



ECO - Ecosystems and Indigenous Biodiversity  
 NFL - Natural Features and Landscapes  
 PA - Public Access  
 WB - Waterbodies

**Overview**

Biological diversity, or biodiversity, describes the variety and diversity of all life forms and the ecosystems they inhabit. Indigenous biodiversity is biodiversity that is native to New Zealand and relates to individual birds, plants, insects and other species and also includes the ecosystems where these species live, such as forests and sand dunes.

In Taranaki remnant indigenous vegetation covers approximately 40 per cent of the region (compared with 24 per cent nationally). In the New Plymouth District, these remnants are concentrated in Te Papa-Kura-o-Taranaki (formerly Egmont National Park) and the steep eastern hill country, north of Urenui. Less than 10 per cent of remnant indigenous vegetation cover remains on the intensively farmed ring plain. Indigenous vegetation is also poorly represented in the Coastal Environment and on the valley floors in North Taranaki. Urban areas are typically biodiversity depleted areas, with urban New Plymouth having approximately 8.9% indigenous vegetation remaining. While this is more than many other urban areas in New Zealand, there are serious ecological concerns when ecosystems persist at 10% or less of their original extent, in terms of species decline and fragmentation effects.

Under the Act, the Council and Taranaki Regional Council are jointly responsible for maintaining indigenous biodiversity. The Council is responsible for protecting and maintaining terrestrial (land-based) ecosystems, and the Taranaki Regional Council is responsible for protecting and maintaining the non-terrestrial ecosystems (rivers, lakes, wetlands and the coast below mean high water springs). Tangata whenua also have customary responsibilities as mana whenua and kaitiaki.

The Act requires the Council to manage indigenous biodiversity in two particular ways. Firstly, the Council has the ability to control any actual or potential effects of the use, development, or protection of land for the purpose of maintaining indigenous biodiversity. Secondly, the Council is required to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

The District Plan achieves this by identifying and mapping significant natural areas (including wetlands and urban biodiversity areas) and applying rules which control the clearance of indigenous vegetation in these areas. It also offers incentives when landowners protect and enhance this vegetation. The District Plan also encourages integrated management of indigenous biodiversity and supports landowners, local government, tangata whenua and other biodiversity partners working together on a voluntary basis to maintain and enhance indigenous biodiversity, including through legal protection and good land management.

There are considerable areas of indigenous vegetation and habitats of indigenous fauna within the District that are legally protected by mechanisms that sit outside of the District Plan. This includes covenants under the Queen Elizabeth II National Trust Act 1977, a Nga Whenua Rahui Kawenata, a Conservation Covenant under the Reserves Act 1977 or the Conservation Act 1987. The District Plan does not apply rules to such areas but it is important to note that they may meet the significance criteria stated in ECO-P1.

Refer to SCHED6 for the Schedule of Rural Significant Natural Areas.

Refer to SCHED7 for the Schedule of Urban Biodiversity Areas.

**Cross references to other relevant District Plan provisions**

**Strategic Objectives** — All objectives and policies in this chapter are to be read and achieved in a manner consistent with the strategic objectives.

In addition other District-wide, Overlay and Zone chapters also contain provisions that may be relevant for ecosystems and indigenous biodiversity, including:

- **Natural Features and Landscapes** - The Natural Features and Landscapes Chapter contains objectives, policies and rules relating to the protection and maintenance of indigenous biological diversity in outstanding natural features and landscapes, in particular NFL-R9.
- **Coastal Environment** - The Coastal Environment Chapter includes additional provisions relating to coastal indigenous biodiversity.
- **Earthworks** - Earthworks that have the potential to result in adverse effects are to be managed. Provisions relating to earthworks are contained in the Earthworks Chapter.
- **Waterbodies** - The Waterbodies Chapter contains provisions for activities near waterbodies.
- **Subdivision** - The Subdivision Chapter contains additional provisions relevant to subdivision of land.
- **Network Utilities** — The Network Utilities Chapter contains provisions for network utilities.

**Objectives**

<b>ECO-01</b>	Areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected, and where appropriate, enhanced.
<b>ECO-02</b>	Indigenous biodiversity is maintained and, where appropriate, enhanced.
<b>ECO-03</b>	The relationship of tangata whenua and their culture and traditions with indigenous vegetation and fauna is recognised and provided for.

