

The NPBB controls activities including camping, the use of horses and vehicles, on the foreshore, beaches and adjacent areas of Northern Pegasus Bay. The NPBB applies to all of the foreshore, and beach and adjacent land and water areas of Pegasus Bay under the control of the Council between the Waimakariri River Mouth marking the southern boundary of the Waimakariri District and north to the boundary with the Hurunui District.

The purpose of the NPBB is to address health and safety issues, manage conflicts between incompatible recreational activities, and manage the adverse impacts of recreational activities on foreshore habitats, dune systems, wildlife and vegetation of the estuaries and lagoons. Vehicle use is prohibited within the Ashley River Mouth and Ashley River/Rakahuri /Saltwater Creek Estuary without permit, and other activities such as horse riding and walking dogs on a leash are controlled.

3.5.7 Canterbury Water Management Strategy 2009

This strategy provides a vision to gain a range of benefits from water within a sustainable framework that manages water flow and levels, monitoring and research for freshwater resources. Outcome targets of the Strategy include ecosystem health and biodiversity.

3.5.8 Canterbury Urban Development Strategy (CUDS) 2016

The CUDS includes actions relating to protecting and enhancing indigenous biodiversity, ecosystems and mahinga kai values and taking a coordinated approach to identifying and improving biodiversity.

3.5.9 Waimakariri Residential Red Zone Recovery Plan (WRRZP) 2016

The WRRZP sets out the agreed long-term uses for the five regeneration areas at Kaiapoi West, Kaiapoi South, Kaiapoi East, Pines Beach, and Kairaki and includes a proposed restoration plan and mahinga kai gardens which are of relevance to ecosystems and indigenous biodiversity.

3.5.10 Department of Conservation (DoC) - New Zealand Biodiversity Strategy (NZBS) (2000 – 2020)

The NZBS reflects DoC's commitments under the Convention of Biological Diversity and establishes a framework for action to halt the decline of indigenous biodiversity.

3.5.11 DoC - New Zealand Biodiversity Action Plan (NZBAP) (2016 – 2020)

The NZBAP contains goals relating to mainstreaming biodiversity across government and society, reducing pressures on biodiversity and promote sustainable use, safeguarding ecosystems, species and genetic diversity, enhancing the benefits to all and enhancing implementation.

3.5.12 Canterbury Biodiversity Strategy (CBS) 2008

A CBS is a non-statutory document that establishes a framework of goals and priorities for undertaking biodiversity initiatives for the Canterbury region. Council adopted the CBS in 2008, which aims to

sustain and enhance the region's biodiversity. The District Plan shall have regard to this non-statutory strategy.

3.5.12 Canterbury Regional Pest Management Plan (CRPMP) 2018-2038

The CRPMP provides a framework for the efficient and effective management of pest plants and animals in Canterbury. It targets those areas identified as having biodiversity value and recognises the significant impact on biodiversity from pest species. The District Plan must have regard to this non-statutory plan. The proposed provisions do not allow for the planting of non-indigenous species within a SNA so are therefore aligned with the intent of this plan as all the pest listed are non-indigenous.

3.5.13 Summary Comment

The documents listed above provide consistent direction and management for the protection of ecosystems and indigenous biodiversity and are consistent with the aims of the proposed provisions and part of the integrated management of natural resources.

3.6 Any Other Relevant Legislation or Regulations

The following legislation / regulations are relevant to this matter:

1. The **Reserves Act 1977** provides for the preservation and management of areas throughout New Zealand with recreational values, various environmental values and any other special features;
2. The **Wildlife Act 1953** manages the protection and control of wild animals and birds, the regulation of game shooting seasons, and the constitution and powers of acclimatisation societies;
3. The **Conservation Act 1987** promotes the conservation of New Zealand's natural and historic resources. DoC is the main agency involved in the conservation of biodiversity. DoC is responsible for managing the conservation estate in the District, and protecting indigenous plants and animals. DoC also has an advocacy role in promoting conservation and administering funding grants.
4. The **Forests Act 1949** covers the harvesting, milling and exporting of indigenous timber and is administered by the Ministry of Primary Industries. Indigenous timber can only be taken from forests in a way that maintains forest cover and ecological balance.
5. The **Biosecurity Act 1993** provides a legal framework to keep harmful organisms out of New Zealand.

3.7 Any Plans of Adjacent Territorial Authorities

The District Council is required to have regard to the extent to which the district plan needs to be consistent with the plans and proposed plans of adjacent territorial authorities under Section 74(2)(c) of the RMA. While the Mackenzie District Council is not an adjacent territorial authority, the decision version of Proposed Plan Change 18 (Indigenous Biodiversity) to the Mackenzie District Plan was also reviewed given how recently it was released (June 2021) and is therefore based on up to date evidence

All second generation plans below were developed under the Canterbury Regional Policy Statement directions for ecosystems and indigenous biodiversity.

3.7.1 Christchurch District Plan (CDP)

The CDP was developed under a special fast-track process following the Canterbury Earthquakes and preceded the introduction of the National Planning Standards. The approach to ecosystems and indigenous biodiversity is broadly consistent with the approach in the Proposed Waimakariri District Plan as the CDP identifies the significant loss of ecosystems and indigenous biodiversity and habitat of fauna and identifies SNA on public land and some private land. A second schedule identifies sites that require further collaboration with landowners, with the signalled intention that the collaborative process will result in adding further sites to the schedule of sites of ecological significance.

Methods restrict indigenous vegetation clearance, seek to revegetate using local seed sources, and provide for customary harvest. The CDP also has unmapped SNAs which comprise any area containing significant indigenous vegetation or habitats listed in an appendix that would be considered a SNA and the same rules that apply to mapped SNAs also apply to these. A Farm Biodiversity Plan approach is also utilised for indigenous vegetation clearance within mapped and unmapped SNAs as a restricted discretionary activity. It is understood that most of the mapped SNAs are located on public land and those located on private land were listed on a voluntary basis.

3.7.2 Hurunui District Plan (HDP)

The HDP similarly acknowledges the direction of the CRPS and that the most significant loss of ecosystems and indigenous biodiversity (up to 90%) is in the lowland and coastal areas of the District. The HDP recognises the important stewardship carried out by many landowners who have actively protected biodiversity. It aims to protect and maintain indigenous biodiversity and to identify SNAs. However there are no listed/mapped SNAs, nor are significant species or habitats that form unmapped SNAs listed. Instead rules limit certain indigenous vegetation clearance and aim to identify and protect areas of significant biodiversity value though a biodiversity management plan approach.

3.7.3 Proposed Selwyn District Plan (PSDP)

The PSDP was notified in 2020 and has similarly been developed under the National Planning Standards and CRPS. The PSDP takes a consistent approach to that in the CDP and Proposed Waimakariri District Plan in identifying the wider significance of indigenous vegetation and its maintenance and enhancement, including cultural associations.

The intention to schedule SNAs using set criteria is consistent with proposed provisions however there are none listed at this stage. Unmapped SNAs are addressed within certain overlay areas though a general indigenous vegetation clearance rule that goes from restricted discretionary activity status to non-complying if it involves any of the species in the indigenous species and area lists (which specifies habitats that feature certain species, in some cases with a minimum contiguous area). The PSDP also includes the development and use of a Biodiversity Management Plan.

3.7.4 Mackenzie District Plan (MDP)

The decision on Mackenzie District Council Plan Change 18 of the MDP was released in June 2021. It has a focus on protecting SNAs, maintaining and enhancing other indigenous biodiversity while recognising the national significance of the hydro power scheme and National Grid. It enables activities carried out in accordance with a Farm Biodiversity Plan (which require comprehensive identification and protection and/or enhancement of significant indigenous biodiversity values).

