

Joint Witness Statement Ecosystems and Biodiversity – Annexure 1 Amended Provisions

Agreed Amended Provisions (recommended amendments from the caucusing that are changes to the appendix from the s42A report are highlighted in green)

Definitions

<p>AREA OF SIGNIFICANT INDIGENOUS BIODIVERSITY</p>	<p>means, in relation to the Subdivision Rules,</p> <ul style="list-style-type: none"> a. an area identified as a Significant Natural Area in Schedule Four; or b. an area identified through an ecological assessment process undertaken by an ecologist as meeting the criteria for a Significant Natural Area as set out in the West Coast Regional Council Policy Statement National Policy Statement for Indigenous Biodiversity, Appendix One.
<p>SIGNIFICANT NATURAL AREA</p>	<p>means</p> <ul style="list-style-type: none"> a. areas that have been assessed as an area of significant indigenous vegetation or significant habitat of indigenous fauna in accordance with the criteria set out in the West Coast Regional Policy Statement; or b. areas that have been identified as Significant Natural Areas in any West Coast Regional or District Plan.

Commented [LE1]: There are submissions from Bathurst Resources on this definition which are still live, as they seek that this definition only include Schedule 1 wetlands in the Regional Land and Water Plan. I have discussed this with WCRC planning staff and reviewed the RLWP and RPS provisions, I now agree with the view that only Schedule 1 wetlands are SNAs but will address that in relation to this definition in my Right of Reply

ECO - P1

Identify **areas of significant indigenous vegetation and fauna habitat significant natural areas** and include these in Schedule Four through a Plan Change which will be introduced no later than August 2028. The Significant Natural Area identification process will be undertaken **as follows in accordance with the criteria and process set out in the National Policy Statement for Indigenous Biodiversity Indigenous Biodiversity and as outlined in Schedule xxx and will include:**

- 1. The criteria and process set out in the National Policy Statement for Indigenous Biodiversity Appendix 1 will be used to identify and map Significant Natural Area;**
- 2. In the Grey District these areas that are already identified in Schedule Four will be confirmed as meeting the National Policy Statement for Indigenous Biodiversity criteria by the end of 2025;**
- 3. Region wide, Regionally Significant Wetlands will be confirmed as meeting the National Policy Statement for Indigenous Biodiversity criteria by the end of 2025;**
- 4. i. In the Grey, Buller and Westland Districts wide the assessment and identification and mapping of other additional Significant Natural Areas which will be undertaken and completed by June 2027; and**
- ii. Confirming that areas already identified in Schedule Four, as well as Regionally Significant Wetlands identified in Schedule 1 of the West Coast Regional Land and Water Plan meet the National Policy Statement for Indigenous Biodiversity criteria**
- 5. Until a site has been assessed as to whether it contains a Significant Natural Area a general indigenous vegetation clearance rule will apply to that site;**
- 6. Once a site has been assessed a less restrictive general vegetation clearance rule will apply to other indigenous vegetation on that site that is outside of the Significant Natural Area.**

Commented [LE2]: Martin Kennedy considers all dates within the policy should be adjusted relative to when the plan is finalised to ensure the process in Schedule XXX below can be achieved in terms of landowners

- i. The criteria set out in Appendix 1 of the West Coast Regional Policy Statement will be used to assess significance;
- ii. Areas of significant indigenous vegetation and fauna habitat will be identified through the resource consent process until such time as district wide identification and mapping of significant natural areas is undertaken;
- iii. Buller and Westland district wide assessment, identification and mapping of significant natural areas will be undertaken and completed by June 2027; and
- iv. Identified areas of significant indigenous vegetation and fauna habitat will be added to Schedule Four through a Plan Change.

Schedule XXX – Principles and Process for Significant Natural Area identification.

Existing Significant Natural Areas in Schedule Four

In the Grey District, some Significant Natural Areas (SNAs) have already been identified, mapped and scheduled in Te Tai o Poutini Plan. The NPSIB provides for these to be confirmed as SNAs meeting the NPSIB criteria without requiring a full new assessment. This will be undertaken primarily as a desk top exercise using existing ecological reports. Landowners will be advised, and if they would like a field re-assessment to confirm the boundaries and/or significance of their site, then this will be undertaken.

This process is restricted to existing sites scheduled in the plan. No new SNAs can be added through this process.

Existing Regionally Significant Wetlands

Regionally significant wetlands are also known as SNAs and identified in the West Coast Regional Land and Water Plan, Schedule 1. These are found across the West Coast and will be confirmed as meeting the NPSIB criteria through a desk top exercise using existing ecological reports. Landowners will be advised, and if they would like a field re-assessment to confirm the boundaries and/or significance of their site, then this will be undertaken.

This process is restricted to existing wetlands included in Schedule 1 of the West Coast Regional Land and Water Plan. No new SNAs or regionally significant wetlands can be added through this process.

Commented [LE3]: I have reviewed the RLWP Schedules and checked with the WCRC planning staff and agree that as they have not been assessed for their significance that the Schedule 2 wetlands don't meet the criteria in the RPS as SNAs. I will also address this in my right of reply in relation to the definition of Significant Natural Area.