Policies	
<b>ECO-P1</b>	<p>Identify and map areas of significant indigenous vegetation and habitats of indigenous fauna as a significant natural area, where it meets one or more of the following criteria:</p> <ol style="list-style-type: none"> <li>1. the area supports indigenous species, or is a significant habitat of an indigenous species, that is threatened, at risk, or regionally distinctive;</li> <li>2. the area is an originally rare or reduced ecosystem type, being: <ol style="list-style-type: none"> <li>a. a naturally uncommon ecosystem; or</li> <li>b. reduced to less than 20 per cent of its former extent in the ecological district or relevant land environment;</li> </ol> </li> <li>3. the area provides ecological context in that it: <ol style="list-style-type: none"> <li>a. provides important habitat (including but not limited to, refuges from predation, key habitat for feeding, breeding, or resting) for indigenous species, either seasonally or permanently; or</li> <li>b. provides an ecological linkage to protected areas, wetlands, priority waterbodies and the coast, through providing a habitat corridor or a stepping stone; or</li> </ol> </li> <li>4. the area is an important representative example of the natural diversity of the relevant ecological district's vegetation and fauna.</li> </ol>
<b>ECO-P2</b>	<p>Maintain indigenous biodiversity which is not identified as significant natural areas by:</p> <ol style="list-style-type: none"> <li>1. minimising fragmentation or reduction in the extent of indigenous vegetation and habitats of indigenous fauna;</li> <li>2. maintaining and, where appropriate, enhancing or restoring the functioning of ecological corridors, linkages, dunes and indigenous coastal vegetation and wetlands;</li> <li>3. minimising adverse effects on indigenous biodiversity which is significant to tangata whenua;</li> <li>4. restricting the modification or disturbance of coastal indigenous vegetation, dunes, estuaries and wetlands; and</li> <li>5. recognising the benefits of active management of indigenous biodiversity, including voluntary pest and stock control and formal legal protection.</li> </ol>
<b>ECO-P3</b>	<p>Only allow indigenous vegetation disturbance within significant natural areas or within areas containing indigenous vegetation and habitats of indigenous fauna in the coastal environment where the indigenous vegetation disturbance:</p> <ol style="list-style-type: none"> <li>1. is necessary: <ol style="list-style-type: none"> <li>a. for the operation, maintenance, repair or upgrade of existing tracks and structures;</li> <li>b. for new infrastructure and renewable electricity generation activities where there is no practicable alternative;</li> <li>c. to avoid loss of life, injury, or damage to property;</li> <li>d. to provide a building platform and access for a single dwelling, where there is no practicable alternative location for those activities on the site;</li> <li>e. for the maintenance of a healthy and safe home;</li> <li>f. to manage domestic gardens; or</li> <li>g. for dead wood removal;</li> </ol> </li> <li>2. is for a conservation activity or in accordance with a conservation covenant;</li> <li>3. is for a track or fence; or</li> <li>4. is for a customary activity.</li> </ol>
