

**Notes for track changes.** 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 by Phillip Percy's supplementary Land report – November 2008 are shown in **Green**. Recommendations as a results of Phillip Percy's 'Rebuttal planning evidence' are shown in **Blue**. 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>		
<p><b>12-1</b> <b>Minor, essential and beneficial activities</b></p> <p><i>[Chair-person’s Minute #3 Points 33 and 34]</i></p>	<p>Any vegetation clearance* or land disturbance* pursuant to s9 RMA for any purpose listed in condition (a) of this Rule, and any ancillary:</p> <p>(a) Diversion of water pursuant to s14 RMA; or</p> <p>(b) Discharge of sediment or other contaminants pursuant to s15 RMA.</p>	<b>Permitted</b>	<p>(a) The activity shall be for one or more of the following purposes:</p> <p>(i) Grazing or cutting of grass;</p> <p>(ii) Pruning or thinning operations associated with production forestry* and the clearance of understorey, including indigenous understorey, beneath plantation forests;</p> <p>(iii) The planting or management of trees, including forestry, for soil conservation purposes provided the activity does not take place within a Rare Habitat*, Threatened Habitat* or At Risk Habitat*;</p> <p>(iv) The control of pests as defined in a Regional Pest Management Strategy prepared under the Biosecurity Act 1993;</p> <p>(v) The maintenance* or upgrade* of existing</p>		This Rule implements Policy 12-1.

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
			<p><u>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 Foredune* 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; or 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>		
<p><u>12-2</u> <u>Production forestry</u></p> <p><i>[Chair-person's</i></p>	<p><u>Any planting, vegetation clearance* or land disturbance* pursuant to s9 RMA for the purpose of production forestry*, and any ancillary;</u></p> <p>(a) <u>Disturbance of the bed of a river or lake pursuant to s13 RMA; or</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*;</u> or</p> <p>(ii) <u>A Coastal Foredune*.</u></p> <p>(b) <u>Any planting of production forest shall not occur on land that is within:</u></p>		<p><u>This Rule implements Policy 12-1.</u></p>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
<p><i>Minute #3 Points 38, 39 and 41]</i></p>	<p>(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>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>(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> (c) <u>Where the activity takes place occurs within</u> (i) <u>the Hill Country Erosion Management Area* on any land with a slope greater than 25° or</u> (ii) <u>the Coastal Erosion Management Area*, those persons undertaking the activity shall be accredited by the Forest Stewardship Council programme.</u></p>		
<p><b>12-3</b> <u>Vegetation clearance and land disturbance for other purposes, including cultivation</u>  <i>[Chair-person's Minute #3 Points 27, 29, 34, 44 and 48; Land Recommendations report page 237 LAND 31]</i></p>	<p><u>Any vegetation clearance* or land disturbance* pursuant to s9 RMA, except those activities described in Rules 12-1 and 12-2, and any ancillary:</u> (a) <u>Diversion of water pursuant to s14 RMA; or</u> (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> (i) <u>A Rare Habitat*, Threatened Habitat* or At-Risk Habitat*; or</u> (ii) <u>A Coastal Foreddune*; or</u> (iii) <u>5m of the bed of a river that either is permanently flowing or has a bed width greater than 2m; or</u> (iv) <u>5m of a natural wetland or the bed of a natural lake.</u> (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> (i) <u>Any removal of woody vegetation* greater than 7 years old; and</u> (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> (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*; and</u> (ii) <u>Any land disturbance* involving a volume greater</u></p>		<p><u>This Rule implements Policy 12-1.</u></p>