Indigenous vegetation clearance within a SNA, near waterbody (riparian margin) or above 900m in altitude is a non-complying activity unless within Farm Base area, associated with repair or

maintenance of existing utilities, tracks or structures, or for the purpose of erosion and flood control works. It does not have provision for unmapped SNAs. It is understood that the SNAs listed in the MDP were listed on a voluntary basis.

3.7.5 Summary Comment

Overall, the proposed provisions are broadly consistent with the above plan's provisions as they all aim to protect SNAs and maintain other indigenous biodiversity. None of the above plans offer any type of development right incentives for protecting and restoring SNAs like those in the proposed provisions (however it is noted that these are much more common in District Plans in the North Island). Such incentives were developed and included the proposed provisions in order to go in some way of addressing the opportunity cost issues associated with SNAs and therefore assist in them to being more of an economic asset to landowners.

The Biodiversity Management Plan / Farm Biodiversity Plan approach is utilised by all the above plans as a resource consent pathway. This approach is provided for in the proposed provisions as a matter of discretion.

All the above plans seem to take the approach of including voluntary mapped SNA listings only (noting that some have none listed). There are varying degrees of provision for unmapped SNAs, with some plans providing no pathway for this while others provide a specific, description of species or habitats protected, and others just providing criteria.

4. KEY RESOURCE MANAGEMENT ISSUES

The resource management issues set out in this section have been identified using sources of information including (but not limited to) the following:

a. Monitoring and District Plan Effectiveness Review of the Operative District Plan;

b. Internal and external stakeholder consultation;

c. Issues and Options and 'What's the Plan?' consultation responses; and

d. Review of best practice and background reports.

4.1 Issue 1: Continued Loss of Scarce Indigenous Biodiversity Resource

The continual loss of New Zealand's ecosystems and indigenous biodiversity by fragmentation, destruction, and degradation as a result of land use, invasive pests and diseases, has been widely documented (refer to Section 2.5). These areas are scarce and have significant biodiversity value and are critical for preventing the extinction of rare species and ecosystems. Protecting these areas from the adverse effects of land use, and supporting management of pests and diseases, is essential for their survival.

4.2 Issue 2: Land Use and Development within SNAs

The protection of SNAs benefit the wider community but the protection of the SNA is more directly the responsibility of the landowner. Landowners also benefit from the ecological services, biodiversity values and amenity values provided by the SNA, there are few other incentives to encourage landowners to protect SNAs.

While the vast majority of landowners appear to be supportive of, or at least unopposed to, the proposed SNA listings, some landowners are opposed to them. Reasons for this opposition include:

1. the associated land use restrictions and therefore the loss of property rights;
2. the opportunity cost in terms of the loss of the ability to clear the vegetation and develop their land for a more intensive use (e.g. productive farming, plantation forestry for the Emissions Trading Scheme);
3. the potential for reduced property values;
4. perception that they are a 'land grab' (despite still owning the land and the ability to use it within the permitted restrictions; and in the case of the existing Operative District Plan's SNAs, being listed with landowner agreement initially);
5. uncertainty of what restrictions or requirements may apply in the future;
6. regulatory nature of SNAs – some landowners prefer voluntary protection only, either via QEII covenants or other non-regulatory measures; and
7. landowners can feel penalised for protecting what remains whereas landowners who cleared such vegetation in the past do not face the same restrictions on the use of their land. Furthermore, the less indigenous vegetation/habitat there is left, the more significant each area becomes and therefore landowners with remnants feel further penalised.

5. OVERVIEW OF PROPOSED OBJECTIVES, POLICIES AND METHODS

5.1 Strategic Direction

SD-01 Natural Environment includes the aim for '…*an overall net gain in the quality and quantity of indigenous ecosystems and habitat, and indigenous biodiversity…;'*. The proposed provisions give effect to this objective by protecting and restoring SNAs, and maintaining or enhancing other areas of indigenous vegetation and habitats of indigenous fauna, in order to achieve an overall increase in indigenous biodiversity.

5.2 District-wide Subject

The ECO – Ecosystems and indigenous biodiversity is a district-wide chapter that contains objectives, policies, and methods that protect SNAs and maintain indigenous biodiversity. Appendix 2 (APP2) contains the standards for creation of any bonus allotment and establishment of any bonus residential unit, which are the development rights proposed to incentivise protection and restoration of mapped SNAs.

5.3 Proposed Objective and Policies

Appendix 2 of this report lists the proposed objective and policies for this chapter. The objective ECO-O1 aligns with that of the SD-01 and Policy 9.3.1 of the CRPS by aiming for an overall biodiversity gain (therefore no net loss) through protection and restoration of SNAs, and maintenance and enhancement of indigenous vegetation and habitats of indigenous fauna.

Policy ECO-P1 recognises the importance of identifying and mapping SNAs. Mapping SNAs provides a greater level of clarity and certainty for both landowners and Council and therefore would likely result in a higher level of protection.

Policy ECO-P2 details how SNAs will be protected and restored through regulatory and non-regulatory methods. Regulatory methods include land use restrictions within SNAs, irrigation restrictions near SNAs to provide a buffer from edge effects, provision of bonus allotments or bonus residential units.

Policy ECO-P3 outlines the approach for bonus allotments and bonus residential units, which have the purpose of incentivising legal and physical protection, and restoration of mapped SNAs by providing the development right of a bonus allotment or bonus residential unit in exchange. The policy also

provides recognition that some SNAs are very large in area and therefore there can be some level of flexibility in providing an additional bonus allotment or bonus residential unit in these situations, provided the ecological benefits to the SNA or outside the SNA are justified.

Policy ECO-P4 outlines the regulatory and non-regulatory approach for maintaining and enhancing indigenous vegetation/habitats outside of SNAs and justifies the ecological district approach taken where indigenous vegetation clearance within the Low Plains and High Plains ecological districts is more restricted due to the significantly lower proportionate area of indigenous vegetation remaining there.

Policy ECO-P5 outlines the circumstances where a biodiversity offset may be considered. Policy ECO-P6 enables customary harvesting. ECO-P7 gives effect to Policy 11 of the NZCPS. ECO-P8 recognises the role adjacent indigenous vegetation clearance plays in affecting waterbodies.

5.4 Proposed Methods

The following methods are proposed to implement the proposed objectives and policies.

5.4.1 Rules

- ECO-R1 - Indigenous vegetation clearance within any mapped or unmapped SNA
- ECO-R2 - Indigenous vegetation clearance outside any mapped or unmapped SNAs, within:
    - Lower Plains Ecological District and High Plains Ecological District; and
    - Oxford Ecological District, Torlesse Ecological District, and Ashley Ecological District
- ECO-R3 - Planting of indigenous vegetation, within:
    - Any mapped SNA
    - Any Outstanding Natural Character, Very High Natural Character, High Natural Character area in the Coastal Environment
- ECO-R4 - Irrigation within 20m of any mapped SNA that is not part of a QEII covenant
- ECO-R5 - Bonus allotment
- ECO-R6 - Bonus residential unit
- ECO-R7 - Woodlot, shelterbelt or planting of any non-indigenous vegetation within any mapped SNA

5.4.2 Matters of Discretion

The matters below are designed to guide the assessment of the following restricted discretionary activities:

- ECO-MD1 – Indigenous vegetation clearance
- ECO-MD2 – Species selected for planting
- ECO-MD3 – Bonus allotment or bonus residential unit

5.4.3 Schedules

The following schedules form a key part in the function of this chapter:

- ECO-SCHED1 - Schedule of mapped SNAs
- ECO-SCHED2 – Schedule of indigenous vegetation or habitat types comprising unmapped SNAs
- ECO-SCHED3 – Schedule of naturally uncommon ecosystems, and species that are threatened, at risk, or reach their national or regional distribution limits in the District
- The mapped SNAs listed in ECO-SCHED1 will also be shown spatially on the planning map (refer to Appendix 1 of this report for an outline of how these mapped SNA were identified).

