

Updated to Incorporate recommendations from Joint Caucusing (Green) and s42A Author Right of Reply (yellow)**Definitions**

<u>AREA OF SIGNIFICANT INDIGENOUS BIODIVERSITY</u>	means, in relation to the Subdivision Rules, 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 significant indigenous biological diversity as set out in the West Coast Regional Council Policy-Statement-National Policy Statement for Indigenous Biodiversity , Appendix One
<u>BIODIVERSITY COMPENSATION¹</u>	means a conservation outcome that meets the requirements in Appendix 4 of the National Policy Statement for Indigenous Biodiversity and results from actions that are intended to compensate for any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, remediation, and biodiversity offsetting measures have been sequentially applied
<u>BIODIVERSITY OFFSET²</u>	means a measurable conservation outcome that meets the requirements in Appendix 3 of the National Policy Statement for Indigenous Biodiversity and results from actions that are intended to: a) <u>redress any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, and remediation measures have been sequentially applied; and</u> b) <u>(b) achieve a net gain in type, amount, and condition of indigenous biodiversity compared to that lost.</u>
<u>CULTURAL HARVEST³</u>	Cultural harvest means indigenous vegetation clearance for cultural use and in accordance with tikanga and kaitiakitanga, mahinga kai, collection or mining of Pounamu, Aotea stone or rock where this is undertaken by Poutini Ngāi Tahu. This includes clearance of vegetation by Poutini Ngāi Tahu for the maintenance of Poutini Ngāi Tahu Land.
<u>ECOLOGICAL DISTRICT⁴</u>	means the ecological districts as shown in McEwen, W Mary (ed), 1987. Ecological regions and districts of New Zealand. Wellington: Department of Conservation.
<u>EFFECTS MANAGEMENT HIERARCHY⁵</u>	means an approach to managing the adverse effects of an activity on indigenous biodiversity that requires that: a) <u>adverse effects are avoided where practicable; then</u> b) <u>where adverse effects cannot be avoided, they are minimised where practicable; then</u> c) <u>where adverse effects cannot be minimised, they are remedied where practicable; then</u> d) <u>where more than minor residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting is provided where possible; then</u> e) <u>where biodiversity offsetting of more than minor residual adverse effects is not possible, biodiversity compensation is provided; then</u>

¹ Department of Conservation (S602.018), Frida Inta (S553.004) and Buller Conservation Group (S552.004)² Frida Inta (S553.004) and Buller Conservation Group (S552.004), Department of Conservation (S553.004)³ Forest and Bird (S560.062), Ngāi Tahu (S620.040)⁴ Buller Conservation Group (S552.024) and Frida Inta (S553.024), Chris & Jan Coll (S558.092), Chris J Coll Surveying Limited (S566.092), Laura Coll McLaughlin (S474.092), Peter Langford (S615.044), Karama Lime Company (S614.044), Koiterangi Lime Co LTD (S577.035), Catherine Smart-Simpson (S564.028), William McLaughlin (S567.174), Steve Croasdale (S516.035) and Geoff Volckman (S563.023)⁵ Te Mana Ora (S190.002), Department of Conservation (S602.019)

	f) <u>if biodiversity compensation is not appropriate, the activity itself is avoided.</u>
<u>IMPROVED PASTURE</u> ⁶	<u>means an area of land where exotic pasture species have been deliberately sown or maintained for the purpose of pasture production, and species composition and growth has been modified and is being managed for livestock grazing</u>
<u>INDIGENOUS BIODIVERSITY</u> ⁷	<u>means the living organisms that occur naturally in New Zealand, and the ecological complexes of which they are part, including all forms of indigenous flora, fauna, and fungi, and their habitats</u>
<u>INDIGENOUS VEGETATION</u> ⁸	<u>means vascular and non-vascular plants that, in relation to a particular area, are native to the ecological district in which that area is located</u>
<u>INDIGENOUS VEGETATION CLEARANCE</u>	<u>means the clearing, or removal, damage or destruction⁹ of indigenous vegetation by any means, including cutting, crushing, smothering¹⁰, mobstocking¹¹ cultivation, irrigation, chemical application, drainage, stopbanking, overplanting, or burning but excluding the clearance of indigenous vegetation forming an under storey within an exotic plantation forest¹²</u>
<u>PARENT TITLE</u> ¹³	<u>means a record of title in existence on 14 July 2022</u>
<u>POUTINI NGĀI TAHU ACTIVITIES</u>	<u>means the use of land and/or buildings for traditional Māori activities and includes making and/or creating cultural goods, textiles and art, medicinal and food gathering, waka ama, events, management and activities that recognise and provide for the special relationship between Poutini Ngāi Tahu and places of cultural importance.</u>
<u>POUTINI NGĀI TAHU LAND</u> ¹⁴	<u>means land owned by Poutini Ngāi Tahu means specified Māori Land that is owned or managed by Poutini Ngāi Tahu.</u>
<u>SIGNIFICANT NATURAL AREA</u>	means <ul style="list-style-type: none"> a. <u>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</u> b. <u>areas that have been identified as Significant Natural Areas in any West Coast Regional or District Plan. For the avoidance of doubt, only the wetlands identified in Schedule 1 of the West Coast Regional Land and Water Plan are considered to be Significant Natural Areas.</u>
<u>SPECIFIED MĀORI LAND</u> ¹⁵	Means, <u>in relation to the ecosystems and biodiversity chapter,</u> land that is any of the following: <ul style="list-style-type: none"> a. <u>Māori customary land and Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):</u> b. <u>land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953:</u>

⁶ New Zealand Agricultural Aviation Association (S166.008)

⁷ Manawa Energy (S438.020), Suzanne Hills (S443.003), Federated Farmers of New Zealand (S524.004)

⁸ Forest and Bird (S560.082, S560.505), Frida Inta (S553.074), Buller Conservation Group (S552.074), Suzanne Hills (S443.003)