Identifying New Significant Natural Areas

- [1] New SNAs will be identified through a district wide assessment for each of the three districts. While the Grey District has previously undertaken an SNA identification exercise, it was with different criteria than are now required, and it is expected that some more SNAs could be identified.
- [2] In the Buller and Westland Districts, there has been no previous SNA identification process and it is expected that a range of new SNAs will be identified.
- [3] The process which will be followed is that in the first instance a desk top study will be undertaken to identify potential SNAs. Landowners will then be contacted to ask permission to undertake a field assessment to identify if the area, or part of the area, is an SNA, and what the boundaries are.
- [4] If the landowner refuses permission for a field assessment then the Councils will use the best information available to determine the values of the potential SNA and map it accurately.
- [5] Both the desk top and field assessment will be undertaken using the criteria set out in Appendix 1 of the NPSIB and in accordance with the principles detailed below.
- [6] All landowners will be notified in writing – including with maps and information on the ecological values of the sites, if the district wide assessment identifies an SNA on their property.
- [7] The Councils will keep landowners informed as to the timeframe and Plan Change process to introduce the identified SNAs into Te Tai o Poutini Plan.

Through this process the principles required by Section 3.8 of NPSIB and set out below will be followed:

- a. **partnership:** territorial authorities engage early with tangata whenua and landowners and share information about indigenous biodiversity, potential management options, and any support and incentives that may be available;
- b. **transparency:** territorial authorities clearly inform tangata whenua and landowners about how any information gathered will be used and make existing information, draft assessments and other relevant information available to tangata whenua and relevant landowners for review;
- c. **quality:** wherever practicable, the values and extent of natural areas are verified by physical inspection; but if a physical inspection is not practicable (because, for instance, the area is inaccessible, or a landowner does not give access) the local authority uses the best information available to it at the time;
- d. **access:** if a physical inspection is required, permission of the landowner is first sought and the powers of entry under section 333 of the Act are used only as a last resort;
- e. **consistency:** the criteria in Appendix 1 are applied consistently, regardless of who owns the land;
- f. **boundaries:** the boundaries of areas of significant indigenous vegetation or significant habitat of indigenous fauna are determined without regard to artificial margins (such as property boundaries) that would affect the extent or ecological integrity of the area identified.

What Rules Apply Until the Plan Change

Until a site has been assessed as to whether it contains a Significant Natural Area and a Plan Change introduced with the new SNAs, the general indigenous vegetation clearance rules will apply across the three districts.

Once all SNAs have been identified the chapter will also be reviewed as part of the Plan Change. This will implement the NPS-IB and is expected to introduce a new set of indigenous vegetation clearance rules and will also address whether regulation is still required for indigenous vegetation clearance outside of an SNA.

ECO - P2

Allow Provide for activities within areas of significant indigenous ~~vegetation or significant habitats of indigenous fauna biodiversity~~ where the activity has no more than minor adverse effects on the values of the area of significant indigenous vegetation or fauna habitat biodiversity and:

- a. This is for a lawfully established activity and adverse effects are no greater in intensity, scale, or character over time than at the operative date and do not result in the loss of ecosystem representation or degradation of ecological integrity; or
- b. This is for maintenance of improved pasture as part of a regular cycle of periodic maintenance; or
- b. It is for a Poutini Ngāi Tahu Activities cultural purpose; or
- c. This is undertaken on Poutini Ngāi Tahu or Te Rūnanga o Ngāi Tahu land in accordance with an Iwi/Papatipu Rūnanga Management Plan; or
- d. The adverse effects of the activity on the significant indigenous vegetation or fauna habitat are managed in accordance with the effects management hierarchy and the activity has a functional need or operational need to be located in the area, and is for the purpose of:
 - i. Construction or upgrade of regionally significant infrastructure; or
 - ii. Mineral extraction that provides significant national benefit; or
 - iii. Aggregate extraction that provides significant national or regional benefit; or

Commented [LE4]: Several of the participants in caucusing have submission points seeking changes to this policy (and Policy P2A) which have not been addressed in the caucusing process and still stand.

iv. The operation or expansion of any coal mine that was lawfully established before 4 August 2023; except that, after 31 December 2030, this exception applies only to such coal mines that extract coking coal

e. This is for the construction or upgrade of regionally significant infrastructure.

a. The activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat.

ECO - P2A

Provide for activities within Significant Natural Areas identified within Schedule Four where the adverse effects of the activity on the significant natural area are managed in accordance with the effects management hierarchy and the activity has a functional need or operational need to be located in the area, and is for the purpose of:

i. Construction or upgrade of regionally significant infrastructure; or

ii. Mineral extraction that provides significant national public benefit; or

iii. Aggregate extraction that provides significant national or regional public benefit; or

Commented [LE5]: Bathurst resources sought that this be national or regional public benefit in accordance with the NES - FW. This was not discussed at the caucusing and their submission point still stands.

ECO - P6

In relation to all indigenous biodiversity, when assessing consents for subdivision, use and development avoid activities which will:

- Prevent an indigenous species or community being able to persist in their habitats within their natural range in the Ecological District;
- Result in a degradation of the threat status, further measurable loss of indigenous cover or disruption to ecological processes, functions or connections in land environments in category one or two of the Threatened Environment Classification at the Ecological District level; and
- Result in a reasonably measurable reduction in the local population size or occupancy of Threatened or At Risk (Declining) species of threatened taxa in the Department of Conservation Threat Categories 1 – 3a – nationally critical, nationally endangered and nationally vulnerable or in the population size or occupancy of locally endemic species.

Advice Note:

Information on the Threat Classification status of individual species can be found on the New Zealand Threat Classification System data base at <https://nzctcs.org.nz>.

Commented [LE6]: Several of the participants in caucusing have submission points seeking changes to this policy which have not been addressed in the caucusing process and still stand.

