

# RP – ECO – Ecosystems and indigenous biodiversity

## Objective

### ECO-O1: Regulation of activities affecting indigenous *biological diversity*<sup>^</sup>

The regulation of resource use activities to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna or to maintain indigenous *biological diversity*<sup>^</sup>, including enhancement where appropriate.

## Policies

### ECO-P1: *Regional rules*<sup>^</sup> for activities affecting indigenous *biological diversity*<sup>^</sup>

The Regional Council must require *resource consents*<sup>^</sup> to be obtained for *vegetation clearance*<sup>\*</sup>, *land disturbance*<sup>\*</sup>, *cultivation*<sup>\*</sup>, *bores*<sup>\*</sup>, *discharges*<sup>\*</sup> of *contaminants*<sup>\*</sup> into or onto *land*<sup>\*</sup> or *water*<sup>\*</sup>, taking, use, damming or diversion of *water*<sup>\*</sup> and activities in the *beds*<sup>\*</sup> of *rivers*<sup>\*</sup> or *lakes*<sup>\*</sup> within *rare habitats*<sup>\*</sup>, *threatened habitats*<sup>\*</sup> and *at-risk habitats*<sup>\*</sup>, and for *forestry*<sup>\*</sup> that does not minimise potential adverse *effects*<sup>\*</sup> on those habitats, through *regional rules*<sup>^</sup> in accordance with RP-IO-O1, RP-IO-O2 and RP-ECO-O1 and RP-IP-P1 to RP-IP-P8.

### ECO-P2: Consent decision-making for activities in *rare habitats*<sup>\*</sup>, *threatened habitats*<sup>\*</sup> and *at-risk habitats*<sup>\*</sup>

1. For activities regulated under RP-ECO-R1 and RP-ECO-R2, the Regional Council must make decisions on consent applications and set consent *conditions*<sup>^</sup> on a case-by-case basis:
  - a. For all activities, having regard to:
    - i. the Regional Policy Statement, particularly RPS-ECO-O1 and RPS-ECO-P2
    - ii. a *rare habitat*<sup>\*</sup> or *threatened habitat*<sup>\*</sup> is an area of significant indigenous vegetation or a significant habitat of indigenous fauna,
    - iii. the significance of the area of habitat, in terms of its representativeness, rarity and distinctiveness, and ecological context, as assessed under RP-ECO-P3
    - iv. the potential adverse *effects*<sup>\*</sup> of the proposed activity on significance,
    - v. for activities regulated under ss13, 14 and 15 RMA, the matters set out in RP-LF-LAND-P2(11) and relevant objectives and policies in RPS-LF and RP-LF, and
    - vi. for activities involving a *discharge*<sup>\*</sup>, the matters in RP-LF-LW-P12.

- b. For electricity transmission and renewable energy generation activities, providing for any national, regional or local benefits arising from the proposed activity.
2. Consent must generally not be granted for resource use activities in a *rare habitat\**, *threatened habitat\** or *at-risk habitat\** assessed to be an area of significant indigenous vegetation or a significant habitat of indigenous fauna under RP-ECO-P3, unless:
  - a. any more than minor adverse *effects\** on that habitat's representativeness, rarity and distinctiveness, or ecological context assessed under RP-ECO-P3 are avoided.
  - b. where any more than minor adverse *effects\** cannot reasonably be avoided, they are remedied or mitigated at the point where the adverse *effect\** occurs.
  - c. where any more than minor adverse *effects\** cannot reasonably be avoided, remedied or mitigated in accordance with (2)(a) and (b), they are offset to result in a net indigenous *biological diversity*<sup>^</sup> gain.
3. Consent may be granted for resource use activities in an *at-risk habitat\** assessed not to be an area of significant indigenous vegetation or a significant habitat of indigenous fauna under RP-ECO-P3 when:
  - a. there will be no significant adverse *effects\** on that habitat's representativeness, rarity and distinctiveness, or ecological context as assessed in accordance with RP-ECO-P3, or
  - b. any significant adverse *effects\** are avoided.
  - c. where any significant adverse *effects\** cannot reasonably be avoided, they are remedied or mitigated at the point where the adverse *effect\** occurs.
  - d. where significant adverse *effects\** cannot reasonably be avoided, remedied or mitigated in accordance with (3)(b) and (c), they are offset to result in a net indigenous *biological diversity*<sup>^</sup> gain.
4. An offset assessed in accordance with 2(c) or (3)(d), must:
  - a. provide for a net indigenous *biological diversity*<sup>^</sup> gain within the same habitat type, or where that habitat is not an area of significant indigenous vegetation or a significant habitat of indigenous fauna, provide for that gain in a *rare habitat\** or *threatened habitat\** type, and
  - b. reasonably demonstrate that a net indigenous *biological diversity*<sup>^</sup> gain has been achieved using methodology that is appropriate and commensurate to the scale and intensity of the residual adverse *effect\**, and
  - c. generally be in the same ecologically relevant locality as the affected habitat, and
  - d. not be allowed where inappropriate for the ecosystem or habitat type by reason of its rarity, vulnerability or irreplaceability, and
  - e. have a significant likelihood of being achieved and maintained in the long term and preferably in perpetuity, and achieve conservation outcomes above and beyond that which would have been achieved if the offset had not taken place.