⁹ Forest and Bird (S560.065), Buller Conservation Group (S553.025) and Frida Inta (S553.025), Department of Conservation (S602.014)

¹⁰ Forest and Bird (S560.065)

¹¹ Department of Conservation (S602.014)

¹² Buller Conservation Group (S553.025) and Frida Inta (S553.025)

¹³ William McLaughlin (S567.297), Chris & Jan Coll (S558.227), Chris J Coll Surveying Limited (S566.227) and Laura Coll McLaughlin (S574.227)

¹⁴ Te Tumu Paeroa (S440.023)

¹⁵ Te Tumu Paeroa (S440.023)

	<ul style="list-style-type: none"> c. <u>land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of mana whenua over the land;</u> d. <u>land vested in the Māori Trustee that is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955, and remains subject to that Act;</u> e. <u>land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land within the meaning of section 7 of the Te Urewera Act 2014);</u> f. <u>the maunga listed in section 10 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014;</u> g. <u>Treaty settlement land, being land held by a post-settlement governance entity (as defined in the Urban Development Act 2020) where the land was transferred or vested and held (including land held in the name of a person such as a tipuna of the claimant group, rather than the entity itself):</u> <ul style="list-style-type: none"> i. <u>as part of redress for the settlement of Treaty of Waitangi claims; or</u> ii. <u>by the exercise of rights under a Treaty settlement Act or Treaty settlement deed.</u>
<u>THREATENED ENVIRONMENTS CLASSIFICATION</u> 16	means the threatened environments as shown in Walker S, Cieraad E, Barringer J 2015. <u>The Threatened Environment Classification for New Zealand 2012: a guide for users</u> . Landcare Research Report LC2184.”

Part 2 – District-Wide Matters- Te Wāhanga 2 - Ngā Kaupapa ā-Rohe Whānui - Natural Environment Values - Ngā Uara Taiao Aotūroa [Title Page]

This section will include the provisions for ecosystems and indigenous biodiversity, natural character, natural features and landscapes and public access and the margins of waterbodies¹⁷. It will identify the specific features and places on the West Coast that are important to those values, including any Outstanding Landscapes or Significant Natural Areas. It will also include the Objectives, Policies and any Rules for the management of these areas.

ECO Ecosystems and Indigenous Biodiversity -Ngā Pūnaha Rauropi me te Kanorau Koiora

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/Aotearoa me Te Waipounamu 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.

The West Coast/Te Tai o Poutini contains a significant amount of intact natural diversity by comparison with other parts of New Zealand/Aotearoa me Te Waipounamu. Continuous tracts of lowland and coastal forests and freshwater as well as coastal wetlands cover large areas. In many places indigenous ecosystems and habitats extend unbroken from the mountains to the sea. 84% of the land area is under the management of the Department of Conservation. In total an estimated 90% of the West Coast/Te Tai o Poutini is covered in indigenous vegetation - compared with 24% nationally.

While the West Coast/Te Tai o Poutini is fortunate to have a wide range of diverse and intact ecosystems and vegetation types, there are some ecosystems and vegetation types not well represented in the protected areas network. These are generally ecosystems found in the lowland areas of the West Coast/Te Tai o Poutini. Alongside this, parts of the West Coast/Te Tai o Poutini include the last habitats or strongholds of

¹⁶ Chris & Jan Coll (S558.092), Chris J Coll Surveying Limited (S566.092), Laura Coll McLaughlin (S474.092), Peter Langford (S615.044), Karamaea Lime Company (S614.044), Koiterangi Lime Co LTD (S577.035), Catherine Smart-Simpson (S564.028), William McLaughlin (S567.174), Steve Croasdale (S516.035) and Geoff Volckman (S563.023)

¹⁷ Department of Conservation (S602.061)

some native species threatened with extinction. Well-functioning ecosystems provide resilience to climate change and can provide protection to communities from natural hazards¹⁸

Under the RMA, the district and regional councils share responsibility for maintaining indigenous biodiversity. Te Tai o Poutini Plan is District councils are¹⁹ responsible for protecting and maintaining terrestrial (land-based) ecosystems, including the margins of the coast and waterbodies and the West Coast Regional Council is responsible for protecting and maintaining the non-terrestrial ecosystems (rivers, lakes, wetlands and the coast below mean high water springs). Poutini Ngāi Tahu also have cultural responsibilities as mana whenua and kaitiaki. Schedule 97 of the Ngāi Tahu Claims Settlement Act 1998 identifies some Taonga Species, along with Department of Conservation Documents and Iwi/Papatipu Rūnanga Management Plans.

The RMA requires Te Tai o Poutini Plan district councils²⁰ to manage indigenous biodiversity in two particular ways. Firstly, the control of any actual or potential effects of the use, development, or protection of land for the purpose of maintaining indigenous biodiversity. Secondly, it is required to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Specifically, to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and more broadly, for the control of any actual or potential effects of the use, development, or protection of land for the purpose of maintaining indigenous biodiversity.²¹

The National Policy Statement for Indigenous Biodiversity (NPSIB) came into force on 4 August 2023 and TTPP is required to give effect to this. The NPSIB requires Councils to protect, maintain and restore indigenous biodiversity in a way that:

- recognises tangata whenua as kaitiaki, and people and communities as stewards, of indigenous biodiversity; and
- provides for the social, economic and cultural wellbeing of people and communities, now and into the future

The NPSIB as amended October 2024 must be given effect to as soon as reasonably practical. Because The TTPP was developed notified prior to the NPSIB, it only partially gives effect to it – in as much has been as possible within the constraints of the scope of submissions made to on the Plan. Of note, the NPSIB does not apply to the development, operation, maintenance or upgrade of electricity transmission network assets and activities, although the requirements of the RMA and the WCRPS do apply.²²

Because of the ~~extremely large land~~ extensive area covered by indigenous vegetation on the West Coast/Te Tai o Poutini, detailed comprehensive assessment of each piece of vegetation for its identification of significance has not yet been ~~undertaken~~ completed²³.