ECO - P7

When assessing resource consents in areas of significant indigenous vegetation and significant habitats of indigenous fauna biodiversity, consider the following matters:

a. The necessity for the activity to provide for critical regionally significant infrastructure or renewable electricity generation;

b. The functional needs or operational needs of regionally significant infrastructure, mineral extraction of significant national public benefit or aggregate extraction of significant regional or national public benefit;

c. Whether this is for the operation or expansion of a coal mine that meets the requirements of Clause 3.11(1) of the National Policy Statement for Indigenous Biodiversity;

d. c. Whether the adverse effects are minor or transitory;

e. d. Whether formal protection and/or active management of measures to restore or improve all or part of any area of significant indigenous vegetation or habitat will occur as part of the subdivision, use or development;

Commented [LE7]: Several of the participants in caucusing have submission points seeking changes to this policy which have not been addressed in the caucusing process and still stand.

f.e. The extent to which the proposed activity recognises and provides for recognised Poutini Ngāi Tahu cultural and spiritual values, rights and interests;

g.f. The cumulative adverse effects of activities on biodiversity within or adjacent to any area of significant indigenous vegetation or habitat;

h-g. The effects the activity may have on the introduction or spread of exotic weed species and pest animals both terrestrial and aquatic;

h.h. The impacts on mahinga kai;

h.i. The impact of the activity on the values of any area of significant indigenous vegetation or habitat, or threatened species and how any potential impact could be avoided, remedied or mitigated by applying the effects management hierarchy; ~~and~~

k-j. The appropriateness of any biodiversity offsetting or compensation in accordance with Policy 9 1A to offset any more than minor residual adverse effects that remain after avoiding, remedying and mitigating measures have been applied; ~~and~~

k.k. The extent of net gain benefit achieved by biodiversity offsetting or compensation

ECO - PB1A

Maintain indigenous habitats and ecosystems across the West Coast/Te Tai o Poutini at a district scale by:

- a. Maintaining, and where appropriate enhancing or restoring the functioning of ecological corridors, linkages, dunes and indigenous coastal vegetation and wetlands;
- b. Minimising adverse effects on, and providing improving access, where appropriate to areas of indigenous biodiversity which are significant to Poutini Ngāi Tahu;
- ~~c. Restricting the modification or disturbance of coastal indigenous vegetation, dunes, estuaries and wetlands;~~
- ~~c.d. Preserving Managing adverse effects on protected wildlife threatened and at-risk species; and~~
- ~~d.e. Encouraging and enabling site and landscape scale biosecurity programmes to manage plant and animal pests~~
- ~~e. f. Recognising the benefits of Encouraging and enabling active conservation management of indigenous biodiversity, including voluntary animal and plant pest and stock control and/or formal legal protection; and~~
- f. Except in relation to the National Grid and Renewable Electricity Generation Activities, provide for biodiversity offsetting and biodiversity compensation as part of the effects management hierarchy in accordance with the principles set out in Appendix 3 and Appendix 4 in the National Policy Statement for Indigenous Biodiversity.

ECO - P9

Provide for biodiversity offsets and compensation to manage residual adverse effects of an activity where:

- a. The goal of the biodiversity offsets is no net loss and, preferably, a net gain of biodiversity;
- b. The conservation outcomes are measurable and positive; and
- c. The biodiversity offsets or compensation are in accordance with best practice, including but not limited to NZ Government guidance on biodiversity offsetting.

Provide for biodiversity offsetting and biodiversity compensation as part of the effects management hierarchy in accordance with the principles set out in Appendix 3 and Appendix 4 in the National Policy Statement for Indigenous Biodiversity.

Commented [LE8]: Several of the participants in causing have submission points seeking changes to this policy which have not been addressed in the causing process and still stand.

ECO - P101B

Protect indigenous biodiversity in the coastal environment from inappropriate subdivision, use and development by:

- a. Avoiding adverse effects on indigenous biodiversity set out in Policy 11(a) of the NZCPS, and
- b. Avoiding adverse effects on significant indigenous biodiversity; and
- c. Avoiding, remedying or mitigating other adverse effects on coastal indigenous vegetation, dunes, estuaries, wetlands, habitats and species within the coastal environment in accordance with the effects management hierarchy and Policy 11(b) of the NZCPS.

Commented [LE9]: Several of the participants in caucusing have submission points seeking changes to this policy which have not been addressed in the caucusing process and still stand

Commented [LE10R9]: Martin Kennedy specifically notes he considers the rules still do not sufficiently enable the activities undertaken by Westpower.

ECO - P1C

Policy P1C is the prevailing policy in relation to the National Grid and renewable electricity generation activities, where the adverse effects on indigenous biodiversity will be managed:

- a. In relation to the National Grid by:
 - i. Recognising and providing for the operation, maintenance and upgrade of existing National Grid assets, and in areas of significant indigenous biodiversity and SNAs identified in Schedule 4, avoiding, remedying or mitigating adverse effects to the extent practicable;
 - ii. Where appropriate, using substantial upgrades as an opportunity to reduce existing adverse effects;
 - iii. For new activities, seeking to avoid adverse effects on areas of significant indigenous biodiversity and SNAs identified in Schedule 4 and where, having regard to the route, site and method selection and functional or operational needs, it is not practicable to avoid all adverse effects, to remedy or mitigate any residual adverse effects to the extent practicable;
 - iv. For new activities within the coastal environment seeking to avoid significant adverse effects on indigenous biodiversity values that meet the criteria in Policy 11 (b) of the NZCPS 2010, and where adverse effects cannot be avoided, remedy or mitigate any residual adverse effects to the extent practicable;
- b. In relation to renewable electricity generation activities by:
 - i. Recognising and providing for the operation, maintenance, repair and upgrade of existing renewable electricity generation activities, and in areas of significant indigenous biodiversity and SNAs identified in Schedule 4, avoiding, remedying or mitigating adverse effects to the extent practicable;
 - ii. Where appropriate, using substantial upgrades as an opportunity to reduce existing adverse effects;
 - iii. Seeking to avoid adverse effects on areas of significant indigenous biodiversity and SNAs identified in Schedule 4 and where it is not practicable to avoid because of functional or operational needs, to remedy or mitigate any residual adverse effects to the extent practicable;
 - iv. Within the coastal environment seeking to avoid significant adverse effects on indigenous biodiversity values that meet the criteria in Policy 11 (b) of the NZCPS 2010, and where adverse effects cannot be avoided, remedy or mitigate any residual adverse effects to the extent practicable;

