

**Before the Hearings Panel  
At Central Hawke's Bay District Council**

**Under** Schedule 1 of the Resource Management Act 1991

**In the matter of** the Proposed Central Hawke's Bay District Plan

**Between** **Various**  
**Submitters**

**And** **Central Hawke's Bay District Council**  
**Respondent**

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**Response to Tenth Memorandum and Directions of the Hearings Panel, Directions further to Hearing 1 – 'Ecosystems and Indigenous Biodiversity' chapter ECO Rules – Stella Ann Luoni Morgan**

**On behalf of Central Hawke's Bay District Council**

**Date: 19 August 2022**

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## Introduction

1. My full name is Stella Ann Luoni Morgan. I am a Principal Planner and Director of Sage Planning (HB) Limited.
2. This reply statement responds to the Tenth Memorandum and Direction of the Hearings Panel, 'Directions Further to Hearing 1', on the 'Ecosystems and Indigenous Biodiversity' chapter of the Proposed Central Hawke's Bay District Plan, dated 27 June 2022 (copy attached) requesting 'whether a more simplified rule structure would be possible for this chapter'.
3. I have prepared this reply statement on behalf of the Central Hawke's Bay District Council (**Council**) in respect of this matter.
4. I am authorised to provide this response on behalf of the Council.

## Qualifications, Experience and Code of Conduct

5. My qualifications and experience are as set out in Section 1.1 of the Ecosystems & Indigenous Biodiversity Section 42A Report.
6. I can confirm that I am continuing to abide by the Code of Conduct of Expert Witnesses set out in the Environment Court's Practice Note 2014.

## Scope of Reply

7. The Hearing Panel has issued the following direction:

### ECO Rules

- 1. In reviewing the recommended changes to the ECO Rules contained within the last supplementary right-of-reply from Stella Morgan, dated 4 May 2022, the Panel considers that there appears to be considerable duplication between Rules ECO-R1A and ECO-R3, with the only key difference being in the activity status for non-compliance and the exclusion of natural wetlands from the SNA rule. Similarly, rule ECO-R3 appears to contain a large degree of internal duplication.*
- 2. To assist the Panel in our deliberations, and without prejudice to our final recommendation, we request that the reporting officer consider whether a more simplified rule structure would be possible. Noting that the reporting officer will be on extended leave over July, the Panel requests that this response be provided by close-of-business on Friday 19 August 2022, the response will be circulated to all relevant parties by the end of Tuesday 23 August 2022.'*
8. Appendix 1 contains a copy of the Tenth Memorandum and Direction of the Hearings Panel, dated 27 June 2022.
9. Appendix 2 contains a copy of the of the 'Ecosystems and Indigenous Biodiversity' chapter as provided in my supplementary right-of-reply dated 4 May 2022.
10. Appendix 3 contains an amended copy of the of the 'Ecosystems and Indigenous Biodiversity' chapter framework with a simplified rule framework as required by Minute 10, including a final 'clean' copy without comments
11. Appendix 4 provides the rule flow diagram to assist the Commissioners with the interpretation of the simplified rule framework.

## Proposed Simplified Rule Structure - ECO-Rules

12. The redrafted rule structure below seeks to reduce duplication between ECO-R1A and ECO-R3 by amending as follows:

### **Rule ECO-R1A**

- The name of Rule ECO-R1A has been amended to provide for '*Specified trimming and clearance of indigenous vegetation (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5)*', regardless of whether it is identified as SNA or not. It provides for a limited range of activities as set out in ECO-R1A(a)(i) to occur as permitted activities. (Rule ECO-R1A previously only provided for these activities to occur **outside** any area identified as a Significant Natural Area ).

### **Rule ECO-R3**

- As a consequence of the amendments to Rule ECO-R1A, the list of specified trimming and clearance activities has been removed from Rule ECO-R3.

### **Amendment to Rule titles ECO-R1, ECO-R2**

- A minor amendment to rule headings Rules ECO-R1 and ECO-R2 is also recommended to further clarify that these rules also do not apply to SNA wetlands.

13. All other rules remain unchanged from my 4th May Right of Reply.

14. The changes outlined do not affect the substance of the agreement with respect to the ECO-rules reached through expert conferencing (as reported on in the 4<sup>th</sup> May Right of Reply).

15. The simplified rule structure is proposed as follows:

## Rule Overview Table

Use/activity	Rule Number
Trimming or clearance of indigenous vegetation within any of the following (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5): <ol style="list-style-type: none"> <li>1. Areas of domestic or ornamental landscape planting; or</li> <li>2. Planted shelter belts; or</li> <li>3. Plantation forestry undergrowth or</li> <li>4. Planted indigenous forestry.</li> </ol>	ECO-R1
Specified trimming or clearance of indigenous vegetation (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5):	ECO-R1A
Trimming or clearance of indigenous vegetation that has naturally re-grown on land that was cleared within the previous 15 years (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5):	ECO-R2
Trimming or clearance of indigenous vegetation inside any area identified as a Significant Natural Area in ECO-SCHED5 (excluding natural wetlands)	ECO-R3
Trimming or clearance of indigenous vegetation outside any area identified as a Significant Natural Area in ECO-SCHED5	ECO-R4
Trimming or clearance of indigenous vegetation which forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5	ECO-R6

## Rules

It is important to note that in addition to the provisions in this chapter, zone chapters and [a number of](#) other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities involving the trimming or clearance of significant indigenous vegetation and/or significant habitats of indigenous fauna.

