

## Notes for track changes.

No additional changes to the land provisions are shown in this version, the most recent recommendations are included for completeness and shown in grey.

Words recommended to be added are shown in underline, words recommended to be removed are shown in ~~strike-through~~. Recommendations made by the Biodiversity Officers Report are shown in **Purple**. Supplementary recommendations for Biodiversity are shown in **Red**. Recommendations as a result of the Planning Review are shown in **Orange**. Recommendations made as a result of the Biodiversity End of Hearing Report are shown in **Brown**. Recommendations for clarity and consistency in accordance with Clause 16(2) of Schedule 1 to the RMA are shown with strike through and underline only without added colour.

## 12 Land-Use Activities and Land-Based Biodiversity Indigenous Biological Diversity

### 12.1 Policies Land-Use Activities

#### 12.1.1 Objectives

##### Objective 12-1: Accelerated erosion – regulation of vegetation clearance and land disturbance

The regulation of vegetation clearance\* and land disturbance\* in a manner that ensures:

- (a) Accelerated erosion, and any associated damage to roads, property or other structures, caused by vegetation clearance\* and land disturbance\*, is avoided as far as practicable or otherwise remedied or mitigated;
- (b) Accelerated wind erosion and any associated damage to roads, property, or other structures, caused by vegetation clearance\* and land disturbance\* in Coastal Foredunes\* or sandy soils is avoided as far as practicable or otherwise remedied or mitigated; and
- (c) Sediment loads entering waterways as a result of human activity are managed in a manner that is consistent with the water management objectives and policies set out in Chapter 6.

#### 12.1.2 Policies

##### Policy 12-1: Regional rules for vegetation clearance and land disturbance

The Regional Council shall regulate vegetation clearance\* and land disturbance\*, and ancillary activities, through regional rules in accordance with Policies 11-1, 11-2 and 11-3.

This policy implements Objective 12-1.

#### **Policy 12-4 12-2: Consent decision-making for vegetation clearance and land disturbance**

When making decisions on resource consent applications, and setting consent conditions, for vegetation clearance\* and land disturbance\* the Regional Council ~~will have particular regard to~~ shall:

- ~~(a) the objectives and policies of Chapter 5~~ Give effect to the Regional Policy Statement, particularly Objective 5-1, and Policies 5-2 and 5-3;
- ~~(b) whether a whole farm business plan\* should be required as a condition of consent~~
- ~~(c) any industry standards that are relevant to the activity in accordance with Policy 12-2~~
- ~~(b)~~ Generally allow vegetation clearance\* or land disturbance\* caused by an activity that is important or essential to the well-being of local communities, the Region or a wider area of New Zealand including, but not limited to, natural hazard management and the provision of infrastructure\*;
- ~~(c)~~ Examine any relevant codes of practice, standards, guidelines, or environmental management plans and accept compliance with such codes of practice, standards, guidelines or environmental management plans to the extent that:
  - ~~(i)~~ They adequately manage the matters over which control is reserved in Rule 12-4 or the matters to which discretion is restricted in Rule 12-5; and
  - ~~(ii)~~ They can be used as conditions on resource consents;
- ~~(d) whether the vegetation clearance\* or land disturbance\* is for an important or essential activity as described under Policy 12-3~~
- ~~(e) the degree of compliance with the standards for managing surface water turbidity as set out in Chapter 6, to the extent that this is necessary and can reasonably be determined~~
- ~~(f) effects on sensitive areas including, but not limited to:~~
  - ~~(i) dwelling houses and other buildings and structures; and~~
  - ~~(ii) waahi tapu, marae and other places of significance to tangata whenua;~~
- ~~(g)~~ (d) Have regard to the appropriateness of adopting the best practicable option to prevent or minimise adverse effects in circumstances where:
  - ~~(i)~~ Numerical guidelines or standards establishing a level of protection for the receiving environment are not available or cannot easily be established, or
  - ~~(ii)~~ The likely adverse effects are minor, and the costs associated with adopting the best practicable option are small in comparison to the costs of investigating the likely effects on land or water;
- ~~(h)~~ (e) Have regard to requiring measures including, but not limited to, sediment and erosion control measures ~~required~~ to reasonably minimise avoid, remedy or mitigate adverse effects caused by rainfall and storm events; and
- ~~(f)~~ Consider granting consents that are Region-wide or cover large areas for activities that are widespread and undertaken by or on behalf of a single consent holder including, but not limited to, activities involving infrastructure\* or production forestry\*, provided any such consents are subject to conditions or review provisions enabling site-specific matters to be addressed as necessary.

- (i) ~~the objectives and policies of Chapter 2 regarding codes of practice and other good practice initiatives, Chapter 3 regarding infrastructure and energy, Chapter 7 regarding indigenous biological diversity, landscapes and natural character, and Chapter 10 regarding natural hazards to the extent that they are relevant to the activity.~~

~~This policy implements Objective 12-1.~~

~~[Chairperson's Minute #3 Points 20 and 52; Phillip Percy Introductory statement – Land page 16 LAND 25; Land Recommendations report page 187 LAND 27; Phillip Percy Introductory statement – Land page 17 LAND 28]~~

### **~~Policy 12-2: Recognition of industry standards~~**

~~The Regional Council will examine relevant industry-based standards and codes of practice, including those for production forestry, and will accept compliance with industry standards as being adequate to avoid, remedy or mitigate adverse effects to the extent that such standards address the matters in Policy 12-1.~~