c. By considering the benefits of biodiversity offsetting or compensation where this is offered.

Rules

Permitted Activities

ECO – RXX1A General Standards

All Permitted activities outside of a Significant Natural Area must comply with the following relevant standards.

1. Within the coastal environment:
 - a. Any indigenous vegetation clearance is a maximum of 500m² per site over any continuous 3-year period or is a maximum of 20m² on any individual work site, or 20m² per linear hundred metre length for linear infrastructure; and
 - b. The indigenous vegetation clearance does not disturb, damage or destroy nesting areas or habitat of protected threatened or at risk species; and
 - c. The indigenous vegetation clearance does not occur in an area of land environment of category one or two of the Threatened Environment Classification; and
2. Within the riparian margin of a water body:
 - a. It is a maximum of 20m² per linear 200m length of riparian margin; and
3. In all other locations outside of a Significant Natural Area it is:
 - a. A maximum of 2000m² on any site over any continuous 3-year period on a site that has not had an SNA assessment undertaken in accordance with Policy ECO – P1; or
 - b. A maximum of 5000m² on any site over any continuous 3-year period on a site that has had an SNA assessment in accordance with Policy ECO – P1; or
 - c. Is a maximum of 20m² on any individual work site, or 20m² per linear 100m length for linear infrastructure; and
4. Unless carried out by a statutory agency or their nominated contractor responsible for natural hazard mitigation, the clearance is not located within areas used and identified for natural hazard mitigation structures that are owned or managed by a statutory agency.

Except that the maximum vegetation clearance provisions in these general standards do not apply where:

- i. Specific to Clause 3, it is necessary to provide for the ongoing safe and efficient operation, maintenance and repair of the National Grid, electricity distribution and telecommunications lines; or
- ii. For all Clauses, the indigenous vegetation clearance is for network utility operations within any RESZ – Residential Zone, COMZ – Commercial and Mixed Use Zone, PORTZ – Port Zone, or IND – Industrial Zone property within the towns of Greymouth, Hokitika or Westport.

Activity status where compliance not achieved: Restricted Discretionary

Advice Notes:

1. Where indigenous vegetation clearance is proposed in or on a site or area of significance to Māori then Rule SASM - R4 will also apply.
2. Where indigenous vegetation clearance is proposed within a wetland this is also subject to rules within the NES - Freshwater which is administered by the West Coast Regional Council.

ECO – RXX1 Indigenous Vegetation Clearance for Network Utility Operations, Renewable Electricity Generation Activities and the National Grid outside of Significant Natural Areas

Activity Status: Permitted

Where:

1. It is for the maintenance, operation, repair or upgrade of lawfully established activities and structures ; or

Commented [LE11]: Many of the participants in caucusing have submission points seeking changes to the vegetation clearance limits in this rule which have not been addressed in the caucusing process and still stand

Commented [LE12]: Martin Kennedy has noted that Westpower's view is that these areas are insufficient for the Westpower network. They would be seeking 100m² per work site and a 10m corridor for distribution activities

Commented [LE13]: This provision is brought across from the natural character of waterbodies topic. Martin Kennedy notes that there are submissions and evidence which was presented to that hearing with regard to this standard

Commented [LE14]: Martin Kennedy has noted that Westpower's view is that these areas are insufficient for the Westpower network. They would be seeking 100m² per work site and a 10m corridor for distribution activities

Commented [LE15]: Martin Kennedy is concerned that this rule does still not adequately provide for the operational needs of Westpower and his evidence at the ecosystems and biodiversity and coastal environment hearings still stands

Commented [LE16]: Department of Conservation and Westpower have submission points in relation to the matters in this rule which have not been addressed in the caucusing process and still stand

Commented [LE17R16]: Martin Kennedy is concerned that this rule does still not adequately provide for the operational needs of Westpower and his evidence at the ecosystems and biodiversity and coastal environment hearings still stands.

2. It is for the installation of temporary network or electricity generation activities following a regional or local state of emergency declaration; or
3. It is necessary to remove vegetation that endangers human life or existing buildings or structures; or
4. It is for construction of new network utility infrastructure, renewable electricity generation activities or the national grid where:
 - a. The construction corridor for linear infrastructure such as pipes and lines does not exceed 3m in width; and
 - b. All machinery used in construction is cleaned and made free of weed materials and seeds prior to entering the site; and
 - c. Rehabilitation of disturbed areas is undertaken following completion of construction; and
 - d. Within a riparian margin of a waterbody new network utilities and connections are underground or located within a legal road or attached to an existing bridge.

Commented [LE18]: I note Westpower have provided evidence that a 10m corridor is required.