In the Grey District, an evaluation process ~~has been underway for a~~ was undertake a number of years ago, and ~~this has enabled~~. This identified 37 Significant Natural Areas ~~to be identified~~ within the Grey District. These ~~list of these~~ Significant Natural Areas ~~can be found~~ are included in Schedule Four and they are also shown on the maps.

In the Buller and Westland Districts, where Significant Natural Areas have not yet been mapped, and in Grey District for areas outside of mapped Significant Natural Areas included in Schedule Four²⁴, Te Tai o Poutini Plan has general vegetation clearance rules, with an expectation that an assessment against the regionally consistent significance criteria will be undertaken at the time of any resource consent.

It is expected that further areas will be identified and mapped as Significant Natural Areas through a comprehensive process of ecological assessment across each district. This will include the identification of SNAs on public land as required by the NPSIB²⁵ and that these Significant Natural Areas will be added to the Plan through subsequent Plan change processes.²⁶

Te Tai o Poutini Plan also encourages integrated management of indigenous biodiversity and supports landowners, local government, Poutini Ngāi Tahu and other biodiversity partners working together on a

¹⁸ Forest and Bird (S560.192)

¹⁹ Buller Conservation Group (S552.059) and Frida Inta (S553.059)

²⁰ Buller Conservation Group (S552.060) and Frida Inta (S553.060)

²¹ Forest and Bird (S560.192)

²² Inger Perkins (S462.009)

²³ Forest and Bird (S560.192)

²⁴ Forest and Bird (S560.192)

²⁵ Nicholas Johnston (S14.004)

²⁶ Forest and Bird (S560.192)

voluntary basis to maintain and enhance indigenous biodiversity, including methods such as legal protection and good land management.

There is a considerable network of energy electricity generation, distribution and transmission activities and infrastructure, on the West Coast, including within areas of indigenous vegetation and biodiversity. Given the topography and extent of natural ecosystems and indigenous biodiversity on the West Coast practical management solutions are required to ensure maintenance and enhancement of the supply of renewable energy electricity generation to, and between, communities for the benefit of those communities and the wider environment from the use and development of renewable energy electricity generation.²⁷

The Ecosystems and Indigenous Biodiversity chapter contains objectives, policies, and rules for managing effects on indigenous biodiversity, including for the assessment and identification of significant indigenous vegetation and significant habitats of indigenous fauna. This chapter contains rules relating to vegetation clearance that apply throughout the West Coast. There are also specific rules that apply within significant natural areas, outstanding natural features and landscapes and the coastal environment.²⁸

Indigenous vegetation clearance in the Coastal Environment or adjacent to waterbodies

This chapter includes provisions for protection significant indigenous diversity within the coastal environment above mean highwater springs as shown on the Planning maps²⁹. This chapter also includes provisions for Where indigenous vegetation clearance is proposed within riparian margins next to rivers, lakes and coastal wetlands. refer to the Natural Character and Margins of Waterbodies chapter of the Plan for the Rules around this clearance³⁰.

Plantation/Commercial Forestry

Plantation forestry is principally regulated by the Resource Management (National Environmental Standard for Plantation Commercial Forestry) Regulations 2017 (NES-PCF). However the NES-PCF allows that district plans can be more stringent to protect significant natural areas and significant indigenous biodiversity within the coastal environment as provided for in the NZCPS Policy 11. Where provisions within this chapter are more stringent, they over-rule the requirements of the NES - PCF an advice note to that effect is included within the relevant³¹ Rule.

Strategic Objectives and Policies³²

The Strategic Objectives and Policies are particularly relevant when assessing matters under the Ecosystems and Indigenous Biodiversity Chapter. The Natural Environment, Poutini Ngāi Tahu³³ Mineral Extraction and Connections and Resilience Strategic Objectives and policies are particularly relevant.

Wetlands on the West Coast

The National Environmental Standards for Freshwater Management includes regulations for activities within, and within setbacks from, natural wetlands. These activities are managed by the West Coast Regional Council under the NES for Freshwater regulations. It should be noted that the setbacks for activities within those regulations may be different to those set out in this Plan and may require resource consent to be sought from the regional council³⁴. The West Coast Regional Council Land and Water Plan identifies a list of Regionally Significant Wetlands. In accordance with the West Coast Regional Policy Statement, these areas are known as Significant Natural Areas and have specific Rules around their management in the Regional Land and Water Plan. They are also subject to regulation by the West Coast Regional Council under the National Environmental Standard for Freshwater Management – which also has regulations around how other wetlands can be managed.

Other relevant Te Tai o Poutini Plan provisions³⁵

²⁷ Westpower Limited (S547.247)

²⁸ Forest and Bird (S560.035)

²⁹ Forest and Bird (S560.192)

³⁰ Forest and Bird (S560.333)

³¹ Forest and Bird (S560.193)

³² Westpower Limited (S547.249 and S547.250)

³³ Ngāi Tahu (S620.136)

³⁴ Forest and Bird (S560.195)

³⁵ Forest and Bird (S560.333)

Strategic Objectives and Policies³⁶ -The Strategic Objectives and Policies are particularly relevant when assessing matters under the Ecosystems and Indigenous Biodiversity Chapter. The Natural Environment, Poutini Ngāi Tahu³⁷ Mineral Extraction and Connections and Resilience Strategic Objectives and policies are particularly relevant.

Coastal Environment³⁸- the Coastal Environment Chapter contains the objectives, policies and rules for activities within the coastal environment overlay - including buildings and structures and earthworks

Natural Features and Landscapes – the Natural Features and Landscapes Chapter contains provisions in relation to the landscapes and natural features in Schedules Five and Six. Poutini Ngāi Tahu values are part of what makes these areas significant.