~~[This policy has been incorporated in Policy 12-2]~~

### **~~Policy 12-3: Important and essential activities~~**

~~The Regional Council will generally allow vegetation clearance\* or land disturbance\* associated with an activity that is important or essential to the well-being of local communities, the Region or a wider area of New Zealand. Such activities might include, but not be limited to, vegetation clearance\* or land disturbance\* associated with natural hazard management or the provision of essential infrastructure.~~

~~[This policy has been incorporated in Policy 12-2]~~

### **~~Policy 12-4: Large-scale consents~~**

~~For vegetation clearance\* and land disturbance\* activities that are widespread and undertaken by a single consent holder including, but not limited to:~~

- ~~(a) common activities of network utility operators~~
- ~~(b) forestry operations~~

~~the Regional Council will consider granting consents that are region-wide or cover large areas, provided any such consents are subject to conditions and/or review provisions enabling site-specific concerns to be addressed as necessary.~~

~~This policy has been incorporated in Policy 12-2]~~

## **12.1.3 Rules – Vegetation Clearance and Land Disturbance**

### Guide for resource users

This section contains five regional rules for vegetation clearance and land disturbance:

- (a) **Rule 12-1 Permitted: minor, essential and beneficial activities** – A permitted activity rule for a number of activities that are minor, essential or beneficial. People are free to carry out these activities without the need for a resource consent.
- (b) **Rule 12-2 Permitted: production forestry** – A permitted activity rule specifically for production forestry. Activities complying with the conditions of this rule do not need a resource consent;
- (c) **Rule 12-3 Permitted: vegetation clearance and land disturbance, including cultivation** – A permitted activity rule for all other activities involving vegetation clearance or land disturbance, including cultivation. Activities complying with the conditions of this rule also do not need a resource consent;
- (d) **Rule 12-4 Controlled: production forestry** – A controlled activity rule for production forestry that does not comply with Rule 12-2. These activities require a resource consent, although consent applications must be granted (provided the conditions of the rule are met). The Regional Council can set consent conditions relating to the matters over which control has been reserved in the rule; and
- (e) **Rule 12-5 Restricted discretionary: vegetation clearance and land disturbance** – A restricted discretionary activity rule for activities that do not comply with the previous rules. These activities require a resource consent, which may or may not be granted by the Regional Council, although the Council’s power to decline consent and impose consent conditions is restricted to the matters listed in the rule.

### Rules

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
<i>[Rule 12-1 of the Proposed Plan has been deleted.]</i>	<i>[Rule 12-1 of the Proposed Plan has been deleted.]</i>	<i>[Rule 12-1 of the Proposed Plan has been deleted.]</i>	<i>[Rule 12-1 of the Proposed Plan has been deleted.]</i>		
12-1 <u>Minor, essential and beneficial activities</u>  <i>[Chair-person's Minute #3</i>	Any vegetation clearance* or land disturbance* pursuant to s9 RMA for any purpose listed in condition (a) of this Rule, and any ancillary: (a) <u>Diversion of water pursuant to s14 RMA; or</u> (b) <u>Discharge of sediment or other contaminants pursuant to s15 RMA.</u>	<u>Permitted</u>	(a) The activity shall be for one or more of the following purposes: (i) <u>Grazing or cutting of grass;</u> (ii) <u>Pruning or thinning operations associated with production forestry* and the clearance of understorey, including indigenous understorey, beneath plantation forests;</u> (iii) <u>The planting or management of trees, including forestry, for soil conservation purposes provided</u>		<u>This Rule implements Policy 12-1.</u>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
<p>Points 33 and 34]</p>			<p>the activity does not take place within a Rare Habitat*, Threatened Habitat* or At Risk Habitat*;</p> <p>(iv) <u>The control of pests as defined in a Regional Pest Management Strategy prepared under the Biosecurity Act 1993;</u></p> <p>(v) <u>The maintenance* or upgrade* of existing structures, including fences, buildings, roads, tracks, railway lines and other infrastructure*;</u></p> <p>(vi) <u>Activities undertaken for transport safety purposes, including road safety;</u></p> <p>(vii) <u>Activities undertaken for the purpose of protecting or enhancing areas of indigenous vegetation or habitat;</u></p> <p>(viii) <u>The recontouring or planting of coastal dunes to improve dune stability provided this activity either does not involve a Coastal Fore-dune* or does not take place within a Rare Habitat*, Threatened Habitat* or At Risk Habitat*;</u></p> <p>(ix) <u>The collection of firewood for an individual's reasonable domestic needs, provided the firewood is not sourced from a Rare Habitat*, Threatened Habitat* or At Risk Habitat*;</u></p> <p>(x) <u>Domestic gardening provided the activity does not take place within a Rare Habitat*, Threatened Habitat* or At Risk Habitat*;</u></p> <p>(xi) <u>The establishment or management of shelter belts provided the activity does not take place within a Rare Habitat*, Threatened Habitat* or At Risk Habitat*;</u></p> <p>(xii) <u>The clearance of vegetation that is fallen or dead; <del>or</del> provided the activity does not take place within a Rare Habitat*, Threatened Habitat* or At Risk Habitat*;</u></p> <p>(xiii) <u>Military training using live ammunition under the Defence Act 1990.</u></p>		