The 'Priorities for Indigenous Biodiversity Protection in Waimakariri District' report prepared by Wildland Ecologists Ltd (detailed in Section 2.5) was used to develop an approach for detailing unmapped SNAs in ECO-SCHED2, and managing general indigenous vegetation clearance in ECO-SCHED3 as follows:

- Table 4 '*Indigenous vegetation and habitat types that are priorities for protection in four geographic areas (ecological) in the District*' was utilised as the basis for unmapped SNAs. However, to ensure it was more usable, thresholds were added for each vegetation/habitat type. These thresholds were derived from analysis of the minimum area of mapped SNAs of similar vegetation/habitat types in order to form a benchmark, then approximately halved in order to provide contingency. Therefore, a vegetation/habitat type that has a contiguous area greater than or equal to the minimum area specified, would be an unmapped SNA and managed in accordance with the rules. The table also notes typical species present in such vegetation/habitat types to aid application.
- Provision was also added for an area of vegetation which provides habitat for an indigenous fauna species that is threatened, at risk, uncommon, (nationally or within the relevant ecological district) or that is endemic to the Canterbury region as this a matter noted in other plans.
- It is important to note that the vegetation/habitats must be naturally occurring (not planted or artificially created) in order for these schedules to apply.
- The report notes that the species listed in Table 6 '*Threatened, At Risk, and Data Deficient vascular plant species recorded or likely to be present in Waimakariri District*' and Table 7 '*Uncommon indigenous vascular plant species*' would generally have less utility given the exhaustive nature of these lists and subsequent challenges in implementing vegetation clearance rules relating to them. It recommends selecting a subset of these species to focus on instead. For this reason, all the species with a conservation status of 'threatened' or 'at risk' have been included in ECO-SCHED3, while the 'data deficient' species, along with all the uncommon indigenous vascular plant species have not.
- Tables 5, 6 and 8 were used for ECO-SCHED3 (Schedule of naturally uncommon ecosystems (listed in Table ECO-1 of ECO-SCHED3), and plant species that are threatened, at risk, (listed in Table ECO-2 of ECO-SCHED3) or reach their national or regional distribution limits in the District (listed in Table ECO-3 of ECO-SCHED3), along with the non-vascular species known to be present. This schedule is used to manage indigenous vegetation clearance outside of mapped and unmapped SNAs so that vegetation clearance occurring under the $100m^2$/10% limit in the Ashley, Torlesse and Oxford ecological districts can only proceed as permitted activity if none of these species/ecosystems are affected. The protection or management of species/habitats listed in this schedule are applied as a matter of discretion for all ecological zones for a restricted discretionary activity for indigenous vegetation clearance.

An additional unmapped SNA habitat type of '*an area of vegetation which provides habitat for an indigenous fauna species that has a conservation status of Threatened - Nationally Critical or Threatened - Nationally Endangered*' was added for each geographic area (ecological) and ecological district in order to provide a 'catch-all' for vegetation that provides habitat to these fauna given their conservation status[1]. Within the Canterbury Region, this currently equates to ten fauna, three of which are wetland birds (Australasian bittern, Grey duck, White heron), whose habitat (wetland) is

[1] Sourced from https://rarespecies.nzfoa.org.nz/regions/canterbury/

already protected as an unmapped SNA one coastal bird (reef heron), one forest bird (Kea), two fish (Canterbury mudfish, Lowland longjaw galaxias), two bats (Long-tailed bat, one invertebrate (Holcaspis brevicula), and one lizard (Rough gecko). The conservation status of Threatened – Nationally Vulnerable was not included as it was considered this would add an unreasonable level of uncertainty to the unmapped SNA schedule given it currently comprises 15 species.

5.4.4 Appendices

The following appendices are included in the chapter:

- Appendix ECO-APP1 contains the criteria for determining SNAs from Appendix 3 of the CRPS.
- Appendix ECO-APP2 contains the principles for biodiversity offsetting from the Draft NPS-IB.

The APP2 appendix (which is located within the overall Appendices section, not the appendices section of this chapter), specifies the standards for creation of any bonus allotment and establishment of any bonus residential unit. The points below outline the basis for this proposed approach.

- This approach was proposed in order to help to provide development right incentives to landowners of SNAs thereby assisting with protection and restoration. SNA landowners that create a bonus allotment (which has the right to have a residential unit and minor residential unit) could sell it off for economic gain if desired; which helps to in some way address the opportunity cost issue of SNAs.
- While the potential for using TDRs was investigated (and as noted in Section 2.5 of this report, the QV report estimated a value of a TDR at $50,000 to $80,000), it was determined that an on-site development right incentive was the first step in providing incentives for biodiversity and the mechanics of a TDR system needed further analysis and consideration.
- A bonus allotment size of 1-2ha was selected as this is under than the lowest proposed minimum rural lot size of 4ha, and given the limited nature of these bonus allotments and the fact that it is for the purpose of protecting indigenous biodiversity (a matter of national importance), would have minimal adverse effects on rural productivity and rural character.
- Bonus residential units are also proposed in order to provide an additional residential unit (and right for a minor residential unit if desired) on a rural lot where this would not be permitted within delineated area rules.
- These incentives are only offered for mapped SNAs in order to incentivise them in recognition of the greater level of protection mapped SNAs provide in terms of clarity and certainty.
- Buffers for restoration planting or regeneration facilitation (e.g. kānuka scraping) are required to enhance the ecological integrity of the SNA. The buffer distances vary depending on the size of the SNA being protected in order to provide a level of equity (e.g. larger sites have smaller buffers). Council could consider a reduced buffer area requirement for sites that have a particularly large SNA area through a non-complying resource consent application.
- The kānuka and wetland ecosystems were selected as priorities for these provisions due to the highly threatened nature of these ecosystems and therefore strong need for protection and restoration, while a 'catch-all' ecosystem is provided however with a larger minimum area. The minimum ecosystem areas were selected based on prioritising larger areas for these provisions as that is where greater ecological gains would be.
- ECO-P3 also includes consideration of circumstances where one additional bonus allotment or bonus residential unit could be provided (as a non-complying activity) where the SNA is particularly large, in order to provide some level of equity.
- The requirements of the management plan were derived from analysis of a number of District Plans in the North Island which contain these type of provisions, and recognise the importance

of legal protection in perpetuity, pest management, ongoing monitoring and management of edge effects through the use of the buffer.

- The provisions require that buffer restoration /regeneration is established successfully, legal protection in place, and initial pest control undertaken prior to providing the incentive (bonus allotment or bonus residential unit) in order to manage compliance.

5.4.5 Definitions

Definitions will cover key terms used with the chapter including:

- significant natural area;
- mapped SNA;
- unmapped SNA;
- bonus allotment;
- bonus residential unit;
- indigenous biodiversity;
- indigenous vegetation;
- indigenous fauna;
- indigenous vegetation clearance;
- ecological district; and
- improved pasture.

5.4.6 Advice Notes

Advice notes relate to the assistance in determining an unmapped SNA, advice on planting species from within the ecological district, the encouragement of pre-application meetings for bonus residential unit applications (it is noted the rule for the creation of a bonus allotment sits in the subdivision chapter), and an outline of other commonly applicable regulatory requirements relating to indigenous vegetation.

5.4.7 Planning Map Layers

The Significant Natural Areas (SNAs) overlay shows mapped SNAs as polygons in order to provide more clarity to landowners and to better protect indigenous vegetation. Currently, the Operative District Plan shows SNAs as a single point located on a particular property or near the centre of the indigenous vegetation which resulted in confusion and a lack of awareness of SNA for many property owners.

The ecological district layer and Geographic area (Ecological) layer are required for determining unmapped SNAs, and also indigenous planting requirements (ecological districts layer only).