<b>ECO-P4</b>	<p>Ensure the adverse effects of activities on significant natural areas and indigenous vegetation and habitats of indigenous fauna in the coastal environment are managed by:</p> <ol style="list-style-type: none"> <li>1. avoiding adverse effects in the coastal environment on significant indigenous vegetation or taxa that is nationally significant, threatened or is naturally rare as described in Policy 11a of the New Zealand Coastal Policy Statement 2010;</li> <li>2. avoiding significant adverse effects on indigenous vegetation and habitats of indigenous fauna in the coastal environment; and</li> <li>3. for other adverse effects: <ol style="list-style-type: none"> <li>a. where the adverse effects cannot be avoided, they are minimised where practicable; and</li> <li>b. where the adverse effects cannot be minimised, they are remedied where practicable; and</li> </ol> </li> <li>4. where more than minor residual adverse effects cannot be avoided, minimised, or remedied: <ol style="list-style-type: none"> <li>a. biodiversity offsetting is provided where possible; and</li> <li>b. if biodiversity offsetting is not possible, biodiversity compensation is provided; and</li> <li>c. if biodiversity compensation is not appropriate, the activity is avoided.</li> </ol> </li> </ol>
<b>ECO-P5</b>	<p>Activities that may result in adverse effects on a significant natural area or indigenous vegetation and habitats of indigenous fauna in the coastal environment must demonstrate that they are appropriate, having regard to:</p> <ol style="list-style-type: none"> <li>1. when a subdivision or the establishment of a new activity is proposed on land with a significant natural area, the extent of formal protection and active management of significant natural areas proposed;</li> <li>2. when a new structure is proposed within a significant natural area or within an area of indigenous vegetation or habitat of indigenous fauna in the coastal environment, the location, scale and design of the structure and the extent to which it adversely impacts on the significant natural area or coastal vegetation;</li> <li>3. the impact of any indigenous vegetation disturbance, including the extent of any loss, damage or disruption to ecological processes, functions and ecological integrity;</li> <li>4. any potential adverse effects on species of cultural significance, and the outcomes of any consultation with tangata whenua, including any expert cultural advice provided with respect to mitigation measures identified by tangata whenua in accordance with mātauranga Māori; and</li> <li>5. the cumulative effects of activities within or adjacent to the significant natural area or within the coastal environment.</li> </ol>
<b>ECO-P6</b>	<p>Where biodiversity offsets or biodiversity compensation are proposed to manage residual adverse effects on a significant natural area or indigenous vegetation and habitats of indigenous fauna in the coastal environment, ensure that:</p> <ol style="list-style-type: none"> <li>1. the biodiversity offsets or biodiversity compensation results in a net gain of indigenous biodiversity;</li> <li>2. the design and implementation methods of the offset or compensation are appropriate with measurable conservation outcomes;</li> <li>3. any plants to be used in offsetting or compensation of biodiversity loss are eco-sourced from the local area; and</li> <li>4. the biodiversity offsets or compensation are in accordance with best practice, including but not limited to New Zealand Government guidance on biodiversity offsetting.</li> </ol>
<b>ECO-P7</b>	<p>Encourage the protection, enhancement and restoration of indigenous biodiversity by:</p> <ol style="list-style-type: none"> <li>1. providing funding and advice to landowners to actively manage indigenous biodiversity, including by way of fencing, planting and pest management;</li> <li>2. considering bonus allotments and reducing minimum allotment sizes when subdividing if a significant natural area within the same property is legally protected by way of conservation covenant as part of the subdivision;</li> </ol>