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
<p><u>12-2</u> <u>Production forestry</u></p> <p><i>[Chair-person's Minute #3 Points 38, 39 and 41]</i></p>	<p>Any planting, vegetation clearance* or land disturbance* pursuant to s9 RMA for the purpose of production forestry*, and any ancillary:</p> <p>(a) <u>Disturbance of the bed of a river or lake pursuant to s13 RMA; or</u></p> <p>(b) <u>Diversion of water pursuant to s14 RMA; or</u></p> <p>(c) <u>Discharge of sediment or other contaminants pursuant to s15 RMA.</u></p> <p><u>This rule does not include the planting or management of trees for soil conservation purposes, which is permitted by Rule 12-1.</u></p>	<p><u>Permitted</u></p>	<p>(a) <u>The activity shall not take place on land that is within:</u></p> <p>(i) <u>A Rare Habitat*, Threatened Habitat* or At-Risk Habitat*; or</u></p> <p>(ii) <u>A Coastal Foreddune*.</u></p> <p>(b) <u>Any planting of production forest shall not occur on land that is within:</u></p> <p>(i) <u>5m of the bed of a river that either is permanently flowing or has a bed width greater than 2m; or</u></p> <p>(ii) <u>5m of a natural wetland or the bed of a natural lake.</u></p> <p>(c) <u>Where the activity takes place occurs within</u></p> <p>(i) <u>the Hill Country Erosion Management Area* on any land with a slope greater than 25° or</u></p> <p>(ii) <u>the Coastal Erosion Management Area*.</u> <u>those persons undertaking the activity shall be accredited by the Forest Stewardship Council programme.</u></p>		<p><u>This Rule implements Policy 12-1.</u></p>
<p><u>12-3</u> <u>Vegetation clearance and land disturbance for other purposes, including cultivation</u></p> <p><i>[Chair-person's Minute #3 Points 27, 29, 34, 44 and 48; Land Recommendations report]</i></p>	<p>Any vegetation clearance* or land disturbance* pursuant to s9 RMA, except those activities described in Rules 12-1 and 12-2, and any ancillary:</p> <p>(a) <u>Diversion of water pursuant to s14 RMA; or</u></p> <p>(b) <u>Discharge of sediment or other contaminants pursuant to s15 RMA.</u></p>	<p><u>Permitted</u></p>	<p>(a) <u>The activity shall not take place on land that is within:</u></p> <p>(i) <u>A Rare Habitat*, Threatened Habitat* or At-Risk Habitat*; or</u></p> <p>(ii) <u>A Coastal Foreddune*; or</u></p> <p>(iii) <u>5m of the bed of a river that either is permanently flowing or has a bed width greater than 2m; or</u></p> <p>(iv) <u>5m of a natural wetland or the bed of a natural lake.</u></p> <p>(b) <u>Within the Hill Country Erosion Management Area* the following activities shall not take place on any land with a slope greater than 25°:</u></p> <p>(i) <u>Any removal of woody vegetation* greater than 7 years old; and</u></p> <p>(ii) <u>Any land disturbance* involving a volume greater than 100m<sup>3</sup>/y per property*, or an area greater than 100m<sup>2</sup>/y per property*.</u></p>		<p><u>This Rule implements Policy 12-1.</u></p>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
<p>page 237 LAND 31]</p>			<p>(c) <u>Within the Coastal Erosion Management Area* the following activities shall not take place on any land where loose sands are at the ground surface or within 10cm of the surface:</u>                      (i) <u>Any vegetation clearance* involving an area greater than 100m<sup>2</sup>/y per property*;</u> and                      (ii) <u>Any land disturbance* involving a volume greater than 100m<sup>3</sup>/y per property* or an area greater than 100m<sup>2</sup>/y per property*.</u>                      (d) <u>Any land disturbance* involving a volume greater than 1000m<sup>3</sup>/y per property* or an area greater than 2500m<sup>2</sup>/y per property* shall be undertaken in accordance with an Erosion and Sediment Control Plan*, no matter where in the Region the activity takes place. This condition does not apply to cultivation*.</u>                      (e) <u>An Erosion and Sediment Control Plan* prepared under condition (d) shall be submitted to the Regional Council upon request, and the Regional Council shall be notified of any land disturbance* undertaken in accordance with condition (d) at least 48 hours prior to the activity commencing.</u></p>		
<p>12-2-12-4 Production forestry that is not permitted</p> <p>[Chair-person's Minute #3 Points 40 and 41]</p>	<p><u>Any planting, vegetation clearance* or land disturbance* pursuant to s9 RMA for the purpose of <del>harvesting</del> production forestry* or developing land for production forestry planting, and any ancillary—</u>                      (a) <u>Disturbance of the bed of a river or lake pursuant to s13 RMA; or</u>                      (b) <u>Diversion of water pursuant to s14 RMA; or</u>                      (c) <u>Discharge of sediment or other contaminants pursuant to s15 RMA—</u>  <u>that does not comply with Rule 12-2.</u>  <u>in the following circumstances:</u></p>	<p>Controlled</p>	<p>(a) <u>The activity shall not take place <del>in any</del> on land that is within:</u>                      (i) <u>A Rare or Habitat*, Threatened Habitat* or At-Risk Habitat*;</u> or                      (ii) <u>A Coastal Foredune*.</u>  <del>The activity shall not take place on a Coastal Foredune* as regulated by Rule 12-5.</del>                      (b) <u>Any planting of production forest shall not occur on land that is within:</u>                      (i) <u>5m of the bed of a river that either is permanently flowing or has a bed width greater than 2m; or</u>                      (ii) <u>5m of a natural wetland or the bed of a natural lake.</u></p>	<p>Control is reserved over:</p> <p>(a) <u>The location, nature, scale, timing and duration of vegetation clearance* or land disturbance*;</u>                      (b) <u>Compliance of the Environmental Management System* required under condition (c) with best management practices, including forestry industry codes of practice, standards and guidelines;</u>                      (c) <u>Implementation of the Environmental Management System* required under condition</u></p>	<p><u>This Rule implements Policy 12-1. Policies guiding consent decisions include: 12-2.</u></p>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