5.4.8 Other District Plan Chapters

Refer to Section 2.8 for a list of other District Plan chapters that form part of the overall method for ecosystems and indigenous biodiversity.

6. SCALE AND SIGNIFICANCE EVALUATION

Section 32 (1)(c) of the RMA requires that a Section 32 report contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposed objectives, policies and methods.

The level of detail undertaken for the subsequent evaluation of the proposed objectives, policies and methods has been determined by this scale and significance assessment.

In particular, Section 32 (1)(c) of the RMA requires that:

(a) Any new proposals need to be examined for their appropriateness in achieving the purpose of the RMA;

(b) The benefits and costs, and risks of new policies and methods on the community, the economy and the environment need to be clearly identified and assessed; and

(c) All advice received from iwi authorities, and the response to the advice, needs to be summarised.

Further, the analysis has to be documented to assist stakeholders and decision-makers understand the rationale for the proposed objectives, policies and methods under consideration.

In making this assessment regard has been had to a range of scale and significance factors, including whether the provisions:

(a) Are of regional or district wide significance;

(b) Involve a matter of national importance in terms of Section 6 of the RMA;

(c) Involve another matter under Section 7 of the RMA;

(d) Raise any principles of the Treaty of Waitangi (Te Tiriti o Waitangi) under Section 8 of the RMA;

(e) Address an existing or new resource management issue;

(f) Adversely affect people's health and safety;

(g) Adversely affect those with particular interests including Maori;

(h) Adversely affect a large number of people;

(i) Result in a significant change to the character and amenity of local communities;

(j) Result in a significance change to development opportunities or land use options;

(k) Limit options for future generations to remedy effects;

(l) Whether the effects have been considered implicitly or explicitly by higher order documents; and

(m) Include regulations or other interventions that will impose significant costs on individuals or communities.

Policies and methods have been evaluated as a package, as together they address a particular issue and seek to meet a specific objective.

6.1 Evaluation of Scale and Significance

	Low	Medium	High
Degree of change from the Operative Plan		✓	
While the majority of the mapped SNAs listed in the proposed provisions are a roll-over of those listed in the Operative Plan, the area of the SNA will now be shown on the planning map instead of a single point, which will provide greater clarity to Council and landowners however some landowners may have preferred the discreetness of only showing the SNA as a point. New approaches in the proposed provisions include the bonus allotment and bonus residential unit incentives, unmapped SNAs, and preclusion on irrigation within 20m of a mapped SNA.			

The indigenous vegetation clearance rule outside of SNAs is more restrictive in that it is only limited to specific activity based permitted standards, except within the Ashley, Torlesse or Oxford Ecological Districts where a general area limit of up to 100m^2 (compared to the 500m^2 currently permitted in the Operative District Plan) provided it does not affect any species listed in ECO-SCHED3.			
Effects on matters of national importance			✓
This chapter directly effects matter of national importance section 6(c) - the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. The significance of Section 6(c) has been confirmed by the Environment Court, as per the King Salmon decision (SC 82/2013 [2014] NZSC 38), which highlighted that this protection is absolute (i.e. there is no qualification that the protection is from inappropriate subdivision, use and development like there is in other section 6 matters). Furthermore, the CRPS Policy 9.2.1, 'halting the decline in Canterbury's ecosystems and indigenous biodiversity', carries this protection imperative through. The requirement to 'protect' and 'halt decline' means that there must be pro-active safeguarding of indigenous biodiversity through avoidance of adverse effects, which is best provided by regulatory measures. The NPS-IB currently in development also indicates the significance of indigenous biodiversity at a national level.			
Scale of effects geographically (local, district wide, regional, national)		✓	
The geographic scale of the effects of the proposed provisions could range from district wide to national depending on the impact they have on the conservation status of indigenous vegetation species and indigenous fauna.			
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?)			✓
The proposed provisions apply district-wide. However, mapped SNAs are only located within a small proportion of the District, within the rural or open space zones. In terms of unmapped SNAs, it's most likely these will also be primarily located in the rural and/or open space zones as given the developed nature of urban environments. Similarly, the general indigenous vegetation clearance restrictions would typically only apply to rural or open space zones. Therefore the landowners of these zones will be affected by the restrictions imposed. While the costs of protecting SNAs are generally borne by the landowner, the benefits of the protection results in an overall community an environmental benefit / public good (however can also provide amenity values, ecological services and biodiversity values to landowners too) in terms of the quality and quantity of the community's indigenous biodiversity. These benefits are not just district-wide, but national as they contribute to our natural heritage. The benefits and costs apply to current and future generations.			
Scale of effects on those with specific interests, e.g., Mana Whenua, industry groups			✓
The issue is significant for those with specific interests, including those in the primary sector industry where restrictions will be imposed on farming, and environmental protection groups or agencies, where outcomes will be determined for indigenous biodiversity. Mana whenua have also identified specific interest through the Iwi Management Plan and advice received.			
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice? Is it consistent, inconsistent or contrary to those?			✓
As outlined in Section 3.1 – 3.3, the proposed provisions involve effects that have been considered explicitly by a number of higher order documents including the CRPS, NZCPS, Draft NPS-IB, along with Section 6(c) and 30 of the RMA. It is consistent with these higher order documents.			

However, the Draft NPS-IB is not yet finalised and therefore the uncertainty around this adds some degree of policy risk. The NPS-FW is new and therefore implementation is in its early days. Added to that is the landowner opposition in some cases, along with protest on environmental regulation from the farming sector in July 2021. Overall there is significant uncertainty and therefore a high degree of policy risk.			
Likelihood of increased costs or restrictions on individuals, communities or businesses		✓	
There is a medium likelihood that the proposed provisions will impose increased restrictions and costs on individual landowners, and businesses (primary farmers) through restricting indigenous vegetation clearance activities within and outside SNAs, and requiring potential ecological input on resource consent applications.			

6.2 Summary - Scale and Significance

Overall the scale and significance of this proposal is assessed as high. Given this, the level of detail in this report corresponds to with the scale and significance of the environmental, economic and cultural effects anticipated from the implications of the proposed provisions.

7. EVALUATION OF PROPOSED OBJECTIVES

Section 32(1)(a) of the RMA requires the District Council to evaluate the extent to which the objectives are the most appropriate way to achieve the purpose of the RMA. The level of detail undertaken for the evaluation of the proposed objectives has been determined by the preceding scale and significance assessment. Below is a summary of the proposed objectives that have been identified as the most appropriate to address the resource management issue(s) and achieve the purpose of the RMA, against those objectives in the operative plan.

7.1 Evaluation of Proposed Objectives

For the purpose of this evaluation, the Council has considered the following potential objectives:

1. The status quo
2. The proposed objective
3. A reasonable alternative objective

Existing Objectives / Status quo	**Appropriateness to achieve the purpose of the Resource Management Act 1991**
Objective 6.1.1 Safeguard indigenous biological diversity and ecosystem integrity, and recognise and provide for the protection of significant indigenous vegetation and significant habitats of indigenous fauna.	**Relevance:** Directly relevant to Section 6(c) of the RMA. Indigenous biodiversity (outside of SNAs) is given the higher level of protection of 'safeguarding' as opposed to the Section 31 requirement for maintenance.
	Reasonableness: As noted above, the objective's aim of safeguarding indigenous biodiversity and ecosystem integrity, along with protecting SNAs, which is a priority under section 6 of the RMA. Some landowners may consider this unreasonable as it requires a high level of protection for all indigenous biodiversity, regardless of significance.