3. promoting the creation of connections and ecological corridors between areas of indigenous biodiversity;
4. promoting the use of eco-sourced species from the relevant ecological district;
5. supporting opportunities for tangata whenua to exercise their customary responsibilities in restoring, protecting and enhancing areas of indigenous biodiversity; and
6. supporting initiatives by landowners, community groups and others to protect, restore and maintain indigenous biodiversity.

*A new ECO policy regarding biodiversity compensation to split ECO-P6 into two separate policies is being sought by an appeal. This provision was not included in and is different to the Decisions released on 13 May 2023. It has no legal effect. Click on the red exclamation mark on the right hand side to find out more.*

**Rules**

Refer to Part 1 for how to use this District Plan, including activity status abbreviations.

**Activities Rules**

ECO-R1		Indigenous vegetation disturbance within a significant natural area, not otherwise provided for in this table	
All zones	<b>Activity status: PER</b> Where the indigenous vegetation disturbance is: <ol style="list-style-type: none"> <li>1. within an area subject to a conservation covenant and the indigenous vegetation disturbance is provided for, and undertaken in accordance with, the covenant;</li> <li>2. necessary for the operation, maintenance and repair of existing tracks, fences, drains, structures, infrastructure, and renewable electricity generation activities;</li> <li>3. necessary to remove vegetation that endangers human life or existing buildings or structures;</li> <li>4. required for the construction of new fences and trap lines for conservation activities or fences for human safety purposes;</li> <li>5. for customary activities;</li> <li>6. trimming of branches up to 50mm diameter to maintain daylighting on a dwelling; or</li> <li>7. dead wood removal.</li> </ol>	<b>Activity status: RDIS</b> Where the indigenous vegetation disturbance: <ol style="list-style-type: none"> <li>1. is for new or upgraded infrastructure and renewable electricity generation activities;</li> <li>2. is trimming, beyond that provided for in ECO-R1 PER (6);</li> <li>3. does not exceed 500m<sup>2</sup> and is for a building platform and access, or for access to an existing dwelling, on a site that was created through subdivision prior to [insert date of Proposed Plan becoming operative], and no building platform and access, or access to the existing dwelling, had been established prior to that date; or</li> <li>4. is of vegetation that does not meet the significance criteria in ECO-P1.</li> </ol>	<b>Matters over which discretion is restricted:</b> <ol style="list-style-type: none"> <li>1. The relevant matters in ECO-P3 to ECO-P7.</li> </ol>
	<b>Activity status: DIS</b> Where the indigenous vegetation disturbance is not a permitted or restricted discretionary activity under ECO-R1.		
ECO-R2		Indigenous vegetation disturbance in the coastal environment	
Rural Zones	<b>Activity status: PER</b> Where: <ol style="list-style-type: none"> <li>1. the extent of indigenous vegetation disturbance per site does not exceed 100m<sup>2</sup> in area in any five year period (excluding vegetation disturbance for the purposes of emergency response by Fire and Emergency New Zealand, which is not subject to an area limit); and</li> <li>2. the indigenous vegetation disturbance is necessary for:                             <ol style="list-style-type: none"> <li>a. conservation activities;</li> <li>b. customary activities;</li> <li>c. the operation, maintenance or repair of existing pasture, fences, drains, structures, roads or tracks (including walking or cycling tracks);</li> <li>d. the operation, maintenance, repair or upgrading of existing network utilities; or</li> <li>e. the avoidance or loss of life, injury or serious damage to property.</li> </ol> </li> </ol>	<b>Activity status where compliance not achieved: DIS</b>	
ECO-R3		Indigenous vegetation disturbance within a significant natural area pursuant to an approved plan or permit issued under the Forests Act 1949	
All zones	<b>Activity status: RDIS</b> Where: <ol style="list-style-type: none"> <li>1. the indigenous vegetation disturbance is in accordance with an approved Sustainable Forest Management Plan or permit or personal use approval issued by the Ministry for Primary Industries under the Forests Act 1949.</li> </ol>	<b>Activity status where compliance not achieved: DIS</b>	
	<b>Matters over which discretion is restricted:</b> <ol style="list-style-type: none"> <li>1. The protection of habitats of regionally distinctive, threatened or at risk species.</li> <li>2. Compliance with the terms of an approved Sustainable Forest Management Plan or permit or personal use approval issued by the Ministry for Primary Industries under the Forests Act 1949.</li> </ol>		