	<p><del>(a) in the case of land adjoining rivers, lakes and natural wetlands:</del></p> <p><del>(i) for areas where the land slope* is between 0° and 15°, within 10 m of the bed of a river, lake or wetland</del></p> <p><del>(ii) for areas where the land slope* is greater than 15°, within the strip of land bordered by the bed of a river, lake or wetland, and a setback distance (being not less than 10 m) at which the slope reduces to 15° or 100 m, whichever is the lesser</del></p> <p><del>(b) in the case of hill country highly erodible land*, the affected area is more than 1 ha/y per property*.</del></p> <p><del>(c) in the case of coastal highly erodible land*, the affected area is more than 100 m<sup>2</sup>/y per property*.</del></p> <p><del>This rule does not apply to production forestry activities that are:</del></p> <p><del>(d) accredited by the Forestry Stewardship Council programme (these are a permitted activity under Rule 12 1)</del></p> <p><del>(e) on land mapped as hill country highly erodible land* in Schedule A, but where all land that is the subject of the activity has an existing slope of less than 20° (these are a permitted activity under Rule 12 1)</del></p> <p><del>(f) for the purposes of controlling pests pursuant to a pest management strategy prepared under the Biosecurity Act 1993 (these are a permitted activity under Rule 12 1).</del></p>		<p><del>(c) An Environmental Management System* shall be prepared and submitted to the Regional Council.</del></p> <p><del>(d) The activity shall not disturb any archaeological site, waahi tapu or koiwi remains as identified in any district plan, in the New Zealand Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.</del></p> <p><del>(e) In the event of an archaeological site, waahi tapu or koiwi remains being discovered or disturbed while undertaking the activity, the activity shall cease and the Regional Council shall be notified as soon as practicable. The activity shall not be recommenced without the approval of the Regional Council.</del></p>	<p><del>(c);</del></p> <p><del>(d) Measures to maintain slope stability;</del></p> <p><del>(e) The method of sediment retention and control of sediment run-off;</del></p> <p><del>(f) Effects on riparian margins and water bodies;</del></p> <p><del>(g) Effects on Rare and Threatened Habitats*, and At Risk Habitats*;</del></p> <p><del>(h) Effects on existing structures;</del></p> <p><del>(i) Qualifications required of contractors;</del></p> <p><del>(j) Revegetation requirements;</del></p> <p><del>(k) Procedures in the event of discovering or disturbing an archaeological site, waahi tapu or koiwi remains</del></p> <p><del>(l) Duration of consent and review of consent conditions; and</del></p> <p><del>(m) Compliance monitoring.</del></p> <p>Resource consent applications under this rule <del>will</del> shall not be notified and written approval of affected persons <del>will</del> shall not be required (notice of applications need not be served on affected persons).</p>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
<p><u>12-5 Vegetation clearance and land disturbance that do not comply with permitted or controlled activity rules</u></p> <p><i>[Chair-person's Minute #3 Point 36; Land Recommendations report page 206 LAND 29]</i></p>	<p><u>Any vegetation clearance* or land disturbance* pursuant to s9 RMA and any ancillary—</u></p> <p>(a) <u>Disturbance of the bed of a river or lake pursuant to s13 RMA (in the case of production forestry* only); or</u></p> <p>(b) <u>Diversion of water pursuant to s14 RMA; or</u></p> <p>(c) <u>Discharge of sediment or other contaminants pursuant to s15 RMA—</u></p> <p><u>that does not comply with Rule 12-3 or 12-4.</u></p>	<p><u>Restricted discretionary</u></p>	<p>(a) <u>The activity shall not take place on land that is within a Rare Habitat*, Threatened Habitat* or At-Risk Habitat*.</u></p> <p><u>Advisory Note: Activities within these areas are regulated by the rules in section 12.2.3.</u></p>	<p><u>Discretion is restricted to:</u></p> <p>(a) <u>The location, nature, scale, timing and duration of the activity;</u></p> <p>(b) <u>Compliance with best management practices;</u></p> <p>(c) <u>Measures to maintain slope stability;</u></p> <p>(d) <u>The method of sediment retention and control of sediment run-off;</u></p> <p>(e) <u>Effects on the stability of Coastal Foredures* and sandy soils;</u></p> <p>(f) <u>Effects on the stability and vegetation of riparian margins;</u></p> <p>(g) <u>Effects on water quality and flood risk;</u></p> <p>(h) <u>Effects on existing structures;</u></p> <p>(i) <u>Revegetation requirements;</u></p> <p>(j) <u>Duration of consent and review of consent conditions; and</u></p> <p>(k) <u>Compliance monitoring.</u></p> <p><u>Resource consent applications under this rule shall not be notified and written approval of affected persons shall not be required (notice of applications need not be served on affected persons).</u></p>	<p><u>This Rule implements Policy 12-1.</u></p> <p><u>Policies guiding consent decisions include: 12-2.</u></p>
<p><i>[Rules 12-3, 12-4, 12-5 and 12-6 of the Proposed Plan have been deleted.]</i></p>	<p><i>[Rules 12-3, 12-4, 12-5 and 12-6 of the Proposed One Plan have been deleted.]</i></p>	<p><i>[Rules 12-3, 12-4, 12-5 and 12-6 of the Proposed One Plan have been deleted.]</i></p>	<p><i>[Rules 12-3, 12-4, 12-5 and 12-6 of the Proposed One Plan have been deleted.]</i></p>	<p><i>[Rules 12-3, 12-4, 12-5 and 12-6 of the Proposed One Plan have been deleted.]</i></p>	