Existing Objectives / Status quo	Appropriateness to achieve the purpose of the Resource Management Act 1991
	Achievability: As the identification of SNA's is limited to voluntary ones, and the mapping is not clear, this has limited the achievement of protection and safeguarding. Thus while fewer listings makes the objective easier to achieve, it is less relevant to achieving section 6(c) directions. As noted above, achieving the safeguarding of all indigenous biodiversity and ecosystem integrity may not be achievable in practice.
Objective 6.2.1 Maintain, enhance and, where appropriate, restore wetland ecosystems.	**Relevance:** While wetlands are not singled out in the RMA, they are waterbodies, typically with areas of indigenous vegetation and habitat of indigenous fauna (and are now naturally uncommon ecosystems) so the objective is relevant. The objective also aligns with the direction of the NPS-FM and NES-F which protects natural wetlands.
	Reasonableness: The objective does not give criteria for where restoration of wetlands would be considered appropriate which leaves this up to subjective interpretation. This lack of guidance detracts from its reasonableness.
	Achievability: The objective is achievable under the powers and functions of the RMA. However as noted above, the lack of guidance on when restoration may be considered appropriate would detract from its achievability.
Objective 6.3.1 Maintain, enhance and restore where appropriate waterways and roadsides as areas of indigenous vegetation, mahinga kai and habitats of indigenous fauna.	**Relevance:** The objective is relevant to the purpose of the RMA as it provides for cultural well-being by recognising the role of waterways and roadsides in providing mahinga kai, and recognises the role of these areas for indigenous vegetation and habitat of indigenous fauna.
	Reasonableness: This objective does not give criteria for where maintenance, enhancement and restoration of waterways and roadside indigenous vegetation areas would be considered appropriate which leaves this up to subjective interpretation. It is likely this was an error in the punctuation and the actual intention was similar to that of Objective 6.2.1 in that the 'where appropriate' relates to the restoration only. This lack of guidance detracts from the objective's reasonableness.
	Achievability: Similar to Objective 6.2.1, this objective is achievable under the powers and functions of the RMA. However as noted above, the lack of guidance on when maintenance, enhancement or restoration may be considered appropriate detracts from its achievability.
Proposed Objective – the most appropriate	**Appropriateness to achieve the purpose of the RMA**
ECO-O1 Ecosystems and indigenous biodiversity	**Relevance:** The objective is relevant as it relates to and recognises both section 6(c) matters along with Section 31. It relates to the purpose of the RMA in that it aims to sustain

Existing Objectives / Status quo	Appropriateness to achieve the purpose of the Resource Management Act 1991
Overall, there is an increase in indigenous biodiversity throughout the District, comprising: 1. protected and restored SNAs; and 2. other areas of indigenous vegetation and habitats of indigenous fauna that are maintained or enhanced.	indigenous biodiversity and safeguard the life supporting capacity of ecosystems.
	Reasonableness: The objective is reasonable as it limits these requirements to SNAs only in order to enable protection and restoration as well as social and economic well-being. This objective is consistent with the outcomes identified by the community (outlined in Section 2.5) that biodiversity should be protected and enhanced. The objective will guide decision making as it provides a two-tiered approach to managing indigenous biodiversity.
	Achievability: The objective is achievable within the functions and powers of the RMA. The application of mapped and unmapped SNA restrictions on indigenous vegetation clearance, introduction of development right incentives, restrictions on plantings within SNAs and irrigation near them will protect and restore SNAs. The general indigenous vegetation clearance restrictions, along with and the possibility of biodiversity offsetting, will maintain or enhance other areas.
Alternative Objective	**Appropriateness to achieve the purpose of the RMA**
ECO-O1 Ecosystems and indigenous biodiversity An overall net gain in indigenous biodiversity is achieved entirely through non-regulatory methods by encouraging and supporting landowners and the community to protect, restore, maintain, and enhance areas of indigenous vegetation and habitat of indigenous fauna.	**Relevance:** The objective is less relevant as it is unlikely to achieve the Section 6(c) requirement to protect SNAs as it would solely rely on non-regulatory methods which would rely on landowner willingness for protection and restoration, economic circumstances, and community goodwill.
	Reasonableness: The objective anticipates no regulatory controls on individuals, business or the wider community. As the objective is for a full non-regulatory approach there will be no associated rules and therefore no rules or standards that must be complied with. This could result in unreasonable outcomes for indigenous biodiversity and the community, in respect of the direction set out in the RMA.
	Achievability: This objective less achievable, as having no regulatory controls over a matter of national importance, and a matter that has significant tensions between individual property rights and biodiversity outcomes, contains significant risk. Indigenous biodiversity could decline where other land uses become more economically viable.

7.2 Summary - Evaluation of Proposed Objectives

The status quo does not clearly address the maintenance and enhancement of other areas of indigenous vegetation and habitat of indigenous fauna (outside of SNAs) aside from wetlands,

waterways and roadsides. It requires the safeguarding of ecological integrity and indigenous biodiversity which is a higher status than maintenance, and has not been achieved over the life of the Operative Plan.

The alternative objective would not be achievable or reasonable to give effect to the RMA requirements due to the lack of certainty provided by a non-regulatory approach. Even under a competitive economic incentives programme, indigenous biodiversity could still decline where other economic land uses become more viable.

The proposed objective is the most appropriate means of achieving the purpose of the RMA as it clearly states the outcomes Council is seeking, aligns with the direction of the RMA, national and regional policy, and is consistent with other district plans.

8. EVALUATION OF PROPOSED POLICIES AND METHODS

Section 32 (1)(b) of the RMA requires an evaluation of whether the proposed policies and methods are the most appropriate way to achieve the proposed objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the proposed policies and methods in achieving the objectives, and summarising the reasons for deciding on the proposed policies and methods.

The level of detail undertaken for the evaluation of the proposed policies and methods has been determined by the preceding scale and significance assessment.

The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the proposed policies and methods, including opportunities for economic growth and employment.

The assessment must, if practicable, quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

Policies and methods have been evaluated as a package, as together they address a particular issue and seek to meet a specific objective.

8.1 Evaluation of Proposed Policies and Methods

Policies and methods option most appropriate to achieving the objective relating to ecosystems and indigenous biodiversity **Option A – Proposed policies and methods** • Refer to Section 5 for outline of proposed provisions.	**Benefits** environmental, economic, social and cultural effects anticipated	**Costs** environmental, economic, social and cultural effects anticipated	**Efficiency and Effectiveness**	**Risk of acting / not acting** if there is uncertain or insufficient information about the subject matter of the provisions
	Environmental: • Greater level of protection to indigenous biodiversity. • Farm sustainability is supported as indigenous biodiversity provides vegetation that supports pollinators for crops and honey production an additional source of income. • Clear mapping of the boundaries of mapped SNAs provides a greater level of protection. • Development rights incentives encourage legal protection in perpetuity, and physical protection and restoration (including restoration planting or regeneration facilitation within surrounding buffers) of mapped SNAs to encourage biodiversity gains. • More restrictive approach for general indigenous vegetation	**Environmental:** • Still provides an allowance for indigenous vegetation clearance for certain specified activities such as track maintenance.	• The proposed provisions are a more effective and efficient option for addressing the issue of continual decline in indigenous biodiversity as they provide clear regulation of indigenous vegetation clearance within mapped and unmapped SNAs, and outside mapped and unmapped SNAs, together with additional restrictions for irrigation (near mapped SNAs that are not protected by QEII covenants) and planting (within mapped SNAs). The development rights incentives offer an economic incentive for landowners of mapped SNAs that recognises landowner contribution. • While costs are imposed for landowners wishing to clear indigenous vegetation, these costs are necessary to protect SNAs and maintain and enhance other indigenous biodiversity	• There is sufficient information on the subject matter. • While the proposed restrictions on activities affecting indigenous biodiversity will directly affect landowners, there are also on-site benefits, such as environmental services, provided by indigenous vegetation, and wider community and ecological benefits are necessary because land use activities can have adverse impacts on biodiversity values. • The protection of SNAs is a matter of national importance. • The risk of not acting is that there will be a continual decline in the areas and quality of indigenous vegetation. There would also be indirect adverse effects relating to climate change due to the loss of ecological services. New Zealand is also a signatory to a number of international obligations (e.g. Convention on Biodiversity (1992))

	clearance within the Lower Plains and High Plains. Ecological Districts recognise that there is minimal remaining indigenous biodiversity thus a higher level of protection is required for what remains. • Unmapped SNA approach provides greater level of protection to indigenous biodiversity that is not a mapped SNA but has similar values. • The indigenous vegetation clearance rule for Ashley, Torlesse, and Oxford Ecological Districts provides for a limited area (maximum of 100m^2) of 'general' indigenous vegetation clearance outside the other specified activities, provided it does not affect any species or habitats in listed in ECO-SCHED3. • Clear matters for discretion will assist decision makers when assessing resource consent applications. • May indirectly assist in protecting landscape values.		given this is a matter of national importance. • Overall the benefits to the environment (and the community, including future generations) outweigh the costs, which are primarily economic.	therefore has an international obligation to address the issue of biodiversity loss.