Natural Character and Activities Adjacent to Waterbodies - the Natural Character and Margins of Waterbodies contains the objectives, policies and rules relating to activities adjacent to waterbodies including buildings and structures and earthworks.

Activities on the Surface of Water – the Activities on the Surface of Water chapter contains provisions for the surface of waterbodies.

Historic Heritage - the Historic Heritage Chapter contains the provisions in relation to the sites and areas identified in Schedule One.

Notable Trees - the Notable Trees Chapter contains the provisions in relation to the trees identified in Schedule Two. Some trees are listed in this schedule due to their botanical values.

Also where relevant refer to policies in the Energy, Infrastructure and Transport Chapters

Ecosystems and Indigenous Biodiversity Objectives

ECO- 014³⁹

To identify, map⁴⁰ and protect in partnership with landowners⁴¹ areas of significant indigenous vegetation and significant habitats of indigenous fauna on the West Coast/Te Tai o Poutini.

ECO – 02

To provide for appropriate subdivision, use and development within areas of significant indigenous vegetation and significant habitats of indigenous fauna where the values of the area can be ~~maintained~~ protected⁴² or enhanced.

ECO - 03

To provide for tino rangatiratanga in relation to management of areas of significant indigenous vegetation and significant habitats of indigenous fauna where these are located on Poutini Ngāi Tahu ~~and Te Rūnanga o Ngāi Tahu⁴³~~ land.

ECO - 041⁴⁴

To maintain the range and diversity of ecosystems and indigenous species found on the West Coast/Te Tai o Poutini.

³⁶ Westpower Limited (S547.249 and S547.250)

³⁷ Ngāi Tahu (S620.136)

³⁸ Westpower Limited (S547.248)

³⁹ Department of Conservation (S602.064)

⁴⁰ Suzanne Hills (S443.020). and Clare Backes (S444.003)

⁴¹ Te Tumu Paeroa (S440.022)

⁴² Department of Conservation (S602.066)

⁴³ Te Tumu Paeroa (S440.022)

⁴⁴ Department of Conservation (S602.064)

Ecosystems and Indigenous Biodiversity Policies

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 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 Areas;
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.
 - 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.

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~~ and⁴⁵:

⁴⁵ Clare Backes (S444.006)

- 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 ~~and extent~~ or degradation of ecological integrity ⁴⁶; or
- b. ~~This is for maintenance of improved pasture as part of a regular cycle of periodic maintenance; or~~
- c. It is for ~~a~~ Poutini Ngāi Tahu ~~Activities~~⁴⁷ cultural purpose; or
- d. This is undertaken on Poutini Ngāi Tahu ~~or Te Rūnanga o Ngāi Tahu~~ ⁴⁸land 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~~
 - 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.~~
- e. ~~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~~

ECO - P3

Encourage the protection, enhancement and restoration of significant indigenous biodiversity ~~and the protection of significant indigenous fauna habitat~~⁴⁹ by:

- a. ~~Allowing~~ ~~Providing for~~⁵⁰ ~~up to 3 additional subdivision rights bonus allotments and reducing minimum allotment sizes when subdividing~~⁵¹ if an area of significant indigenous vegetation or significant habitat of indigenous fauna within the same property is legally protected as part of the subdivision,
- b. Promoting the creation of connections and ecological corridors between areas of significant indigenous biodiversity;
- c. Promoting the use of eco-sourced species from the relevant ecological district;
- d. Supporting opportunities for Poutini Ngāi Tahu to exercise their cultural rights and responsibilities as mana whenua and kaitiaki in restoring, protecting and enhancing areas of significant indigenous biodiversity; ~~and~~
- e. Supporting initiatives by landowners, community groups and others to protect, restore and maintain areas of significant indigenous biodiversity;

⁴⁶ Department of Conservation (S602.068)

⁴⁷ Ngāi Tahu (S620.139)

⁴⁸ Te Tumu Paeroa (S440.023)

⁴⁹

⁵⁰ Forest and Bird (S560.202)

⁵¹ Federated Farmers of New Zealand (S524.062)

- f. Promoting site and landscape scale biosecurity programmes to manage plant and animal pests; and
- g. Supporting any other measures to protect, enhance and restore biodiversity⁵²

ECO - P4

Provide for eco-tourism activities that complement the protection and/or enhancement of areas of significant indigenous vegetation or significant habitats of indigenous fauna and contribute to the vitality and resilience of the economy and wellbeing of the community.

ECO - P5

Enable the use of Māori Purpose Zoned land with areas of indigenous vegetation and indigenous fauna habitat, where land use and subdivision is consistent with tikanga and mātauranga Māori and minimises adverse effects on any significant values of the vegetation or fauna habitat.

ECO - P6

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

- a. Prevent an indigenous species or community being able to persist in their habitats within their natural range in the Ecological District;
- b. 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
- c. 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 species⁵³; and
- d. Within a Significant Natural Area, result in: disruption to sequences, mosaics or ecosystem function; fragmentation or the loss of buffers or connections; or reduction in the function of the Significant Natural Area as a buffer or connection to important habitats or ecosystems.