Activity status where compliance not achieved: Restricted Discretionary

ECO – RXX2 Indigenous vegetation clearance for maintenance and repair of lawfully established structures and activities outside of Significant Natural Areas not provided for in Rule ECO – R1

Activity status: Permitted

Where:

1. The clearance is for the maintenance and repair of established activities and structures including but not limited to tracks, accessways, fences, pipelines, drains, natural hazard mitigation structures, shelterbelts and woodlots, environmental monitoring facilities and infrastructure; or
2. The clearance is for the maintenance of improved pasture for farming, where this is clearance of manuka, kanuka or bracken only that is less than 15 years old and not part of any wetland.

Advice Notes:

1. Where clearance of mānuka, kānuka or bracken is proposed under this rule, if proof that the vegetation is less than 15 years old or that the site is not a wetland, is unavailable, then a resource consent will be required.
2. In relation to standard 1, the reference to infrastructure applies where the infrastructure is not regulated by Rule ECO – RXX1.

Activity status where compliance not achieved: Restricted Discretionary

ECO – RXX3 Indigenous vegetation clearance in urban areas outside of Significant Natural Areas not provided for in Rule ECO – R1 or ECO – R2

Activity Status: Permitted

Where

1. It is undertaken on a RESZ – Residential Zone, COMZ – Commercial and Mixed Use Zone, PORTZ – Port Zone, or IND – Industrial Zone property within the towns of Greymouth, Hokitika or Westport.

Commented [LE19]: Martin Kennedy remains concerned that this rule does not sufficiently provide for the needs of the Westpower network and that his evidence on this to the natural character of waterbodies hearing still applies.

Activity status where compliance not achieved: Restricted Discretionary

ECO – R4 Indigenous vegetation clearance for Poutini Ngāi Tahu Activities outside of Significant Natural Areas

Activity Status: Permitted

Where

1. It is cultural harvest undertaken by Poutini Ngāi Tahu; or
2. It is for Poutini Ngāi Tahu Activities on Māori Purpose Zoned land or Poutini Ngāi Tahu land and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan;

Activity status where compliance not achieved

ECO – R1XX5

Indigenous vegetation clearance and disturbance within the Buller and Westland Districts and outside of the coastal environment a Significant Natural Area not provided for in another Permitted Activity Rule

Activity Status Permitted

Where **this is:**

1. For the construction of new fences and traplines associated with Conservation Activities or to exclude stock or pest animals from indigenous vegetation or the margins of waterbodies, or the coast; or
2. Necessary to remove vegetation that endangers human life or existing buildings or structures; or
3. For the construction of parks facilities, parks furniture or public access points within an Open Space and Recreation Zone; or
4. For installation of an environmental monitoring and extreme weather event monitoring facility; or
5. For the establishment of a river crossing point up to 3m wide; or
6. For new natural hazard mitigation structures undertaken by a statutory agency or their nominated contractor; or
7. Unavoidable in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, or is removal of unwanted organisms declared under the Biosecurity Act 2015; or
8. To comply with section 43 of the Fire and Emergency Act 2017; or
9. To upgrade public walking or cycling tracks up to 3m in width undertaken by the Council or its approved contractor; or
10. Within an area subject to a QEII National Trust Covenant or Ngā Whenua Rahui Kawaneta, a Reserves or Conservation Act covenant or a Heritage covenant under the Heritage New Zealand/Pouhere Taonga Act and the vegetation disturbance is authorised by that legal instrument; or
11. For the establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site that does not exceed 500m² clearance per allotment and where this is not located within a riparian margin of a waterbody; or
12. For mineral exploration or prospecting activities within the MINZ - Mineral Extraction Zone or BCZ – Buller Coalfield Zone; or
13. Outside of the coastal environment or riparian margins of waterbodies it is removal of windthrow timber through:
 - i. Use of helicopter recovery methods; or
 - ii. Where ground-based recovery is only undertaken from areas adjacent to existing vehicle tracks

Commented [LE20]: Westpower have provided evidence to the natural character of waterbodies hearing that the allowance for river crossings should be wider.

Activity status where compliance not achieved: Controlled Activity where this is indigenous vegetation clearance with an approved plan or permit issued under the Forests Act, Otherwise Restricted Discretionary

Refer Rule ECO—R1B where standard 1 is not achieved. Refer Rule ECO—RXXX where standard 2 is not achieved. Discretionary Controlled where standard 3 1 or 4 is not achieved.

Refer Natural Character and Margins of Waterbodies Chapter where standard 2 is not achieved.

Within the Grey District refer standard 4 where standard 3 is not achieved.

Within the Buller and Westland Districts Controlled or Restricted Discretionary (depending on activity type) where standard 5 is not achieved.