	3. The measures to avoid, remedy, or mitigate any adverse effects on the significant indigenous vegetation and significant habitats of indigenous fauna.	
<b>ECO-R4</b>	<b>Subdivision of land containing a significant natural area</b>	
<b>All zones</b>	<p><b>Activity status: CON</b>  <b>Where:</b></p> <ol style="list-style-type: none"> <li>any new boundaries created by the subdivision are greater than 20m from a significant natural area;</li> <li>the subdivision will not result in buildings being located within 20m of a significant natural area;</li> <li>there is no indigenous vegetation disturbance within a significant natural area; and</li> <li>the area of significant natural area within the Record of Title subject to subdivision is contained within a single allotment.</li> </ol> <p><b>Matters over which control is reserved:</b></p> <ol style="list-style-type: none"> <li>The provision of an ecological management plan to protect and enhance the significant natural area addressing as a minimum:             <ol style="list-style-type: none"> <li>fencing;</li> <li>ongoing pest plant and animal control;</li> <li>any enhancement or edge planting.</li> </ol> </li> <li>Subdivision layout, design, location and proximity of building platforms to the significant natural areas.</li> <li>Management of earthworks, including earthworks for the location of building platforms and access ways.</li> <li>The protection of habitats of regionally distinctive, threatened or at risk species.</li> <li>The measures to avoid, remedy, or mitigate any adverse effects on:             <ol style="list-style-type: none"> <li>significant indigenous vegetation or significant habitats of indigenous fauna;</li> <li>any cultural, spiritual or historic values of importance to tangata whenua that are associated with the significant indigenous vegetation or significant habitats of indigenous fauna; and</li> <li>rural character and amenity values.</li> </ol> </li> </ol>	<b>Activity status where compliance not achieved: DIS</b>
<b>ECO-R5</b>	<b>Subdivision of land containing a significant natural area where a conservation covenant is proposed (significant natural area subdivision incentive allotment(s))</b>	
<b>(1) Rural Production Zone</b>	<p><b>Activity status: CON</b>  <b>Where:</b></p> <ol style="list-style-type: none"> <li>no more than one additional allotment is created under this rule; and</li> <li>there is a balance area remaining from the Record of Title subject to subdivision of at least 4 ha;</li> <li>the entire area of significant natural area located on the allotment subject to the subdivision is legally protected in perpetuity by way of a conservation covenant and is contained within a single allotment;</li> <li>this rule or its equivalent rule OL59 in the New Plymouth District Plan (2005) has not previously been used to gain an additional subdivision entitlement; and</li> <li>all Subdivision Effects Standards are complied with.</li> </ol> <p><b>Matters over which control is reserved:</b></p> <ol style="list-style-type: none"> <li>The provision of an ecological management plan to ensure the ongoing management of the covenant area and that the significant natural area is self-sustaining, which addresses as a minimum:             <ol style="list-style-type: none"> <li>fencing requirements for the covenant area;</li> <li>ongoing pest plant and animal control;</li> <li>any enhancement or edge planting requirements within the covenant area.</li> </ol> </li> <li>Subdivision layout, design, location and proximity of building platforms to significant natural areas.</li> <li>Management of earthworks, including earthworks for the location of building platforms and access ways.</li> <li>The protection of habitats of regionally distinctive, threatened or at risk species.</li> <li>The measures to avoid, remedy, or mitigate any adverse effects on:             <ol style="list-style-type: none"> <li>significant indigenous vegetation or significant habitats of indigenous fauna;</li> <li>any cultural, spiritual or historic values of importance to tangata whenua that are associated with the significant indigenous vegetation or significant habitats of indigenous fauna; and</li> </ol> </li> </ol>	<p><b>Activity status where compliance not achieved: DIS</b>  <b>Where 1, 2 or 3 applies:</b></p> <ol style="list-style-type: none"> <li>the subdivision can comply with ECO-R5(1) CON (1) to (4), but one or more of the Subdivision Effects Standards are not complied with.</li> <li>where:             <ol style="list-style-type: none"> <li>no more than two additional allotments are created under this rule;</li> <li>there is a balance area remaining from the Record of Title subject to subdivision of at least 20 ha;</li> <li>the entire area of significant natural area located on the allotment subject to the subdivision is legally protected in perpetuity by way of a conservation covenant and is contained within a single allotment;</li> <li>this rule or its equivalent rule OL59 in the New Plymouth District Plan (2005) has not previously been used to gain an additional subdivision entitlement; and</li> <li>all Subdivision Effects Standards are complied with.</li> </ol> </li> <li>the subdivision can comply with ECO-R5(1) DIS (2)(a) to (d) but one or more of the Subdivision Effects Standards are not complied with.</li> </ol> <p><b>Note:</b></p> <ol style="list-style-type: none"> <li>The provisions for additional allotments in this rule are in addition to the provisions for allotments in SUB-R4.</li> </ol>

	<p>c. rural character and amenity values.</p> <p><b>Note:</b></p> <p>1. The provisions for additional allotments in this rule are in addition to the provisions for allotments in SUB-R4.</p>	
	<p><b>Activity status: NC</b></p> <p>Where:</p> <p>1. the subdivision is not a controlled or discretionary activity under ECO-R5(1).</p> <p><b>Note:</b></p> <p>1. For subdivision proposals engaging ECO-R5(1), additional lots which meet the controlled or discretionary activity status in ECO-R5(1) are not considered non-complying under SUB-R4.</p>	
<p><b>(2) All other zones</b></p>	<p><b>Activity status: DIS</b></p> <p><b>Note:</b></p> <p>1. Allotments in addition to or smaller than those provided for under the subdivision rules for the relevant zone may be considered under this rule where a significant natural area is proposed to be legally protected in perpetuity by way of a conservation covenant.</p>	<p><b>Activity status where compliance not achieved: N/A</b></p>

*A new ECO permitted activity rule for vegetation disturbance outside identified SNAs is being sought by an appeal. This provision was not included in and is different to the Decisions released on 13 May 2023. It has no legal effect. Click on the red exclamation mark on the right hand side to find out more.*