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://nztcs.org.nz>⁵⁴

ECO - P7

When assessing resource consents in areas of significant indigenous vegetation and significant habitats of indigenous fauna biodiversity⁵⁵, consider the following matters:

- a. The necessity for the activity to provide for critical regionally significant⁵⁶ 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 benefit⁵⁷;
- 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;

⁵² Department of Conservation (S602.069)

⁵³ Department of Conservation (S602.070)

⁵⁴ Federated Farmers of New Zealand (S524.063)

⁵⁵ Ngāi Tahu (S620.143), Forest and Bird (S560.207)

⁵⁶ Manawa Energy (S438.079)

⁵⁷ Forest and Bird (S560.477), TiGa Minerals and Metals Limited (S493.051), Whyte Gold Limited (S607.027), WMS Group (S599.055), Birchfield Coal Mines Ltd (S601.038), Phoenix Minerals Limited (S606.094), Birchfield

- d. Whether the adverse effects are minor or transitory⁵⁸
- e. Whether formal protection and/or⁵⁹ ~~active management of~~ measures to restore or improve⁶⁰ all or part of any area of significant indigenous vegetation or habitat will occur as part of the subdivision, use or development;
- f. The extent to which the proposed activity recognises and provides for Poutini Ngāi Tahu cultural and spiritual values, rights and interests;
- g. The cumulative adverse effects of activities on biodiversity⁶¹ ~~within or adjacent to~~⁶² any area of significant indigenous vegetation or habitat;
- h. The effects the activity may have on the introduction or spread of exotic weed species and pest animals both terrestrial and aquatic;
- i. The impacts on mahinga kai;
- j. 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 hierarchy⁶³; ~~and~~
- k. The appropriateness of any biodiversity offsetting or compensation in accordance with Policy 9 to offset any more than minor⁶⁴ residual adverse effects that remain after avoiding, remedying and mitigating measures have been applied; ~~and~~
- l. The extent of net gain benefit achieved by biodiversity offsetting or compensation⁶⁵.

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

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, and⁶⁶
- b. Avoiding adverse effects on significant indigenous biodiversity; and
- c. Avoiding, remedying or mitigating other significant adverse effects on coastal indigenous vegetation, dunes, estuaries, wetlands⁶⁷, habitats and species within the coastal environment in accordance with the effects management hierarchy and Policy 11(b) of the NZCPS⁶⁸.

⁵⁸ Buller District Council (S538.203), Peter Langford (S615.046), Karama Lime Company (S614.046), Koiterangi Lime Co LTD (S577.037), Catherine Smart-Simpson (S564.030), William McLaughlin (S567.177), Steve Croasdale (S516.036), Geoff Volckman (S563.025), Chris & Jan Coll (S558.095), Chris J Coll Surveying Limited (S566.095) and Laura Coll McLaughlin (S574.095)

⁵⁹ New Zealand Coal & Carbon Limited (S472.016) and Straterra (S536.049)

⁶⁰ Forest and Bird (S560.478)

⁶¹ Frida Inta (S553.070) and Buller Conservation Group (S552.070)

⁶² Manawa Energy (S438.079) and Westpower Limited (S547.0502)

⁶³ Te Mana Ora (S190.322)

⁶⁴ Manawa Energy (S438.079)

⁶⁵ Department of Conservation (S602.071)

⁶⁶ Department of Conservation (S602.074)

⁶⁷ Buller Conservation Group (S552.073) and Frida Inta (S553.073)

⁶⁸ Department of Conservation (S602.074)

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.

Ecosystems and Indigenous Biodiversity 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 infrastructure 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 within the Grey District, has an SNA included within Schedule 4 that is located on the same property; or
 - c. Is a maximum of 20m² on any individual infrastructure 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;
- iii. For all Clauses, the indigenous vegetation clearance is of vegetation planted and managed:
 - I. as part of a domestic or public garden for amenity purposes; or
 - II. as a shelterbelt; or
 - III. for the purpose of harvesting as plantation forestry.

Activity status where compliance not achieved: Restricted Discretionary

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
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.

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;

Activity status where compliance not achieved: Restricted Discretionary

ECO – RXX4 Indigenous vegetation clearance on Māori Purpose Zoned Land, Poutini Ngāi Tahu Land for Poutini Ngāi Tahu Activities or on Specified Māori Land 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;
3. It is clearance of kanuka, manuka or bracken on Specified Māori Land.

Activity status where compliance not achieved: Restricted Discretionary

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; or
14. For any other purpose, where this is not located within a riparian margin of a waterbody or the coastal environment, and does not exceed 2000m² clearance per property over a 3 year period.

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

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 there 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 manuka, 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 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
- 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:

1. 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 ⁶⁹

Activity Status Permitted

Where this is:

1. For the maintenance, operation and repair of lawfully 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;
2. Necessary to remove vegetation that endangers human life or existing buildings or structures where this is certified by a Council Approved Arboricultural Contractor;
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 ;
4. To comply with section 43 of the Fire and Emergency Act 2017;
5. To enable removal of unwanted organisms declared under the Biosecurity Act 2015.

⁶⁹ Grey District Council (S608.055), Buller District Council (S538.208) and Rebecca Inwood (S422.001)

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
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

Controlled Activities

ECO - R3

Indigenous vegetation clearance or disturbance where this is in accordance with an approved plan or permit issued under the Forests Act 1949

Activity Status Controlled

Where:

1. The indigenous vegetation clearance and 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;
2. The indigenous vegetation clearance is outside of ~~any Significant Natural Area identified in Schedule Four~~ and outside of⁷⁰ the Coastal Environment; and
3. The indigenous vegetation clearance is not located in an area of land environment of category one or two of the Threatened Environment Classification.

Matters of control are:

- a. The matters outlined in Policies ECO - P6, ECO - P7 and where relevant NFL - P6;
- b. The protection of habitats of threatened or at risk species;
- c. The management of impacts on Poutini Ngāi Tahu values as set out in the Tangata Whenua chapter⁷¹
- d. 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; and
- e. The measures to avoid, remedy, or mitigate any adverse effects on any significant indigenous vegetation and significant habitats of indigenous fauna.

Advice Note:

1. Where indigenous vegetation clearance is proposed within the riparian margins of a waterbody refer to these sections of the Plan for the additional 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.