[Recommendations affecting more than one rule: Chairperson's Minute #3 Points 20, 27, 50, and 51; Land Recommendations report page 288 LAND 35]

## 12.2 Land-Based Indigenous Biological Diversity

### 12.2.1 Objectives

#### Objective 12-2: Regulation of activities affecting indigenous biological diversity

The regulation of activities for the purpose of:

- (a) Protecting rare habitats\* and threatened habitats\*; and
- (b) Maintaining at-risk habitats\*.

### 12.2.2 **Policies**

#### Policy 12-3: Regional rules for activities affecting indigenous biological diversity

The Regional Council shall regulate activities within rare habitats\*, threatened habitats\* and at-risk habitats\* through regional rules in accordance with Policies 11-1, 11-2 and 11-3.

This Policy implements Objective 12-2.

#### Policy 12-4: Consent decision-making for activities in at-risk habitats\* and activities in rare habitats\*, threatened habitats\* and at-risk habitats\* where they occur as treeland\*

- (a) For activities regulated by Rule 12-8 (Activities within at-risk habitats) and activities regulated by Rule 12-7 (Activities within rare habitat\*, threatened habitat\* or at-risk habitat\* where they occur as treeland\*) the Regional Council shall make decisions on consent applications and set consent conditions on a case by case basis, having regard to ~~an assessment of the ecological significance of the site based upon the site's representativeness, rarity and distinctiveness, and ecological context as assessed in accordance with Policy 12-7. Table 7.1~~ Schedule E.
- (b) Consents shall generally be granted in circumstances where:

- (i) There will be no significant adverse effects on the site's representativeness, rarity and distinctiveness, and ecological context factors which contribute to the significance of the area as assessed in accordance with Policy 12-7 Schedule E, or
- (ii) Any significant adverse effects can be adequately avoided, remedied or mitigated, as far as reasonably practicable, or offset to result in a net biodiversity gain.
- (c) When assessing the appropriateness of providing for an offset in accordance with subsection (b)(ii), the following factors shall be taken into account:
  - (i) Providing for the net gain within the same habitat type; and
  - (ii) Providing for the net gain in the same ecologically relevant locality as the affected habitat,

~~(i) financial contributions can be used to adequately compensate for or offset significant adverse effects.~~

This Policy implements Objective 12-2.

### **Policy 12-5: Consent decision-making regarding rare and threatened habitats, and at-risk habitats**

~~The Regional Council will make decisions on resource consent applications involving rare and threatened habitats\*, and at-risk habitats\* in accordance with the Objectives 7-1 and Policies 7-2, 7-3, 7-4, 7-5 and 7-6 in Chapter 7.~~

### **Policy 12-6: Consent decision-making for activities in rare habitats\* and threatened habitats\***

Recommendation  
BIO 7 page 48  
amended by end of  
hearing report

- (a) Rare habitats\* and threatened habitats\* shall be protected by generally not allowing granting consent for any of the following activities regulated by Rule 12-8 (Activities within rare habitat\* and threatened habitats) unless the provisions of subsection (b) or (c) ~~or (d) or (e)~~ apply.
- (b) The activities ~~described in subsection (b)~~ regulated by Rule 12-8 may be allowed where the activity is for the purpose of providing infrastructure of regional or national importance as identified in Policy 3-1 and  
~~There will be no significant adverse effect on the factors which contribute to the significance of the area as assessed in accordance with table 7.1, and~~
  - (i) Any more than minor adverse effects as assessed in accordance with Policy 12-7 are avoided as far as reasonably practicable, or
  - (ii) Any more than minor ~~(but less than significant)~~ adverse effects as assessed in accordance with Policy 12-7 which cannot reasonably be avoided, are remedied or mitigated, as far as reasonably practicable, or offset to result in a net biodiversity gain, including through the use of financial contributions to adequately compensate or offset the adverse effects, and
  - (iii) When deciding whether it is reasonably practicable to avoid, remedy or mitigate an adverse effect, any functional constraints of the infrastructure will be taken into account.
- (c) When assessing the appropriateness of providing for an offset in accordance with subsection (b)(ii), preference shall be given for an offset which:
  - (i) Provides for net gain within the same habitat type; ~~or~~ and
  - (ii) Is provided for in the same ecologically relevant locality as the affected habitat,

- (d) The activities ~~described in subsection (b)~~ regulated by Rule 12-8 may be allowed for other purposes where there are no more than minor adverse effects on the representativeness, rarity and distinctiveness or ecological context of the rare and threatened habitat\*, as assessed in accordance with ~~Schedule E Table 7.1~~ Policy 12-7.

This Policy implements Objective 12-2.