	• Indigenous vegetation clearance restrictions may indirectly assist in flood management.			
	Economic: • Bonus allotment or bonus residential unit provisions would provide an economic incentive to protect and restore SNAs given the current market demand for 1-2ha rural lifestyle lots, or in some cases an additional residential unit. • Reasonable provision for indigenous vegetation clearance activities within SNAs where that clearance is for the purpose of maintenance or repair of existing utilities, structures or buildings, protecting or restoring ecological values, minor access track, biosecurity, customary harvesting, or plantation forestry where the vegetation was planted for harvesting. • Outside SNAs, provisions for a range of typical activities involving indigenous vegetation clearance is reasonable.	**Economic:** • The cost, and any associated uncertainty, of determining unmapped SNA presence as per ECO-SCHED2 or the presence of any species or habitats listened in ECO-SCHED3. • Protecting and restoring a SNA under the proposed incentive provisions, if fencing is required as a form of physical protection of a SNA by a bonus allotment or bonus residential unit management plan, the average costs of fencing per metre currently ranges from $4.67 to $22.71 depending on the topography, and fence and stock type[2]. The cost of restoration planting varies greatly depending on the species selected. The cost of regeneration facilitation (typically scraping kānuka) would likely be lower than planting.		

[2] 'Ministry for Primary Industries Stock Exclusions Costs Report' (January 2016)

	• Buffer restrictions on irrigation do not apply to unmapped SNAs given the higher level of uncertainty associated with them as they are not mapped. • Allowance for the maintenance of improved pasture outside of SNAs provides for existing farming operations to continue.	Depending on market factors and demand, these costs would likely be offset by the potential income generated by the sale of a bonus allotment and a net gain would result. • The loss of potential to undertaken new irrigation activities within 20m of a mapped SNA due to the management of edge effects. This buffer may reduce productive potential of the adjoining land. While a much larger distance is recommended[3], a 20m distance was selected based on reasonableness in terms of the restrictions it would impose.		
	Social: • Mapped SNAs and clearer associated rules means better clarity and certainty for landowners. • Bonus allotment and bonus residential unit incentives provide a means of switching a SNA from a perceived burden	**Social:** • Uncertainty associated with determining unmapped SNAs (via ECO-SCHED2) and ECO-SCHED3 species and habitats. • Additional restrictions on landowners with indigenous		

3, Avoiding cross-boundary effects of agricultural land use on indigenous dryland habitats in the Canterbury region: consenting guidelines and planning recommendations' (November 2019)- Contract Report LC3636 prepared for Canterbury Regional Council. Prepared by Susan Walker, Gretchen Brownstein, Adrian Monks - Manaaki Whenua – Landcare Research

	to an asset by providing a development right opportunity. • Improved indigenous biodiversity indirectly contributes to sense of community well-being.	vegetation and associated compliance pressures.		
	Cultural: • Tikanga maori enabled through provision for customary harvesting. • The principles of the Treaty of Waitangi have been addressed within the proposed provisions to not apply to Maori Land, as outlined in Section 2.7. • Potential for increase in indigenous biodiversity which is a taonga.	**Cultural:** None identified.		

Opportunities for economic growth and employment

The proposed provisions will increase the need for ecological assessments which will provide consequent growth and employment in that sector. Also, there would be a potential increase in employment opportunities related to maintenance and enhancement of indigenous vegetation and habitat, for example physical protection works, research and plant propagation. The proposed provisions will restrict clearance of indigenous vegetation which will reduce economic growth and employment opportunities for that land. The proposed provisions will enhance protection of indigenous biodiversity which will support New Zealand's 'clean, green' tourism image and export market brand.

Quantification

Given the assessment of the scale and significance of the proposed changes above it is considered that quantifying costs and benefits would add significant time and cost to the s32 evaluation processes. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable as given the clear direction from the RMA, and other higher order documents, that SNAs need to be protected, the proposed regulatory approach would be the most appropriate way of achieving this. However, the following points are noted:

1. Less than 0.5% of the Canterbury Plains is supported by indigenous vegetation[4].
2. The total area of the proposed mapped SNAs is 30,175ha, which equates to 13.6% of the 221,743ha district. However DoC conservation estate contributes to 28,761ha of this total SNA area (13.0% of the district). Therefore the total area of SNAs outside of DoC estate, which are primarily located on privately owned land (with the exception of some relatively small sites owned by Council, Canterbury Regional Council and Land Information New Zealand) is 1,414ha which equates to 0.6% of the district.
3. While there are 92 mapped SNAs proposed, it is not possible to quantify the maximum number of bonus allotments or bonus residential units this could provide for (as a restricted discretionary activity) because portions individual SNAs can also be used to apply for a resource consent for a bonus allotment / bonus residential unit provided the requirements are met around minimum ecosystem size and limitations on the number of bonus allotments / bonus residential units per site.

Options less appropriate to achieve the objective

Option B: Status Quo / Existing policies and methods	**Benefits** environmental, economic, social and cultural effects anticipated,	**Costs** environmental, economic, social and cultural effects anticipated,	**Efficiency and Effectiveness**	**Risk of acting / not acting** if there is uncertain or insufficient information about the subject matter of the provisions
• Refer to Section 2.4 for outline of existing provisions in Operative District Plan	**Environmental:** • Existing SNAs remain partly protected under existing rules.	**Environmental:** • Lack of clear mapping reduces certainty of the area subject to SNA requirements thereby reducing their protection (and consequent ability to apply compliance and enforcement). • SNA listings may not accurately represent ecologically significant areas in the District. • Lack of development right incentives could reduce incentives for SNA protection on a property.	• The continual decline of indigenous biodiversity has proven that the existing provisions are not effective in solving the issue. While most existing SNAs have been protected to some degree (and this is supported by the fact that most are being rolled over into the PDP), it is areas outside of these SNAs that have been cleared or degraded due to the allowance in the rules, a lack of clarify in the rules, and a consequent lack of certainty and therefore enforcement opportunities.	• The risk of retaining the existing provisions is that indigenous vegetation clearance will be less restricted which will result in an overall loss of indigenous biodiversity. • Landowners of SNAs will not be provided development right incentives which will result them seeing less benefit in protecting SNAs.