Activity status where compliance not achieved: Restricted Discretionary

~~/ ECO – R4⁷² SUB – R7~~

~~Subdivision of Land to Create Allotments Containing an Area of Significant Indigenous Biodiversity~~

⁷⁰ Michael Orchard (S583.002), Peter Langford (S615.052), Karamaea Lime Company (S614.052), Koiterangi Lime Co LTD (S577.043), Catherine Smart-Simpson (S564.036), William McLaughlin (S567.182), Steve Croasdale (S516.041), Geoff Volckman (S563.030), Chris & Jan Coll (S558.101), Chris J Coll Surveying Limited (S566.101), Laura Coll McLaughlin (S574.101)

⁷¹ Ngāi Tahu (S620.147)

⁷² Department of Conservation (S602.077)

Activity Status: Controlled

Where:

1. One new allotment with a minimum lot size of 4,000m² is created from the parent title, provided that in the GRUZ—General Rural Zone there is a balance area remaining on the original title of at least 4 ha; and
2. The area of significant indigenous biodiversity is legally protected in perpetuity by way of a conservation covenant with an authorised agency and is contained within a single allotment;
3. The subdivision will not result in buildings or access ways being located within the identified area of significant indigenous biodiversity or the need for clearance of significant indigenous vegetation to provide for future access to any site; and
4. Subdivision standards S2–S11 are complied with.

Matters of control are:

- a. Subdivision layout, access, design, location and proximity of building platforms to areas of significant indigenous biodiversity;
- b. Management of earthworks, including earthworks for the location of building platforms and access ways;
- c. The protection of habitats of threatened or at risk species; and
- d. The measures to minimise any adverse effects on:
 - i. The significant indigenous biodiversity;
 - ii. The cultural significance to Poutini Ngāi Tahu.

Advice Note: This rule does not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB—R4.

Activity status where compliance not achieved: Restricted Discretionary where standard 1 is not complied with. Discretionary where standards 2–4 are not complied with.

Restricted Discretionary Activities

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:
 - 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 level⁷³;
 - 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;⁷⁴

⁷³ Westpower Limited (S547.271)

⁷⁴ Forest and Bird (S560.497)

- b. Constraints imposed by Consideration of the functional need or operational need of network utilities, renewable energy generation and critical regionally significant infrastructure⁷⁵;
- c. The functional or operational need for the activity to locate within the area where indigenous vegetation clearance is proposed to occur⁷⁶
- d. Effects on habitats of any threatened or ~~protected~~ at risk (declining) ⁷⁷ 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 considerations⁷⁸;
- j. Poutini Ngāi Tahu values⁷⁹ 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.~~⁸⁰
- 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 - PF and the indigenous vegetation clearance is within the coastal environment.

Activity status where compliance not achieved: Discretionary

~~ECO – R6/SUB – R9~~

~~Subdivision of Land to create Allotments Containing an Area of Significant Indigenous Biodiversity not meeting Rule ECO – R4~~

~~Activity Status Restricted Discretionary~~

~~Where:~~

- 1. ~~Up to three allotments with a minimum lot size of 4,000m² are created from the parent title;~~
- 2. ~~The area of significant indigenous biodiversity is legally protected in perpetuity by way of a conservation covenant with an authorised agency and is contained within a single allotment;~~
- 3. ~~The subdivision will not result in buildings or access ways being located within any Significant Natural Area identified in Schedule Four; and~~
- 4. ~~Subdivision standards S2-S11 are complied with.~~

⁷⁵ Westpower Limited (S547.272), Department of Conservation (S602.078), Buller District Council (S548.254)

⁷⁶ WMS Group (S599.060), TiGa Minerals and Metals Limited (S493.056), Birchfield Coal Mines Ltd (S601.042), Birchfield Ross Mining Limited (S604.036), Whyte Gold Limited (S607.030), Phoenix Minerals Limited (S606.093), Birchfield Ross Mining Limited (S604.115) and BRM Developments Limited (S603.069)

⁷⁷ Department of Conservation (S602.078), Forest and Bird (S560.498)

⁷⁸ Buller District Council (S548.254)

⁷⁹ Ngāi Tahu (S620.149)

⁸⁰ A recommendation of the Natural Character of Waterbodies s42A report is that the indigenous vegetation clearance rule is brought from this chapter into the ECO chapter so this advice note is no longer required as a consequential amendment.

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. The extent to which the subdivision layout, access, allotment size and design and the location of building platforms may adversely impact the significant indigenous vegetation and/or significant habitat of indigenous fauna;
- c. Management of earthworks including earthworks for the location of building platforms and access ways;
- d. The protection of habitats of threatened or at risk species.
- e. The measures to minimise any adverse effects on:
 - i. The significant indigenous biodiversity; and
 - ii. The particular cultural, spiritual and/or heritage values, interests or associations of importance to Poutini Ngāi Tahu as kaitiaki and mana whenua that are associated with the significant indigenous vegetation and/or significant habitats of indigenous fauna and the potential impact on those values, interests or association.

Activity status where compliance not achieved: Discretionary

Discretionary Activities

ECO - R7

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

Activity Status Discretionary

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;
or
6. This is for a renewable electricity generation activity, the national grid or regionally significant infrastructure.

Advice Notes:

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 required⁸¹.
2. **In relation to Significant Natural Areas, t**This rule also applies to plantation **commercial** forestry activities, where this provision is more stringent than the NES - PCF.
3. **When assessing resource consents for indigenous vegetation clearance on Specified Māori Land under this rule, the provisions of subclause 3.18(2) of the NPSIB in relation to Specified Māori Land must be taken into account.**

Activity status where compliance not achieved: N/A Non-complying⁸²

~~ECO – R8/SUB – R15~~

~~Subdivision of Land to Create Allotments Containing an Area of Significant Indigenous Biodiversity not meeting Rule ECO – R6~~

~~Activity Status Discretionary~~

~~Where:-~~

- ~~1. The area of significant indigenous biodiversity is legally protected in perpetuity by way of a conservation covenant with an authorised agency and is contained within a single allotment;~~
- ~~2. The subdivision will not result in buildings or accessways being located within any Significant Natural Area identified in Schedule Four; and~~
- ~~3. Subdivision Standards S2 – S11 are complied with.~~

~~Activity status where compliance not achieved:-~~

~~Non-complying~~

~~Non-complying Activities~~

~~ECO – R9/SUB – R27~~

~~Subdivision of Land within an Area of Significant Indigenous Biodiversity not meeting Rule ECO – R8~~

~~Activity Status Non-complying~~

~~Activity status where compliance not achieved:~~ N/A

ECO – R8A⁸³

Indigenous vegetation clearance not meeting ECO – R7

Activity Status Non – complying.