**Policy 12-7: Criteria for assessing ecological significance values and the effects of activities on those values.**

The ecological values of rare habitats\*, threatened habitats\* and at-risk habitats\*, and the determination of adverse effects on such habitats shall be assessed against the following criteria:

Recommendation  
BIO 12 page 64  
altered by end of  
hearing report

**Table 7.1 Criteria used for assessing ecological significance**

Criteria	Any one or more of the following criteria may contribute to the ecological value	Factors to consider when determining the nature of adverse effects on ecological values	Factors to consider when determining the scale of adverse effects on ecological values
Representativeness	<p><u>Representativeness</u></p> <ul style="list-style-type: none"> <li>Whether the <u>area of habitat</u> comprises <u>indigenous</u> habitat type that is under-represented (20% or less of known or likely former cover) <del>LENZ land environments, national spatial databases and predictive models will be used to assess representativeness.</del>; or</li> <li>Whether the <u>area of habitat</u> is large relative to other <u>areas of habitat</u> in the Ecological District or Ecological Region, with <u>indigenous species composition, structure and diversity typical of the habitat type, and has functioning ecosystem processes.</u></li> </ul>	<ul style="list-style-type: none"> <li>Whether the activity will <u>reduce the extent of the area of habitat; or</u></li> <li>Whether the activity will <u>decrease species diversity within the area of habitat; or</u></li> <li>Whether the activity will <u>adversely alter structure or composition within the area of habitat; or</u></li> <li>Whether the activity will <u>interrupt or adversely modify any key ecological processes; or</u></li> <li>Whether the activity will <u>compromise the future functioning of ecological processes (including naturally dynamic processes).</u></li> </ul>	<ul style="list-style-type: none"> <li>The <u>extent within the Ecological District or Region, (and for under-represented habitat types also within the Manawatu-Wanganui Region and within New Zealand) remaining of the habitat type; and</u></li> <li>The <u>proportion of the area of habitat that will be adversely affected; and</u></li> <li>The <u>current and potential condition (including indigenous species diversity, composition and structure) of the area of habitat; and</u></li> <li>The <u>extent to which ecological processes are interrupted, or modified, or their future ability to function (including naturally dynamic processes) is compromised.</u></li> </ul>
	<p><u>Rarity and Distinctiveness</u></p> <ul style="list-style-type: none"> <li>Whether the <u>area of habitat</u> supports one or more <u>indigenous species that are classified as threatened (as determined by the current New Zealand Threat Classification System and Lists); or</u></li> <li>Whether the <u>area of habitat</u> supports an <u>indigenous</u></li> </ul>		
Rarity and Distinctiveness			

Criteria	Any one or more of the following criteria may contribute to the ecological value	Factors to consider when determining the nature of adverse effects on ecological values	Factors to consider when determining the scale of adverse effects on ecological values
	<p>species, or community of indigenous species, that is distinctive to the Manawatu-Wanganui Region; or</p> <ul style="list-style-type: none"> <li>• Whether the <u>area of habitat</u> supports an indigenous species, or community of indigenous species, that is at a natural distributional limit; or</li> <li>• Whether the <u>area of habitat</u> supports an indigenous species, or community of indigenous species, that <u>forms has</u> a naturally disjunct <u>distribution</u> that <u>defines</u> a floristic gap; or</li> <li>• Whether the <u>area of habitat</u> supports an indigenous species, or community of indigenous species, that is uncommon within the <u>Ecological District or Ecological Region</u>; or</li> <li>• Whether the <u>area of habitat</u> comprises Rare habitat indigenous vegetation or habitat (which can include physical substrate) that was originally (pre-human) uncommon in New Zealand.</li> </ul>	<p><u>limit that defines a floristic gap, is uncommon within the Ecological District or Ecological Region, or is classified as threatened (as determined by the current New Zealand Threat Classification System and Lists'), or</u></p> <ul style="list-style-type: none"> <li>• <u>Whether the activity will adversely affect the area of habitat in a manner which compromises the ability to provide habitat for the population of an indigenous species or that is distinctive to the Manawatu-Wanganui Region, at a natural distributional limit, comprises a naturally disjunct distributional limit defining a floristic gap, is uncommon within the Ecological District or Ecological Region, or is classified as threatened (as determined by the current New Zealand Threat Classification System and Lists'); or</u></li> </ul> <p><u>Whether the activity will reduce in extent, change the structure, or adversely alter ecological function of an area of Rare habitat.</u></p>	<p><u>Region; and</u></p> <ul style="list-style-type: none"> <li>• <u>The size of the populations of threatened species, both within the area of habitat where the activity will take place, and elsewhere in the Manawatu-Wanganui Region; and</u></li> <li>• <u>Effects on international migrant species; and</u></li> <li>• <u>Whether the Manawatu-Wanganui Region is the national stronghold for any threatened species (as determined by the current New Zealand Threat Classification System and Lists') that will be adversely affected by the activity; and</u></li> <li>• <u>The degree to which the area of habitat is compromised in its ability to provide habitat for the population of an indigenous species, or community, that is distinctive to the Manawatu-Wanganui Region, at a natural distributional limit, comprises a naturally disjunct distributional limit defining a floristic gap, is uncommon within the Ecological District or Ecological Region, or is classified as threatened (as determined by the current New Zealand Threat Classification System and Lists') to continue to exist within the area of habitat by the activity; and</u></li> <li>• <u>The type, size, and condition of Rare habitat; and</u></li> <li>• <u>For Rare habitat, consideration of the number of other areas and total extent of the same habitat type elsewhere in the Region and elsewhere in New Zealand; and</u></li> <li>• <u>The timing of the activity.</u></li> <li>• <u>The proportion of the area of habitat that will be adversely affected; and</u></li> </ul>
Ecological Context	<p><u>Ecological Context</u></p> <ul style="list-style-type: none"> <li>• Whether the <u>area of habitat</u> provides connectivity</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Whether the activity will compromise connectivity (physical or process) between two</u></li> </ul>	