[4] Native Plant Communities of the Canterbury Plains – Department of Conservation (2005) Sourced from: https://www.doc.govt.nz/globalassets/documents/conservation/native-plants/motukarara-nursery/canterbury-plains-plant-communities-book-full.pdf

		• Potential for indigenous biodiversity loss by not adequately limiting the construction of access tracks. • Lack of clarity for Rules 25.1.2.4 to 25.1.2.5 as to what is included in 'above or below the 900m contour'. • Identified Rare Plants listed in Table 25.1 is outdated is therefore plants that are rare at present would not be protected within SNAs. • Similarly the general vegetation clearance rule does not consider the presence of at-risk, threatened species, naturally uncommon ecosystems, or species near their regional or national distribution limit. • Up to 500m^2 of indigenous vegetation can be cleared from outside an SNA if Rule 25.2.6 is met, which is extensive given the current declining state of our District's biodiversity extremely limited area of overall significant indigenous vegetation.	• The existing provisions would therefore not be efficient in achieving the objective of an increase in indigenous biodiversity.	

		• Unmapped SNAs not provided for therefore areas that may meet the values for a SNA could be cleared if permitted by the general vegetation clearance rule 25.2.6.		
	Economic: No requirement for landowners to change practices and subsequent costs in compliance for landowners, however the enhanced monitoring and enforcement potential added by Council now having an ecologist on staff may mean that this is not the case.	**Economic:** • Lack of clear mapping of SNAs may lead to rule non-compliance and subsequent enforcement and legal costs. • Loss of indigenous biodiversity will potentially reduce New Zealand's 'clean, green' image, which would adversely affect tourism, along with the brand of our export products.		
	Social: • None identified.	**Social:** • Potential for loss of biodiversity values will adversely impact community wellbeing and related environmental services including for future generations.		
	Cultural: • None identified.	**Cultural:** • Customary harvesting would not be provided for. • SNAs mapped on Maori Land would affect Treaty of		

		Waitangi obligations (refer to Section 2.7).		
Opportunities for economic growth and employment				
Retaining the existing provisions may result in more land being cleared of indigenous vegetation (e.g. as a permitted activity by the Operative District Plan's more permissive general vegetation clearance rule, or the lack of unmapped SNA rules), which could create economic growth via the alternative land uses developed on this land and any associated employment opportunities. Certain ecosystems, wetlands in particular, provide a range of ecosystem services including playing a role in supporting flood management thus loss of these could result in a greater impact of flood events on properties.				
Option C: Alternative option - Non-regulatory methods only	**Benefits** environmental, economic, social and cultural effects anticipated,	**Costs** environmental, economic, social and cultural effects anticipated,	**Efficiency and Effectiveness**	**Risk of acting / not acting** if there is uncertain or insufficient information about the subject matter of the provisions
Including: • No District Plan rules on ecosystems and indigenous biodiversity • Funding for protection and restoration projects and new plantings (Council Biodiversity Fund and One Billion Trees Programme) • Biodiversity Trading Scheme (similar to Emissions Trading Scheme however biodiversity credits are traded instead)	**Environmental:** • Selective areas are protected and restored where landowner willing to do so. • Compensation and encouragement payments for landowners may encourage greater regeneration and restoration planting and stewardship. •	**Environmental:** • Landowners will have the discretion to be selective on what they do and do not protect. While this could result in good outcomes in some instances, there is also potential for some landowners to clear some or all of the indigenous vegetation on their land in order to use it for other purposes. • Areas of indigenous biodiversity more likely to be protected/retained may be on land that is of less use for other land uses (e.g. steep land that is considered minimal use for farming or other intensive land uses). The other type of areas of	• This alternative approach would not be effective at solving the issue of continual loss of indigenous biodiversity because it would rely solely on the discretionary goodwill and drivers of individual landowners, and the competitiveness of the economic incentives compared to the economic outcomes for alternative land use options that do not involve retaining or protecting indigenous biodiversity. • The alternative provisions are therefore unlikely to achieve the objective of a net gain in indigenous biodiversity. This alternative approach is therefore not efficient.	• The risk of adopting this alternative approach is that it would likely result in the loss of indigenous biodiversity as it would only provide for voluntary and therefore selective protection of indigenous vegetation and habitats. This would create uncertainty, particularly when there are changes to opportunity costs and/or landownership. • Leaving landowners this level of discretion is therefore not an appropriate way of managing a matter of national importance.

• Rates relief for retaining and protecting areas of indigenous biodiversity • Compensation for land occupied by SNA including voluntary sale of land • Encourage protection via voluntary covenants such as QEII • Recognition of excellence in stewardship • Indigenous biodiversity on Maori Land managed by Iwi		indigenous vegetation or habitat more likely to be retained may be those that provide a higher level of amenity values (e.g. beech forest area). This would mean that areas of high biodiversity values that may be located on land that has greater potential for alternative land uses (e.g. flat land) wold be more likely to be cleared. Similarly areas of biodiversity value that may not provide high levels of amenity values (e.g. a grassland, wetland) would be more likely to be cleared. This selectiveness would reduce the diversity of ecosystems within the district significantly therefore reducing indigenous biodiversity. • Possible irreversible loss of species and reduction in genetic stock. • Loss or decline of taonga species and species that are significant for cultural harvest.		
	Economic: • Potential for voluntary sale of land containing SNAs from	**Economic:** • Cost to Council for funding protection and restoration		

	private landowners to Council which would increase Council / public assets. • No regulatory monitoring costs.	projects, purchasing land under a voluntary compensation scheme, Biodiversity Credit Trading Scheme, and rates relief. • Risk that landowners will use funding options to protect indigenous biodiversity however in the future clear the indigenous biodiversity when opportunity costs change resulting in short-medium term economic costs with no long term protection benefits. • The overall economic cost would be high as it is unlikely this approach would be successful in protecting indigenous biodiversity so would result in minimal overall benefits and significant cost.		
	Social: • Reduced regulation on landowners may reduce social pressures / stresses associated with adapting to change and the associated costs**.** • Perception that private property rights are enabled.	**Social:** • Potential for loss of biodiversity values will adversely impact community wellbeing including future generations.		

	• Acknowledgment of that existing SNAs continue to survive thanks to the efforts of generations of local landowners who have valued and looked after them.			
	Cultural: • Removal of regulation on Maori Land would recognise rangatiratanga as determined in Te Tiriti o Waitangi/Treaty of Waitangi.	**Cultural:** • Potential for loss of indigenous biodiversity which is a taonga.		
Opportunities for economic growth and employment				
Where restoration projects are undertaken, this would generate employment opportunities for ecologists, plant nurseries, and the labouring sector. Similarly, the economic incentives via a Biodiversity Credits Trading Scheme, compensation for land, and rates relief would increase the income for affected landowners which may generate economic growth; however this may be offset by the increase in rates for the community in general to cover these costs.				

8.2 Summary - Evaluation of Proposed Policies and Methods

The proposed policies and methods will enable Council to achieve its legislative requirements under the RMA in protecting SNAs and maintaining indigenous biodiversity. While there are restrictions imposed, primarily around the clearance of indigenous vegetation, a range of activities are provided for as a permitted activity, and development right incentives have been included in order to provide benefits to protecting and restoring SNAs. The alternative approach of relying on non-regulatory methods would not be efficient or effective as it would rely on economic indicators.

9. SUMMARY

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits, and costs and the appropriateness of the proposed approach having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that the proposed approach is the most appropriate option for the reasons outlined below.

1. It aligns with direction of the CRPS, Draft NPS-IB, NPS-FM, and IMP, and overall is consistent with neighbouring district plans.
2. The protection of SNAs is a matter of national importance. The maintenance of indigenous biodiversity is a Section 31 Council function.
3. The requirements from the RMA and CRPS to 'protect' and 'halt decline' respectively means that there must be pro-active safeguarding of indigenous biodiversity through avoidance of adverse effects, which is best provided by regulatory measures because land use activities can have significant adverse impacts on already very scarce, and therefore significant, biodiversity values. Bottom lines for biodiversity are needed and should be prioritised over economic goals.
4. The proposed bonus allotment and bonus residential unit provisions will incentivise the protection and restoration of mapped SNAs and help to address the opportunity cost issue of SNAs.
5. While the proposed restrictions on activities affecting indigenous biodiversity will most directly affect landowners, the benefits to the immediate and wider environment and community (not just district-wide, but nationally and includes future generations) are significant.