Activity status where compliance not achieved: N/A

ECO - R10

Planting of Plant Pests identified in a West Coast Regional Pest Management Plan within an area of significant indigenous vegetation or habitat of significant fauna

Activity Status Non-complying

Activity status where compliance not achieved: N/A

ECO - R11

⁸¹ Westpower Limited (S547.274), Bathurst Resources (S491.020)

⁸² Forest and Bird (S560.504)

⁸³ Forest and Bird (S560.504)

The intentional release or farming of Animal Pests identified in a West Coast Regional Pest Management Plan within an area of significant indigenous vegetation or habitat of significant fauna

Activity Status Non-complying

Activity status where compliance not achieved: N/A

Method ECO – M1

The TTPP Committee will

- a. Identify in conjunction with Specified Māori Land owners how best to implement the NPSIB in relation to Specified Māori Land in accordance with the decision making principles in Schedule xxx of the TTPP and the provisions of the NPSIB; and
- b. Identify in partnership with Poutini Ngāi Tahu how best to to fully implement the NPSIB in relation to the decision making principles, tangata whenua provisions and the Ngāi Tahu Claims Settlement Act; and
- c. As part of giving effect to the NPSIB, the TTPP Committee will consider a Plan Change to implement the actions of this method and Policy ECO-P1.

Subdivision Te Wawaetanga

Controlled Activities

~~⁸⁴SUB - R7/ECO – R4~~

Subdivision of Land to Create Allotments Containing an Area of Significant Indigenous Biodiversity Where Legal Protection of the Area of Significant Indigenous Biodiversity is Proposed⁸⁵

Activity Status: Controlled

Where:

1. One new allotment with a minimum lot size of 41⁸⁶000m² is created from the parent title, provided that in the GRUZ - General Rural Zone there is a balance area remaining on the original title of at least 4 ha; and
2. An assessment of the site against the significance criteria in the **NPSIB WCRPS Appendix 1** is provided with the application and this is undertaken by a suitably qualified or experienced ecologist unless the site has already been **assessed identified as to be an SNA** as part of a district – wide SNA assessment process⁸⁷; and
3. The **Any** areas significant indigenous biodiversity **is are** legally protected in perpetuity by way of a conservation covenant with an authorised agency or via consent notice on the title⁸⁸ and **is are** contained within a single allotment; and
4. The subdivision will not result in buildings or access ways being located within the identified area of significant indigenous biodiversity or the need for clearance within the area⁸⁹ of significant indigenous vegetation to provide for a future building site or⁹⁰ future access to any site; and
5. Subdivision standards S2-S11 are complied with.

Matters of control are:

- a. Subdivision layout, access, design, location and proximity of building platforms to areas of significant indigenous biodiversity;

⁸⁴ Department of Conservation (S602.077)

⁸⁵ Chris & Jan Coll (S558.224), William McLaughlin (S567.294), Chris J Coll Surveying Limited (S566,224) Laura Coll McLaughlin (S574.224)

⁸⁶ Davis Ogilvie & Partners Ltd (S465.017)

⁸⁷ Forest and Bird (S560.219, S560.269)

⁸⁸ Buller District Council (S538.211, S560.260)

⁸⁹ Buller Conservation Group (S552.117) and Frida Inta (S553.117)

⁹⁰ Forest and Bird (S560.219, S560.269)

- b. The provision of infrastructure and services for drinking water, wastewater, stormwater, telecommunications and energy⁹¹
- c. The adequacy of water supply for firefighting⁹²;
- d. Specification of the location of building sites and access through the use of consent notices;⁹³
- e. Management of potential reverse sensitivity effects on existing land uses, including network utilities and regionally significant infrastructure⁹⁴, rural activities or significant hazardous facilities⁹⁵
- f. Measures to address any natural hazards or geotechnical constraints⁹⁶
- g. Management of earthworks, including earthworks for the location of building platforms and access ways;
- h. The protection of habitats of threatened or at-risk species; and
- i. The measures to ~~minimise~~ avoid, remedy or mitigate⁹⁷ any adverse effects on:
 - i. The significant indigenous biodiversity;
 - ii. ~~The cultural significance to~~ Poutini Ngāi Tahu Values⁹⁸.

Advice Note: This rule does not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to either of Rules SUB – R2 or ⁹⁹SUB - R4.

Activity status where compliance not achieved: Restricted Discretionary where standard 1 is not complied with. Discretionary where standards 2-45 are not complied with.

Restricted Discretionary Activities

~~SUB - R9/ECO – R6¹⁰⁰~~

Subdivision of Land to create Allotments Containing an Area of Significant Indigenous Biodiversity Where Legal Protection of the Area of Significant Indigenous Biodiversity is Proposed¹⁰¹ not meeting Rule SUB – R7

Activity Status Restricted Discretionary

Where:

1. Up to three allotments with a minimum lot size of 41000m²¹⁰², are created from the parent title;
2. An assessment of the site against the significance criteria in the **NPSIB WCRPS Appendix 1** is provided with the application and this is undertaken by a suitably qualified or experienced ecologist **unless the site has already been assessed identified as to be an SNA** as part of a district – wide SNA assessment process;¹⁰³
3. The **Any** areas of significant indigenous biodiversity **is are** legally protected in perpetuity by way of a conservation covenant with an authorised agency or via consent notice on the title¹⁰⁴ and **is are** contained within a single allotment;
4. The subdivision will not result in buildings or access ways being located within any Significant Natural Area identified in Schedule Four or the need for clearance of significant indigenous vegetation to provide for a future building site or future access to any site¹⁰⁵; and