Criteria	Any one or more of the following criteria may contribute to the ecological value	Factors to consider when determining the nature of adverse effects on ecological values	Factors to consider when determining the scale of adverse effects on ecological values
	<p>(physical or process connections) between two or more areas of indigenous habitat; or</p> <ul style="list-style-type: none"> <li>• Whether the <u>area of habitat</u> provides an ecological buffer (provides protection) to an adjacent area of habitat, (terrestrial or aquatic), that has <del>been shown to have</del> ecological value <del>as per the criteria set out in this policy</del>; or</li> <li>• Whether the <u>area of habitat is an area of indigenous habitat that</u> forms part of an indigenous ecological sequence (connectivity between different habitat types across a gradient (e.g. altitudinal or hydrological); or</li> <li>• Whether the area of habitat provides important breeding areas, seasonal food sources, or is a important component of a migration path for indigenous species; or</li> <li>• The area of habitat <del>is an area of indigenous vegetation that</del> provides habitat for indigenous species that are dependent on large and contiguous habitats.</li> <li>•</li> </ul>	<p><u>or more areas of indigenous habitat; or</u></p> <ul style="list-style-type: none"> <li>• <u>Whether the activity will reduce size or function of an area providing an ecological buffer to an adjacent area of habitat (terrestrial or aquatic) that has ecological value; or</u></li> <li>• <u>Whether the activity will interrupt, simplify or truncate an indigenous ecological sequence; or</u></li> <li>• <u>Whether the area of habitat provides habitat for threatened indigenous species (as determined by the current New Zealand Threat Classification System and Lists') which use the area of habitat for breeding, seasonal food sources or as an important component of a migration path; or</u></li> <li>• <u>Whether the activity will adversely affect international migrant species which use the area of habitat during their migration cycle (as a food supply, breeding area or rest over), or</u></li> <li>• <u>For large and contiguous areas of habitat, whether the activity will reduce the extent of the area or the key ecological functions.</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>The degree to which an adverse effect compromises the area of habitat's ability (current and potential) to buffer an adjacent area of habitat (terrestrial or aquatic), of ecological value; and</u></li> <li>• <u>The value of the area of habitat which is being buffered; and</u></li> <li>• <u>For areas of habitat that are part of an indigenous ecological sequence, consideration of the degree of intactness, and composition of that sequence and frequency of that type of sequence within the Manawatu-Wanganui Region; and</u></li> <li>• <u>For areas of habitat that are part of an indigenous ecological sequence, the degree to which ecological processes, including species movements and dispersal, will be interrupted, modified or otherwise compromised by the activity; and</u></li> <li>• <u>The threat status of indigenous species (as determined by the current New Zealand Threat Classification System and Lists') which use the area of habitat for breeding, seasonal food sources, or as an important component of a migration path; and</u></li> <li>• <u>Use by international species during their migration cycle (as a food supply, breeding area or rest over), the degree to which they utilise the area of habitat, and whether there are other areas of habitat close by which will fulfil this role to the same degree; and</u></li> <li>• <u>For large and contiguous habitats, the ability of the area of habitat to continue to provide habitat for indigenous species that depend on it; and</u></li> <li>• <u>For large and contiguous habitats, the</u></li> </ul>

Criteria	Any one or more of the following criteria may contribute to the ecological value	Factors to consider when determining the nature of adverse effects on ecological values	Factors to consider when determining the scale of adverse effects on ecological values
Previously Assessed and Legally Protected Sites	<ul style="list-style-type: none"> <li><del>assessed at a previous time, or by a previous agency, on criteria in keeping with the policies, objectives and criteria of this plan, to ; or</del></li> <li><del>site is legally protected by the Queen Elizabeth II Trust, the Nature Heritage Trust, Nga Whenua Rahui, Territorial Local Authority Reserve or Covenant, or Department of Conservation Covenant, unless not meet any of the other criteria in this e.</del></li> </ul>	<ul style="list-style-type: none"> <li><del>Whether the activity has an adverse effect on the values of the area of habitat (as determined by criteria above.</del></li> </ul>	<p><u>degree to which the shape, composition and structure of the habitat will be adversely modified,.</u></p> <ul style="list-style-type: none"> <li><del>The extent of the adverse effect on the values of the area of habitat (as determined by criteria above); and</del></li> <li><del>Whether the area of habitat has been recognised under international legislation or convention (e.g. World Heritage Site or RAMSAR site); and</del></li> <li><del>The classification of the legal protection awarded to the area of habitat.</del></li> </ul>
	<p><u>This Policy implements Objective 12-2.</u></p>		