1. It is on a site where an SNA assessment has been undertaken by a suitably qualified ecologist in accordance with the criteria in the NPSIB and is outside of:
 - i. an scheduled identified Significant Natural Area as identified including those in Schedule Four; and
 - ii. An Outstanding Natural Landscape identified in Schedule 5; and
2. Within the Riparian Margin of a River, Lake or Coastal Wetland their is clearance is permitted by the Natural Character and the Margins of Waterbodies Rule NC—R1ECO—RXXX; or
3. It is on a site where no SNA assessment has been undertaken and is a maximum area of 2000m² over any continuous 3-year period; or
4. It on a site where no SNA assessment has been undertaken, or is within an Outstanding Natural Landscape and is a maximum area of 5000m² per site over any continuous 3-year period; and it is necessary for one of the following purposes:
 - i. It is the removal of windthrown timber through:
 - a. Use of helicopter recovery methods; or
 - b. Where ground-based recovery is only undertaken from areas adjacent to existing vehicle tracks; or
 - ii. The maintenance, operation and repair of lawfully established activities including but not limited to roads, the rail corridor, accessways, tracks, fences, structures, buildings, critical regionally significant infrastructure, network utilities, renewable electricity generation activities, shelterbelts and woodlots or natural hazard mitigation activities structures;
 - iii. For the installation of temporary network or electricity generation activities following a regional or local state of emergency declaration or environmental monitoring facilities;
 - iv. Necessary To prevent a serious threat to people, property, structures or services where this is certified by a Council Approved Arboricultural Contractor;
 - v. To ensure the safe and efficient operation (including maintenance and repair) of any formed public road, rail corridor or access;
 - vi. For the construction of new fences and traplines associated with Conservation Activities or to exclude stock or pest animals from indigenous vegetation or the margins of waterbodies, or the coast;
 - vii. To upgrade or create new public walking or cycling tracks up to 3m in width undertaken by the Council or its approved contractor;
 - viii. To comply with section 43 of the Fire and Emergency Act 2017;
 - ix. For construction, or operation, repair or upgrade of an above ground or below ground network utility or the national grid where:
 - a. The construction corridor does not exceed 3m in width; and
 - b. All machinery used in construction is cleaned and made free of weed material and seeds prior to entering the site; and
 - c. Rehabilitation of disturbed areas is undertaken following the completion of construction;
 - x. It is cultural harvest undertaken by Poutini Ngāi Tahu; or
 - xi. It is for Poutini Ngāi Tahu Activities on MPZ—Māori Purpose Zoned or Poutini Ngāi Tahu land and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or

- xii. It is within an area subject to a QEII National Trust Covenant or Ngā Whenua Rahui Kawaneta, a Reserves or Conservation Act covenant or a Heritage covenant under the Heritage New Zealand/Pouhere Taonga Act and the vegetation disturbance is authorised by that legal instrument;
- xiii. It is for the purpose of maintenance of improved pasture for farming and involves the removal or clearance of mānuka, kānuka and bracken only that is not part of any wetland and which is under 15 years old; or
- xiv. It is for the establishment of a residential building platform and access to the site that does not exceed 500m² in area per allotment; or
- xv. The clearance is unavoidable in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, or is removal of unwanted organisms declared under the Biosecurity Act 2015.

5. Within the Grey District it is clearance outside of an Outstanding Natural Landscape identified in Schedule Five; or

- i. It is the removal or clearance of mānuka, kānuka and bracken only that is not part of any wetland and which is under 15 years old, not exceeding 5ha per site over any continuous three year period, subject to provision of notice to the relevant District Council at least 20 working days prior to the proposed clearance including:
 - a. Details of the location of the proposed clearance;
 - b. Area of the proposed clearance; and
 - c. Verification by documentary, photographic or other means that the vegetation is less than 15 years old and not part of any wetland; or
- ii. It is a maximum area of 5000m² per site, in total, over any continuous three year period.

Advice Notes:

- 1. Where clearance of mānuka, kānuka or bracken is proposed under Standard 5 (xiii) of this rule, if proof that the vegetation is less than 15 years old or that the site is not a wetland, is unavailable, then a resource consent will be required.
- 2. Where indigenous vegetation clearance is proposed within the riparian margins of a waterbody refer to these sections of the Plan for the Rules around this clearance.
- 3. Where indigenous vegetation clearance is proposed in or on a site or area of significance to Māori then Rule SASM – R4 will also apply.
- 4. Where indigenous vegetation clearance is proposed within a wetland this is also subject to rules within the NES – Freshwater which is administered by the West Coast Regional Council.
- 5. This rule also applies to plantation commercial forestry activities, where this provision is more stringent than the NES – PCF in relation to significant natural areas.

Activity status where compliance not achieved: Restricted Discretionary

Refer Rule ECO – R1B where standard 1 is not achieved. Refer Rule ECO – RXXX where standard 2 is not achieved. Discretionary Controlled where standard 3 1 or 4 is not achieved.

Refer Natural Character and Margins of Waterbodies Chapter where standard 2 is not achieved.

Within the Grey District refer standard 4 where standard 3 is not achieved.

Within the Buller and Westland Districts Controlled or Restricted Discretionary (depending on activity type) where standard 5 is not achieved.

ECO – R1A

Indigenous vegetation clearance and disturbance Within the Grey District and outside of the coastal environment

Activity Status Permitted

Where:–

- 1. It is outside of an identified Significant Natural Area including those in Schedule Four; and
- 2. Within the Riparian Margin of a River, Lake or Coastal Wetland the It is clearance is permitted by the Rule ECO – RXXX; and