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
			<p><u>than 100m<sup>3</sup>/y per property* or an area greater than 100m<sup>2</sup>/y per property*.</u></p> <p>(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></p> <p>(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><u>12-2-12-4</u> 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 harvesting production forestry* or developing land for production forestry planting, and any ancillary—</u></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— that does not comply with Rule 12-2. in the following circumstances:</u></p> <p>(a) <u>in the case of land adjoining rivers, lakes and natural wetlands:</u></p> <p>(i) <u>for areas where the land slope* is between 0° and 15°, within 10 m of the bed of a river, lake or wetland</u></p>	<p>Controlled</p>	<p>(a) The activity shall not take place <del>in any</del> <u>on land that is within:</u></p> <p>(i) <u>A Rare or Habitat*, Threatened Habitat* or At-Risk Habitat*;</u> or</p> <p>(ii) <u>A Coastal Foredune*.</u></p> <p><del>The activity shall not take place on a Coastal Foredune* as regulated by Rule 12-5.</del></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>An Environmental Management System* shall be prepared and submitted to the Regional Council.</u></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</del></p>	<p>Control is reserved over:</p> <p>(a) The <u>location, nature, scale, timing and duration of vegetation clearance* or land disturbance*;</u></p> <p>(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></p> <p>(c) <u>Implementation of the Environmental Management System* required under condition (c);</u></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</del></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>(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 m²/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>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>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> <u>shall</u> not be notified and written approval of affected persons <del>will</del> <u>shall</u> not be required (notice of applications need not be served on affected persons).</p>	
<p><u>12-5</u> <u>Vegetation clearance and land disturbance that do not</u></p>	<p><u>Any vegetation clearance* or land disturbance* pursuant to s9 RMA and any ancillary—</u></p> <p><u>(a) Disturbance of the bed of a river or lake pursuant to s13 RMA (in the case of production forestry* only); or</u></p>	<p><u>Restricted discretionary</u></p>	<p><u>(a) 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><u>(a) The location, nature, scale, timing and duration of the activity;</u></p> <p><u>(b) Compliance with best management practices;</u></p> <p><u>(c) Measures to maintain slope</u></p>	<p><u>This Rule implements Policy 12-1.</u></p> <p><u>Policies guiding consent</u></p>



Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
<p><u>comply with permitted or controlled activity rules</u></p> <p><i>[Chairperson's Minute #3 Point 36; Land Recommendations report page 206 LAND 29]</i></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>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 Foredunes* 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>decisions include: 12-2.</u></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>	<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 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 and 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

- (a) For activities regulated by Rule 12-7 (Activities within At-Risk Habitats) 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 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 and Threatened Habitats**

Recommendation  
BIO 7 page 48

- (a) Rare and threatened habitats\* shall be protected by generally not granting consent for any of the following activities regulated by Rule 12-8 (Activities within Rare 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 practicable, or
  - (ii) Any more than minor (but less than significant) adverse effects as assessed in accordance with Policy 12-7 are remedied or mitigated, as far as 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
- (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
  - (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**

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

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

Criteria	Explanation
Representativeness	<ul style="list-style-type: none"> <li>The site comprises habitat type that is under-represented (20% or less of known or likely former cover). LENZ land environments, national spatial databases and predictive models will be used to assess representativeness.</li> </ul>
Rarity and Distinctiveness	<ul style="list-style-type: none"> <li>The site supports one or more indigenous species that are classified as threatened (as determined by the current New Zealand Threat Classification System and Lists); or</li> <li>The site supports an indigenous species, or community of indigenous species, that is distinctive to the Manawatu-Wanganui Region; or</li> <li>The site supports an indigenous species, or community of indigenous species, that is at a natural distributional limit; or</li> <li>The site supports an indigenous species, or community of indigenous species, that forms a natural disjunct defining a floristic gap; or</li> <li>The site supports an indigenous species, or community of indigenous species, that is uncommon within the area; or</li> <li>The site comprises indigenous vegetation or habitat (which can include physical substrate) that was originally (pre-human) uncommon in New Zealand.</li> </ul>
Ecological Context	<ul style="list-style-type: none"> <li>The site provides connectivity (physical or process connections) between two or more areas of indigenous habitat; or</li> <li>The site provides an ecological buffer (provides protection) to an adjacent ecological significant habitat, including aquatic habitat; or</li> <li>The site is an area of indigenous habitat that forms part of an indigenous ecological sequence (connectivity between different habitat types across a gradient (e.g. altitudinal or hydrological); or</li> <li>The site provides important breeding areas, seasonal food sources, or is an important component of a migration path; or</li> <li>The site is an area of indigenous vegetation that provides habitat for indigenous species that are dependent on large and contiguous habitat; or</li> <li>The site is an area of indigenous vegetation that is large relative to other sites in the area, comprises indigenous species diversity typical of its habitat type and exhibits functioning ecosystem processes.</li> </ul>
Previously Assessed Sites	<ul style="list-style-type: none"> <li>Any site assessed at a previous time, or by a previous agency, on criteria in</li> </ul>