### **ECO-P3: Criteria for assessing the significance of, and the *effects\** of activities on, an area of habitat**

1. *Rare habitats\** are areas of significant indigenous vegetation or significant habitats of indigenous fauna under criterion (b)(5) below. *Threatened habitats\** are areas of significant indigenous vegetation or significant habitats of indigenous fauna under criterion (a)(i) below. An area of *rare habitat\** or *threatened habitat\** may also be an area of significant indigenous vegetation or significant habitat of indigenous fauna under one or more of the other criteria below. An *at-risk habitat\** may be recognised as being an area of significant indigenous vegetation or a significant habitat of indigenous fauna if one or more of the following criteria are met:

- a. in terms of representativeness, that habitat:
    - i. comprises indigenous habitat type that is under-represented (20% or less of known or likely former cover), or
    - ii. is an area of indigenous vegetation that is typical of the habitat type in terms of species composition, structure and diversity, or that is large relative to other areas of the same habitat type in the Ecological District or Ecological Region, or has functioning ecosystem processes.or
  - b. in terms of rarity and distinctiveness, that habitat supports an indigenous species or community that:
    - i. is classified as threatened (as determined by the *New Zealand Threat Classification System and Lists\**), or
    - ii. is distinctive to the Region, or
    - iii. is at a natural distributional limit, or
    - iv. has a naturally disjunct distribution that defines a floristic gap, or
    - v. was originally (ie., prehuman) uncommon within New Zealand, and supports an indigenous species or community of indigenous species.or
  - c. in terms of ecological context, that habitat provides:
    - i. connectivity (physical or process connections) between two or more areas of indigenous habitat, or
    - ii. an ecological buffer (provides protection) to an adjacent area of indigenous habitat (terrestrial or aquatic) that is ecologically significant, or
    - iii. part of an indigenous ecological sequence or connectivity between different habitat types across a gradient (eg., altitudinal or hydrological), or
    - iv. important breeding areas, seasonal food sources, or an important component of a migration path for indigenous species, or
    - v. habitat for indigenous species that are dependent on large and contiguous habitats.
2. The potential adverse *effects\** of an activity on a *rare habitat\**, *threatened habitat\** or *at-risk habitat\** must be determined by the degree to which the proposed activity will diminish any of the above characteristics of the habitat that make it significant, while also having regard to any additional ecological values and to the ecological sustainability of that habitat.

## Rules

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
<p><b>ECO-R1</b> <b>Some activities within at-risk habitats*</b></p>	<p>Except as regulated by RP-LF-LW-R9, RP-LF-LW-R21, RP-LF-LW-R32, RP-LF-TUD-R46, RP-LF-AWBD-R55, RP-LF-AWBD-R57, RP-LF-AWBD-R58, RP-LF-AWBD-R60 in relation to any existing small dam <i>structure*</i>, RP-LF-AWBD-R67 and RP-LF-AWBD-R68, any of the following activities within an <i>at-risk habitat*</i>:</p> <ol style="list-style-type: none"> <li>1. <i>vegetation clearance*</i>, <i>land disturbance*</i> or <i>cultivation*</i> pursuant to s9(2) RMA</li> <li>2. <i>forestry*</i> pursuant to s9(2) RMA that does not meet <i>condition^</i>, standard or term of RP-LF-LAND-R2(2)(c) or (5) or RP-LF-LAND-R3 (2) – (5) and (7)</li> <li>3. the drilling, construction or alteration of any <i>bore*</i> pursuant to s9(2) RMA</li> <li>4. activities restricted by s13(1) or s13(2) RMA in the <i>beds*</i> of <i>ivers*</i> or <i>lakes*</i></li> <li>5. the taking, using, damming or diverting of <i>water*</i> pursuant to s14(2) RMA</li> <li>6. <i>discharge*</i> of <i>water*</i> or <i>contaminants*</i> into <i>water*</i> or onto or into <i>land*</i> pursuant to s15(1) or s15(2A) RMA.</li> </ol>	<p><b>Discretionary</b></p>		

	<p>This rule does not apply to activities described in paragraphs (1) to (6) where they are carried out for the purposes of protecting or enhancing the habitat, including the control of pest animals and pest plants.</p>			
<p><b>ECO-R2</b> <b>Some activities within rare habitats* and threatened habitats</b></p>	<p>Except as regulated by RP-LF-LW-R9, RP-LF-LW-R21, RP-LF-LW-R32, RP-LF-TUD-R46, RP-LF-AWBD-R55, RP-LF-AWBD-R57, RP-LF-AWBD-R58, RP-LF-AWBD-R60 in relation to any existing small dam <i>structure*</i>, RP-LF-AWBD-R67 and RP-LF-AWBD-R68, any of the following activities within a <i>rare habitat*</i>, <i>threatened habitat*</i>:</p> <ol style="list-style-type: none"> <li>1. <i>vegetation clearance*</i>, <i>land disturbance*</i> or <i>cultivation*</i> pursuant to s9(2) RMA</li> <li>2. <i>forestry*</i> pursuant to s9(2) RMA that does not meet <i>condition^</i>, standard or term of RP-LF-LAND-R2(2)(c) or (5) or RP-LF-LAND-R3 (2) – (5) and (7)</li> <li>3. the drilling, construction or alteration of any <i>bore*</i> pursuant to s9(2) RMA</li> <li>4. activities restricted by s13(1) or s13(2) RMA in the <i>beds*</i> of <i>ivers*</i> or <i>lakes*</i></li> <li>5. the taking, using, damming or diverting of <i>water*</i> pursuant to s14(2) RMA</li> <li>6. <i>discharge*</i> of <i>water*</i> or <i>contaminants*</i> into <i>water*</i> or onto</li> </ol>	<p><b>Non-Complying</b></p>		

	<p>or into <i>land</i>* pursuant to s15(1) or s15(2A) RMA.</p> <p>This rule does not apply to activities described in paragraphs (1) to (6) where they are carried out for the purposes of protecting or enhancing the habitat, including the control of pest animals and pest plants.</p>			
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