3. Within an Outstanding Natural Landscape it is a maximum area of 5000m² per site over any continuous 3 year period and is necessary for one of the following purposes:
- i. It is the removal of windthrown timber through:
 - a. Use of helicopter recovery methods; or
 - b. Where ground based recovery is only undertaken from areas adjacent to existing vehicle tracks; or
 - ii. The maintenance, operation and repair of lawfully established activities, including but not limited to: roads, the rail corridor, accessways, tracks, drains, fences, structures, buildings, regionally significant infrastructure, network utilities, renewable electricity generation activities, shelterbelts, woodlots, and natural hazard mitigation structures; or
 - iii. For the installation of temporary network or electricity generation activities following a regional or local state of emergency declaration or environmental monitoring facilities; or
 - iv. To prevent a serious threat to people, property, structures or services where this is certified by a Council Approved Arboricultural Contractor; or
 - v. For the construction of new fences and traplines associated with Conservation Activities or to exclude stock or pest animals from indigenous vegetation or the margins of waterbodies, or the coast; or
 - vi. To upgrade or create new public walking or cycling tracks up to 3m in width undertaken by the Council or its approved contractor; or
 - vii. To comply with section 43 of the Fire and Emergency Act 2017; or
 - viii. For construction, operation, repair or upgrade of an above ground or below ground network utility or the national grid where:
 - a. The construction corridor does not exceed 3m in width; and
 - b. All machinery used in construction is cleaned and made free of weed material and seeds prior to entering the site; and
 - c. Rehabilitation of disturbed areas is undertaken following the completion of construction; or
 - ix. It is cultural harvest undertaken by Poutini Ngāi Tahu; or
 - x. It is for Poutini Ngāi Tahu Activities on MPZ – Māori Purpose Zoned land or Poutini Ngāi Tahu Land and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or
 - xi. It is within an area subject to a QEII National Trust Covenant or Ngā Whenua Rahui Kawanata, a Reserves or Conservation Act covenant or a Heritage covenant under the Heritage New Zealand/Pouhere Taonga Act and the vegetation disturbance is authorised by that legal instrument; or
 - xii. It is for the purpose of maintenance of improved pasture for farming and involves the removal or clearance of manuka, kānuka and bracken only that is not part of any wetland and which is under 15 years old; or
 - xiii. It is for the establishment of a residential building platform and access to the site that does not exceed 500m² in area per allotment; or
 - xiv. The clearance is unavoidable in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, or is removal of unwanted organisms declared under the Biosecurity Act 2015.

Advice Notes:

- i. Where clearance of mānuka, kānuka or bracken is proposed under Standard 3 (xii) of this rule, if proof that the vegetation is less than 15 years old or that the site is not a wetland, is unavailable, then a resource consent will be required.

2. Where indigenous vegetation clearance is proposed in or on a site or area of significance to Māori then Rule SASM – R4 will also apply.

3. Where indigenous vegetation clearance is proposed within a wetland this is also subject to rules within the NES – Freshwater which is administered by the West Coast Regional Council.

4. This rule also applies to plantation commercial forestry activities, where this provision is more stringent than the NES – PF in relation to significant natural areas.

Activity status where compliance not achieved:

Refer Rule ECO – R1B where standard 1 is not achieved. Refer Rule ECO – RXXX where standard 2 is not achieved. Discretionary where Standard 3 is not achieved.

ECO -R1B

Indigenous Vegetation Clearance within a Significant Natural Area

Activity Status Permitted

Where this is:

1. For the maintenance, operation and repair of established activities and structures including tracks, fences, drains, structures, infrastructure and renewable electricity generation activities where:
 - a. This is at the same or similar scale, character and intensity as at 14 July 2022; and
 - b. The clearance is within 3m of the established activity and is limited to a maximum area of 50m² per individual SNA; or
2. Necessary to remove vegetation that endangers human life or existing buildings or structures where this is certified by a Council Approved Arboricultural Contractor; or
3. For the safe and efficient operation (including maintenance and repair) of any formed public road, rail corridor or access where the removal is within 3m of the formed width of the road, rail corridor or access where this is undertaken by a Road or Rail Controlling Authority; or
4. To comply with section 43 of the Fire and Emergency Act 2017; or
5. The clearance is necessary in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, or is removal of unwanted organisms declared under the Biosecurity Act 2015.

Activity status where compliance not achieved: Discretionary

ECO – R2

Indigenous Vegetation Clearance in the Coastal Environment

Activity Status Permitted

Where:

1. This is for:
 - i. Walking/cycling tracks, roads, farm tracks or fences;
 - ii. Operation, maintenance, repair, upgrading and installation of new network utility infrastructure and renewable electricity generation activities; or
 - iii. Establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site
4. The indigenous vegetation clearance does not occur in any area identified as a Significant Natural Area in Schedule Four; and
2. The extent of indigenous vegetation disturbed and/or cleared per site does not exceed an area of 500m² in area per site in any three year period; and
3. The indigenous vegetation clearance does not disturb, damage or destroy nesting areas or habitat of protected threatened or at risk species; and

Commented [LE21]: Many of the participants in caucusing have submission points seeking changes to the vegetation clearance limits in SNAs and the default activity status which have not been addressed in the caucusing process and still stand

4. The indigenous vegetation clearance does not occur in an area of land environment of category one or two of the Threatened Environment Classification; and

5. The indigenous vegetation clearance is for the following purposes:

- i. For the maintenance, operation and repair of established activities and structures including but not limited to: roads, the rail corridor, accessways, tracks, fences, drains, structures, regionally significant infrastructure, network utilities, environmental monitoring facilities, natural hazard mitigation structures and renewable electricity generation activities, where this is at the same or similar scale, character and intensity as at 14 July 2022; or
- ii. To prevent a serious threat to human life or existing buildings or structures where this is certified by a Council Approved Arboricultural Contractor; or
- iii. To upgrade public walking or cycling tracks up to 3m in width undertaken by the Council or its approved contractor; or
- iv. For the construction of new fences and traplines associated with Conservation Activities or to exclude stock or pest animals from indigenous vegetation or the margins of waterbodies, or the coast; or
- v. For the operation, maintenance, repair or upgrade of network utility infrastructure, renewable energy generation or the national grid; or
- vi. For cultural harvest undertaken by Poutini Ngāi Tahu; or
- vii. For Poutini Ngāi Tahu Activities on MPZ – Māori Purpose Zoned land or Poutini Ngāi Tahu Land and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or
- viii. It is for the purpose of maintenance of improved pasture for farming and involves the removal or clearance of manuka, kānuka and bracken only that is not part of any wetland and which is under 15 years old; or
- ix. It is for the establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site; or
- x. The clearance is undertaken on a RESZ – Residential Zone, COMZ – Commercial and Mixed Use Zone, PORTZ – Port Zone, or IND – Industrial Zone property within the towns of Greymouth, Hokitika or Westport