### 12.2.3 Rules – Land-based Biodiversity Including Wetlands

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
12-7 <u>Activities within rare and threatened habitat* or at -risk habitat* where they occur as treeland*:</u>	<p>Any of the following activities within a rare <u>habitat*</u>, <u>and</u> threatened habitat* or at -risk habitat* where they occur as treeland*:</p> <p>(a) <u>vegetation clearance* or land disturbance* pursuant to s9 RMA;</u></p> <p><del>(b) <u>land disturbance*</u></del></p> <p>(c) <u>discharges of contaminants into water, or into or onto land pursuant to s15 RMA; or</u></p> <p>(d) <u>diversions of water pursuant to s14 RMA.</u></p> <p><u>This rule does not apply to: the activities described in subsections (a) to (d) in circumstances where:</u></p> <p><u>(da) Those activities permitted by Rule 12-1</u></p> <p><u>(e) the discharge of agrichemicals they are carried out for the purposes of controlling pests as defined in a pursuant to a Regional Pest Management Strategy prepared under the Biosecurity Act 1993, or</u></p> <p><del>(f) <u>they are carried out for the purposes of protecting, maintaining or enhancing an at risk habitat*, or</u></del></p> <p><del>(g) <u>the activity is a discharge of fertiliser in accordance with the permitted activity conditions in Rule 13-2</u></del></p> <p><del>(h) <u>Activities that they are classified as a discretionary, non-complying or prohibited activity under another rule in this Plan in which case the other rule applies. s of this Plan relevant to the activities apply.</u></del></p>	<u>Restricted discretionary</u>		<p>Discretion is <u>restricted to reserved over:</u></p> <p>(a) <u>the nature, scale, timing and duration of activity</u></p> <p>(b) <u>effects on any nearby rare and threatened habitat* or at -risk habitat* for which the treeland is acting as a buffer</u></p> <p>(c) <u>effects of removing trees which are providing or contributing to a riparian buffer</u></p> <p>(d) <u>effects of removing trees which are providing crucial life supporting habitat to a threatened plant species listed in the New Zealand Threat Classification System and Lists*</u></p> <p>(e) <u>effects on the <del>ecological significance of the</del> site based upon an assessment of the site's representativeness, rarity and distinctiveness, or ecological context as assessed in accordance with Policy 12-7 Table 7.1</u></p> <p>(f) <u>revegetation requirements</u></p> <p>(g) <u>procedures in the event of discovering or disturbing an archaeological site, waahi tapu or koiwi remains</u></p> <p>(h) <u>duration of consent</u></p>	<p><u>This Rule implements Policy 12-3. Policies guiding consent decisions include: 12-4, 12-5 and 12-7</u></p>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	<a href="#">Links</a>
				(i) <a href="#">review of consent conditions</a> (j) <a href="#">compliance monitoring</a> .  <a href="#">Resource consent applications under this rule will not be notified and written approval of affected persons will not be required (notice of applications need not be served on affected persons).</a>	
12-8 Activities within at-risk habitats, <a href="#">except where it occurs as treeland*</a>	Any of the following activities within an at -risk habitat* <a href="#">, except where it occurs as treeland*</a> : (a) <a href="#">vegetation clearance* or land disturbance* pursuant to s9 RMA;</a> (b) <del>land disturbance*</del> (c) <a href="#">discharges of contaminants into water, or into or onto land pursuant to s15 RMA; or</a> (d) <a href="#">diversions of water pursuant to s14 RMA.</a> This rule does not apply to <del>the activities described in subsections (a) to (d) in circumstances where:</del> (da) <a href="#">Those activities permitted by Rule 12-1;</a> (e) <del>the discharge of agrichemicals they are carried out for the purposes of controlling pests as defined in a pursuant to a Regional Pest Management Strategy prepared under the Biosecurity Act 1993, or</del> (ea) <del>The planting or harvesting of crops from land that is already used for cropping; or</del> (e) <del>they are carried out for the purposes of protecting, maintaining or enhancing an at risk habitat*, or</del> (f) <del>they are carried out on for the purposes of military training using live ammunition under the Defence Act 1990</del>	Discretionary			<a href="#">This Rule implements Policy 12-3. Policies guiding consent decisions include: 12-4, 12-5 and 12-7</a>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
	<p><del>(g) Activities that they are classified as a discretionary, non-complying or prohibited activity under another rule in this Plan in which case the other rule applies. s of this Plan relevant to the activities apply.</del></p>				
<p>12-9 Activities within rare habitats* and threatened habitats* including wetlands except where it occurs as treeland*</p>	<p>Any of the following activities within a rare habitat* or threatened habitat* <u>except where it occurs as treeland*</u>:</p> <p>(a) <u>vegetation clearance* or land disturbance* pursuant to s9 RMA;</u></p> <p>(b) <del>land disturbance*</del></p> <p>(c) <u>discharges of contaminants into water, or into or onto land pursuant to s15 RMA; or</u></p> <p>(d) <u>diversions of water pursuant to s14 RMA.</u></p> <p>This rule does not apply to <del>the activities described in subsections (a) to (d) in circumstances where:</del></p> <p><u>(da) Those activities permitted by Rule 12-1;</u></p> <p><u>(e) the discharge of agrichemicals they are carried out for the purposes of controlling pests as defined in a pursuant to a Regional Pest Management Strategy prepared under the Biosecurity Act 1993, or</u></p> <p><u>(ea) The planting or harvesting of crops from land that is already used for cropping; or</u></p> <p><del>(f) they are carried out for the purposes of protecting, maintaining or enhancing an at risk habitat*, or</del></p> <p><del>(g) they are carried out on for the purposes of military training using live ammunition under the Defence Act 1990</del></p> <p>Activities that they are classified as a discretionary, non-complying or prohibited activity under another rule in this Plan in which case the other rule applies. s of this Plan relevant to the activities apply.</p>	<p>Non-complying</p>			<p><a href="#">This Rule implements Policy 12-3. Policies guiding consent decisions include: 12-64, 12-5 and 12-7</a></p>