	<p>keeping with the policies, objectives and criteria of this plan, to be of ecological significance; or</p> <ul style="list-style-type: none"><li>• Any site that 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 it can be proven to not meet any of the other criteria in this table.</li></ul>
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[This Policy implements Objective 12-2.](#)

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

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification	Links
<p><u>12-7</u>  <u>Activities within rare and threatened habitat* or at -risk habitat* where they occur as treeland*:</u></p>	<p>Any of the following activities within a rare and 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: <del>the activities described in subsections (a) to (d) in circumstances where:</del></u></p> <p><u>(da) Those activities permitted by Rule 12-1</u></p> <p><del>(e) <u>the discharge of agrichemicals they are carried out for the purposes of controlling pests pursuant to a pest management strategy prepared under the Biosecurity Act 1993, or</u></del></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>	<p><u>Restricted discretionary</u></p>		<p>Discretion is <del>restricted to reserved</del> over:</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 species</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, as assessed in accordance with Policy 12-7 <del>Table 7-1</del></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>(i) <u>review of consent conditions</u></p> <p>(j) <u>compliance monitoring.</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	Links
				<p><u>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).</u></p>	
<p>12-8 Activities within at-risk habitats</p>	<p>Any of the following activities within an at-risk habitat*:</p> <ul style="list-style-type: none"> <li>(a) <u>vegetation clearance* or land disturbance* pursuant to s9 RMA;</u></li> <li>(b) <u>land disturbance*</u></li> <li>(c) <u>discharges of contaminants into water, or into or onto land pursuant to s15 RMA; or</u></li> <li>(d) <u>diversions of water pursuant to s14 RMA.</u></li> </ul> <p>This rule does not apply to <del>the activities described in subsections (a) to (d) in circumstances where:</del></p> <ul style="list-style-type: none"> <li><del>(da) Those activities permitted by Rule 12-1;</del></li> <li><del>(e) the discharge of agrichemicals they are carried out for the purposes of controlling pests pursuant to a pest management strategy prepared under the Biosecurity Act 1993;</del></li> <li><del>(ea) The planting or harvesting of crops from land that is already used for cropping; or</del></li> <li><del>(f) they are carried out for the purposes of protecting, maintaining or enhancing an at risk habitat*, or</del></li> <li><del>(g) they are carried out on for the purposes of military training using live ammunition under the Defence Act 1990</del></li> <li><del>(h) 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></li> </ul>	<p>Discretionary</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	Links
<p>12-9 Activities within rare and threatened habitats including wetlands</p>	<p>Any of the following activities within a rare or threatened habitat*:</p> <ul style="list-style-type: none"> <li>(a) <a href="#">vegetation clearance* or land disturbance* pursuant to s9 RMA;</a></li> <li>(b) <del>land disturbance*</del></li> <li>(c) <a href="#">discharges of contaminants into water, or into or onto land pursuant to s15 RMA; or</a></li> <li>(d) <a href="#">diversions of water pursuant to s14 RMA.</a></li> </ul> <p>This rule does not apply to <del>the activities described in subsections (a) to (d) in circumstances where:</del></p> <ul style="list-style-type: none"> <li><a href="#">(da) Those activities permitted by Rule 12-1;</a></li> <li><a href="#">(e) the discharge of agrichemicals they are carried out</a> for the purposes of controlling pests pursuant to a pest management strategy prepared under the Biosecurity Act 1993;</li> <li><a href="#">(ea) The planting or harvesting of crops from land that is already used for cropping; or</a></li> <li><del>(f) they are carried out for the purposes of protecting, maintaining or enhancing an at risk habitat*, or</del></li> <li><del>(g) they are carried out on for the purposes of military training using live ammunition under the Defence Act 1990</del></li> </ul> <p>Activities that <del>they</del> are classified as a discretionary, non-complying or prohibited activity under another rule <a href="#">in this Plan</a> in which case the other rule <a href="#">applies</a>. <del>s of this Plan relevant to the activities apply.</del></p>	<p>Non-complying</p>			<p><a href="#">This Rule implements Policy 12-3. Policies guiding consent decisions include: 12-4, 12-5 and 12-7</a></p>