Advice Notes:

1. Where indigenous vegetation clearance is proposed within the riparian margins of a waterbody refer these sections of the Plan for the Rules around this clearance.
2. Where indigenous vegetation clearance is proposed in or on a site or area of significance to Māori then Rule SASM – R4 will also apply.
3. Where indigenous vegetation clearance is proposed within a wetland this is also subject to rules within the NES – Freshwater which is administered by the West Coast Regional Council.
4. This rule also applies to plantation commercial forestry activities, where this provision is more stringent than the NES – PCF.

Activity status where compliance not achieved: Restricted Discretionary

ECO - R5

Indigenous vegetation clearance not meeting Permitted or Controlled Activity Standards outside of a Significant Natural Area

Activity Status Restricted Discretionary

Where:

1. This is not within:

Commented [LE22]: Many of the participants in caucusing have submission points seeking changes to this rule which have not been addressed in the caucusing process and still stand

- i. A Significant Natural Area identified in Schedule Four, ~~or in an area that has been assessed in accordance with the Significant Natural Area criteria in the NPSIB that meets the criteria to be a Significant Natural Area;~~
- ii. An area of land environment of category one or two of the Threatened Environment Classification at the ecological district level;
- iii. An Outstanding Natural Landscape identified in Schedule Five;
- iv. An Outstanding Natural Feature identified in Schedule Six;
- v. An area of High Coastal Natural Character identified in Schedule Seven; or
- vi. An area of Outstanding Coastal Natural Character identified in Schedule Eight.

Discretion is restricted to:

- a. ~~Whether there are other regulations impacting the site that have meant the land is unable to be used for economic rural uses;~~
- b. ~~Constraints imposed by~~ Consideration of the functional need or operational need of network utilities, renewable energy generation and critical regionally significant infrastructure;
- c. The functional or operational need for the activity to locate within the area where indigenous vegetation clearance is proposed to occur
- d. Effects on habitats of any threatened or ~~protected~~ at risk (declining) species;
- e. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;
- f. Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems;
- g. Effects on the intrinsic values of ecosystems;
- h. Effects on recreational values of public land;
- i. Natural hazard management and geotechnical considerations;
- j. Poutini Ngāi Tahu values; and
- k. ~~The matters outlined in Policies ECO – P6 and ECO – P7. Effects on any values that would meet the significance criteria in Appendix 1 of the NPSIB.~~

Advice Note:

- 1. ~~Where indigenous vegetation clearance is proposed within the riparian margin of a waterbody refer to this section of the Plan for the Rules around this clearance.~~
- 2. Where indigenous vegetation clearance is proposed in or on a site or area of significance to Māori then Rule SASM - R4 will also apply.
- 3. Where indigenous vegetation clearance is proposed within a wetland this is also be subject to rules within the NES - Freshwater and Regional Land and Water Plan which are administered by the West Coast Regional Council.
- 4. This rule also applies to ~~plantation~~ commercial forestry activities, where this provision is more stringent than the NES - CF and the indigenous vegetation clearance is within the coastal environment.

Activity status where compliance not achieved: Discretionary

ECO - R7

Indigenous vegetation clearance not meeting ECO – R5 Permitted, Controlled or Restricted Activity Rules

Activity Status Discretionary

Commented [LE23]: Many of the participants in caucusing have submission points seeking changes to this rule which have not been addressed in the caucusing process and still stand

Where:

1. An ecological assessment undertaken by a suitably qualified and experience ecologist identifies that the clearance will not result in any of the following:
 - a. Loss of ecosystem representation and extent
 - b. Disruption to sequences, mosaics or ecosystem function
 - c. Fragmentation of Significant Natural Areas or the loss of buffers or connections with a Significant Natural Area
 - d. A reduction in the function of the Significant Natural Area as a buffer or connection to important habitats or ecosystems
 - e. A reduction in the population size or occupancy of any threatened or at risk (declining) species that use the Significant Natural Area.

OR

2. This is for mineral extraction (other than coal) that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand; or
- ~~3. This is for the operation or expansion of any coal mine that was lawfully established before 4 August 2023; except that, after 31 December 2030, this exception applies only to such coal mines that extract coking coal; or~~
4. This is for a single residential dwelling on an allotment created before 4 August 2023; or
5. This is for a commercial forestry activity and is required for the commercial forestry activity to continue;
- ~~6. This is for a renewable electricity generation activity, the national grid or regionally significant infrastructure.~~

Advice Note:

1. Where assessing resource consents for indigenous vegetation clearance under this rule, assessment against the relevant objectives and policies of both the Ecosystems and Biodiversity Chapter, and Natural Features and Landscapes Chapter, the Coastal Environment Chapter, the Energy, Infrastructure and Transport Chapters and the MINZ and BCZ objectives and policies Zone Chapters will be required.
2. In relation to Significant Natural Areas, this rule also applies to ~~plantation~~ commercial forestry activities, where this provision is more stringent than the NES - PCF.

Activity status where compliance not achieved: ~~N/A~~ Non-complying