⁹¹ Westpower Limited (S547.367), Grey District Council (S608.637)

⁹² Grey District Council (S608.637)

⁹³ Forest and Bird (S560.219, S560.269)

⁹⁴ Buller District Council (S538.261)

⁹⁵ Westpower Limited (S547.367)

⁹⁶ Buller District Council (S538.254)

⁹⁷ Forest and Bird (S560.219, S560.269)

⁹⁸ Ngāi Tahu (S620.148)

⁹⁹ Westpower Limited (S547.268)

¹⁰⁰ Department of Conservation (S602.079)

¹⁰¹ Lara Kelly (S421.007), Margaret Montgomery (S446.055)

¹⁰² Davis Ogilvie & Partners Ltd (S465.018)

¹⁰³ Forest and Bird (S560.221)

¹⁰⁴ Buller District Council (S538.213)

¹⁰⁵ Forest and Bird (S560.221)

5. Subdivision standards S2-S11 are complied with.

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. The extent to which the subdivision layout, access, allotment size and design and the location of building platforms may adversely impact the significant indigenous vegetation and/or significant habitat of indigenous fauna and whether buffering of significant areas is also appropriate;
- c. The provision of infrastructure and services for drinking water, wastewater, stormwater, telecommunications and energy¹⁰⁶
- d. The adequacy of water supply for firefighting¹⁰⁷
- e. Management of potential reverse sensitivity effects on existing land uses, including network utilities and regionally significant infrastructure¹⁰⁸, rural activities or significant hazardous facilities¹⁰⁹
- f. Management of earthworks including earthworks for the location of building platforms and access ways;
- g. The protection of habitats of threatened or at risk species.
- h. The measures to minimise avoid, remedy or mitigate¹¹⁰ any adverse effects on:
 - i. The significant indigenous biodiversity; and
 - ii. The particular cultural, spiritual and/or heritage values, interests or associations of importance to Poutini Ngāi Tahu Values¹¹¹ as kaitiaki and mana whenua that are associated with the significant indigenous vegetation and/or significant habitats of indigenous fauna and the potential impact on those values, interests or association.

Activity status where compliance not achieved: Discretionary

Discretionary Activities

SUB - R15 / ~~ECO~~ - R8¹¹²

Subdivision of Land to Create Allotments Containing an Area of Significant Indigenous Biodiversity not meeting Rule SUB – R9

Activity Status Discretionary

Where:-

1. ~~The area of significant indigenous biodiversity is legally protected in perpetuity by way of a conservation covenant with an authorised agency and is contained within a single allotment;~~
2. ~~The subdivision will not result in buildings or accessways being located within any Significant Natural Area identified in Schedule Four; and~~
3. ~~Subdivision Standards S2 – S11 are complied with.~~

Activity status where compliance not achieved:

~~Non-complying N/A¹¹³~~

¹⁰⁶ Grey District Council (S608.639) and Westpower (S547.375)

¹⁰⁷ Grey District Council (S608.639)

¹⁰⁸ Buller District Council (S538.256)

¹⁰⁹ Westpower Limited (S547.377)

¹¹⁰ Forest and Bird (S560.221, S560.270)

¹¹¹ Ngāi Tahu (S620.150)

¹¹² Department of Conservation (S602.081)

¹¹³ Avery Brothers (S609.041), Neil Mouat (S535.019, S535.026), Leonie Avery (S507.043, S507.053), Jared Avery (S508.043, S508.053), Kyle Avery (S509.043, S509.053), Avery Bros (S510.043, S510.053), Bradshaw Farms (S511.043, S511.053), Paul Avery (S512.043, S512.053), Brett Avery (S513.043, S513.053), Buller District Council (S538.215, S538.267), Peter Langford (S615.080), Karama Lime Company (S614.080), Koiterangi Lime Co LTD (S577.063), Catherine Smart-Simpson (S564.058), Lara Kelly (S421.009), William McLaughlin

Advice Note: When assessing resource consent applications under this rule, the policies in the ECO Chapter should also be referred to.¹¹⁴

Non-complying Activities

SUB – R27/ ECO – R9

Subdivision of Land within an Area of Significant Indigenous Biodiversity not meeting Rule ECO – R8

Activity Status Non-complying

Activity status where compliance not achieved: N/A

Schedule Four: Significant Natural Areas

A regionally consistent assessment against the criteria in the NPSIB to identify all areas of significant indigenous biodiversity has not yet been completed¹¹⁵. Only previously identified areas within Grey District have been included in Schedule Four scheduled as Significant Natural Areas and spatially identified on the planning maps as the Significant Natural Area overlay¹¹⁶ in Te Tai o Poutini Plan.

Within the Buller and Westland District and in the Grey District outside of Schedule Four areas an assessment of significance will be undertaken at the time any resource consents are applied for in relation to the Ecosystems and Biodiversity Rules a district – wide assessment to identify areas of significant indigenous vegetation and significant indigenous fauna habitat will be undertaken, with additional identified areas included in Schedule Four through a future Plan Change.

Significant Natural Areas in the form of Regionally Significant Wetlands are scheduled and identified in the West Coast Regional Land and Water Plan and are included in Schedule Four also¹¹⁷.

(S567.309), Steve Croasdale (S516.056), Geoff Volckman (S563.052), Chris & Jan Coll (S558.240) and Chris J Coll Surveying Limited (S566.240)

¹¹⁴ Department of Conservation (S602.081)

¹¹⁵ Forest and Bird (S560.401) and Department of Conservation (S602.237)

¹¹⁶ Forest and Bird (S560.214)

¹¹⁷ Susan and Kevin Hall and Dunn (S218.001 and S218.002) Anne Chapman (S425.004) and Brian Anderson (S576.006)