10 APPENDIX

Appendix 1 – Mapped SNA Review and Identification Process

In 2018, Council staff, along with local ecologists, undertook an initial desktop review (using aerial Imagery and existing site information) of existing SNAs in order to determine whether the SNA appeared to still be intact and therefore should be rolled over, or whether further assessment was needed. The boundaries of the sites that appeared to be intact were also drawn during this process.

Wildland Ecologists Ltd (Wildlands) were commissioned to review the existing SNAs that required further assessment and to identify any new SNAs (either via field assessment or desktop) worthy of listing in the PDP based on the significance criteria outlined in the CRPS.

Due to budget and time constraints, Wildlands prioritised certain sites for field visits, with the remaining sites assessed via desktop using information such as reports, existing surveys, aerial imagery, mapping systems and ecological databases. An ecological report was provided for all sites reviewed by Wildlands. Field assessments were only undertaken with landowner permission to access the site; a small number of landowners declined this request.

A small number of existing sites were assessed to be no longer ecological significant and therefore were not proposed to be re-listed as SNAs in the PDP. Wildlands were also commissioned to draw the boundary of a small number of sites that were assessed as being intact in the initial review.

As outlined in Section 2.6, the SNAs proposed to be listed in the PDP are those that are existing SNAs to be rolled over, or new SNAs identified by a field visit.

Due to time and resource constraints, along with the impact of the May 2021 flood event, contact with landowners of SNAs located in the Lees Valley was delayed until July 2021. This did not leave sufficient time to work with these landowners on the listing of these new sites that were originally proposed as part of Proposed Council Plan Change 23 during 2010 to 2012. In order to meet the timeframe for the notification of the Proposed District Plan, the listing of these sites was put on hold and will be progressed at a later date via a variation following engagement with landowners.

Similarly, a small number of existing sites proposed to be rolled over also needed to be put on hold as requested follow-up field visits were not able to be undertaken within the required timeframe. These sites will also be progressed at a later date via a variation process to the PDP.

New proposed SNAs identified by desktop assessment only will also not be listed in the PDP until there has been sufficient engagement with landowners and ideally field assessments undertaken. There is also approximately 25 sites on Council road reserve that contain known indigenous vegetation that are currently managed via the roading contract; these sites need assessment in order to determine whether they meet the criteria for a SNA and if so will be listed via a variation.

Appendix 2 – Proposed Provisions

Objective
ECO-O1 - Ecosystems and indigenous biodiversity Overall, there is an increase in indigenous biodiversity throughout the District, comprising: 1. protected and restored SNAs; and 2. other areas of indigenous vegetation and habitats of indigenous fauna that are maintained or enhanced.
Policies
ECO-P1 Identification of mapped SNAs Recognise the additional clarity and certainty provided by mapped SNAs by listing them in ECO-SCHED1, and continuing to identify new mapped SNAs through applying the significance criteria in ECO-APP1.
ECO-P2 - Protection and restoration of SNAs Protect and restore SNAs by: 1. limiting indigenous vegetation clearance within SNAs; 2. limiting planting within mapped SNAs; 3. limiting irrigation near mapped SNAs in order to provide a buffer from edge effects; 4. providing for an on-site bonus allotment or bonus residential unit within site's containing a mapped SNA; 5. supporting and promoting the use of covenants, reserves, management plans and community initiatives; 6. encouraging pest control; and 7. working with and supporting landowners, the Regional Council, the Crown, QEII National Trust, NZ Landcare Trust, and advocacy groups, including by providing information, advice and advocacy.
ECO-P3 Bonus allotments and bonus residential units 1. Enable an on-site bonus allotment or bonus residential unit within a site containing a mapped SNA, where: a. an eligible SNA is legally protected in perpetuity; and b. the SNA is physically protected and restored, as set out in APP2; and c. substantial and long-term net benefits to indigenous biodiversity are likely to be achieved. 2. One additional on-site bonus allotment or bonus residential unit may be considered where: a. the mapped SNA area to be protected and restored is at least twice the minimum area required by APP2; and b. the protection and restoration would: i. provide significant additional long-term benefits to the mapped SNA; or **ii.** support further ongoing indigenous biodiversity restoration and enhancement activities elsewhere on the site.
ECO-P4 - Maintenance and enhancement of other indigenous vegetation and habitats

Maintain and enhance indigenous vegetation and habitats of indigenous fauna that do not meet the significance criteria in ECO-APP1 by:

1. continuing to assess the current state of indigenous biodiversity across the District;
2. restricting indigenous vegetation clearance or modification of habitat of indigenous fauna by recognising that indigenous vegetation within:
    a. the Lower Plains Ecological District and High Plains Ecological District has been widely destroyed, fragmented and degraded by land use and pests and therefore clearance of any remaining indigenous vegetation needs to be restricted in order to protect what remains; and
    b. the Oxford Ecological District, Torlesse Ecological District and Ashley Ecological District, has a larger proportion of indigenous vegetation remaining and therefore some clearance of indigenous vegetation may be acceptable.
3. recognising that the District contains species that are threatened, at risk, or reach their national or regional distribution limits in the District, and naturally uncommon ecosystems, and limiting their clearance;
4. providing information, advice and advocacy to the landowner and occupier;
5. supporting and promoting the use of covenants, reserves, management plans and community initiatives; and
6. working with the Regional Council, the Crown, the QEII National Trust, NZ Landcare Trust and advocacy groups.

ECO-P5 - Offsetting residual effects

A biodiversity offset will only be considered where there are residual adverse effects which cannot practicably be avoided, remedied or mitigated (in that order of hierarchy); and:

1. the biodiversity offset is consistent with ECO-APP2;
2. the biodiversity offset will recognise the limits to offsets due to irreplaceable and vulnerable biodiversity (including effects that must be avoided in accordance with ECO-P7 (1));
3. there is a strong likelihood that the offsets will be achieved in perpetuity; and
4. the biodiversity offset will achieve a net gain of indigenous biodiversity if the area contains any of the following:
    a. indigenous vegetation in land environments where less than 20% of the original indigenous vegetation cover remains;
    b. areas of indigenous vegetation associated with sand dunes and wetlands;
    c. areas of indigenous vegetation located in ‘originally rare’ terrestrial ecosystem types not covered under (a) and (b) above; or
    d. habitats of threatened, and at risk, indigenous species.

ECO-P6 - Cultural heritage and customary rights

Ngāi Tūāhuriri cultural heritage values associated with indigenous biodiversity will be maintained and enhanced through:

1. providing for the customary harvesting of taonga species by Ngāi Tūāhuriri, while ensuring such harvesting will maintain the indigenous biodiversity of the site;
2. providing for the planting of indigenous vegetation for the purpose of customary harvesting; and

3. encouraging the protection of the values of indigenous species that are taonga to Ngāi Tūāhuriri.

ECO-P7 - Indigenous biodiversity in the coastal environment

1. Avoid adverse effects of activities on:

a. indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;
b. taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;
c. indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;
d. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
e. areas containing nationally significant examples of indigenous community types; and
f. areas set aside for full or partial protection of indigenous biological diversity under other legislation; and

2. Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:

a. areas of predominantly indigenous vegetation in the coastal environment;
b. habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;
c. indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, eelgrass and saltmarsh;
d. habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;
e. habitats, including areas and routes, important to migratory species; and
f. ecological corridors, and areas important for linking or maintaining biological values identified under this policy.

ECO-P8 - Waterbodies

Recognising Te Mana o te Wai, protect the ecological integrity of waterbodies by avoiding indigenous vegetation clearance near them.