*Note 1: Plantation Forestry Activities - In the case of conflict with any rule in this Chapter, the provisions of the NES-PF apply instead of the rule. This specifically applies to afforestation, and vegetation clearance that occurs during or after afforestation outside of a significant natural area and 'incidental damage' within or outside a significant natural area. Vegetation clearance of indigenous vegetation that occurs before afforestation, or within a significant natural area (other than incidental damage) is not controlled by the NES-PF, and the rules in this Chapter will apply.*

*Note 2: These rules do not replace regional rules which control vegetation clearance and soil disturbance to address the loss and degradation of soil. These rules must be complied with prior to the activity proceeding.*

**ECO-R1 Trimming or clearance of indigenous vegetation within any of the following (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5):**

- Areas of domestic or ornamental landscape planting; or
- Planted shelter belts; or
- Plantation forestry undergrowth (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5); or
- Planted indigenous forestry.

All Indigenous Vegetation Species	1. Activity Status: PER  Where the following conditions are <u>met</u> : N/A	2. Activity status where compliance not achieved: N/A
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**ECO-R1A Specified trimming or clearance of indigenous vegetation (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5)**

All Indigenous Vegetation Species	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ol style="list-style-type: none"> <li>a. Limited to trimming or clearance that is required for any of the following purposes:               <ol style="list-style-type: none"> <li>i. required to achieve compliance with the requirements of the Electricity (Hazards from Trees) Regulations 2003; or</li> <li>ii. required to remove deadwood, wind-thrown trees, or chronically diseased indigenous vegetation, where an arborist who has attained the New Zealand Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent qualification has certified in writing that the indigenous vegetation is no longer independently viable or poses a risk; or</li> <li>iii. carried out in accordance with a registered protective covenant under the Reserves Act 1977, Conservation Act 1986 or Queen Elizabeth the Second National Trust Act 1977; or a Reserve</li> <li>iv. required for pest control undertaken by or in conjunction with the Department of Conservation, Hawke's Bay Regional Council or Central Hawke's Bay District Council, or by landowners and personnel working with these organisations for this purpose; or removal of material infected by an unwanted organism under the Biosecurity Act 1993; or</li> <li>v. necessary to avoid an imminent threat to the safety of persons or of damage to lawfully established buildings or structures; or</li> </ol> </li> </ol>	<p>2. Activity status where compliance with ECO- R1A(1)(a) not achieved: ECO-R2 to ECO-R4 apply</p> <p>3. Activity status where compliance with ECO- R1A(1)(b) not achieved: ECO-R2 to ECO-R6 apply</p>
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- vi. necessary to provide for the ongoing safe and efficient operation, maintenance and upgrading of telecommunication, radio communication and other network utilities, but excluding their expansion, where carried out by the respective network utility operator; or
- vii. necessary to provide for the maintenance and safe and efficient operation of existing tracks, stock crossing and bridges, drains, firebreaks, formed public roads, private accesses, driveways, right of ways and walkways; or
- viii. necessary to maintain buildings, provided that the trimming or clearance of vegetation is limited to within 3 metres of a wall or roof of a [building](#); or
- ix. required to construct new fences (including post holes) to exclude stock and/or pests from the area of indigenous vegetation, or to maintain existing fences, provided that the trimming or clearance does not exceed 2 metres in width either side of the fence [line](#); or
- x. for use by tangata whenua for cultural purposes (e.g. for Rongoā, Waka, traditional [buildings](#) and marae-based activities) and does not result in the removal of more than 25m<sup>3</sup> of timber per site per 10-year period.

*Note (1): The Council recommends that trimming or clearance of indigenous vegetation is carried out by an arborist who has attained the New Zealand Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent qualification.*

*Note (2): Any trimming or clearance work within the vicinity of a network utility should be undertaken by a network utility approved arborist.*

**ECO-R2 Trimming or clearance of indigenous vegetation that has naturally re-grown on land that was cleared within the previous 15 years (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5):**

<p><b>Manuka and Kanuka Species Only</b></p>	<p><b>1. Activity Status: PER</b></p> <p><b>Where the following conditions are met:</b></p> <p>a. Limited to:</p> <p>i. trees no more than 30cm in diameter measured at 1.4m from the highest point of ground level at the base of the tree.</p> <p><i>Note: If the requirements of this rule are complied with then there is no limit on the area of vegetation that can be trimmed or cleared.</i></p>	<p><b>2. Activity status where compliance not achieved: RDIS</b></p> <p><b>Matters over which discretion is restricted:</b></p> <p>a. ECO-AM1.</p>
<p><b>All Other Indigenous Vegetation Species</b></p>	<p><b>3. Activity Status: PER</b></p> <p><b>Where the following conditions are met:</b></p> <p>a. Limited to:</p> <p>i. trees no more than 30cm in diameter measured at 1.4m from the highest point of ground level at the base of the tree.</p> <p><i>Note: If the requirements of this rule are complied with then there is no limit on the area of vegetation that can be trimmed or cleared.</i></p>	<p><b>4. Activity status where compliance not achieved: ECO-R3 to ECO-R6 apply</b></p>

**ECO-R3 Trimming or clearance of indigenous vegetation inside any area identified as a Significant Natural Area in ECO-SCHED5 (excluding natural wetlands)**

<p><b>All Indigenous Vegetation Species</b></p>	<p><b>1. Activity Status: PER</b></p> <p><b>Where the following conditions are met:</b></p> <p>a. Limited to (whichever is the lesser):</p> <p>i. clearance of no more than 500m<sup>2</sup> of indigenous vegetation per site per calendar year; or</p> <p>ii. clearance of no more than 1% of the area of a Significant Natural Area identified in ECO-SCHED5 per calendar year.</p>	<p><b>2. Activity status where compliance not achieved: DIS</b></p>
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**ECO-R4 Trimming or clearance of indigenous vegetation outside any area identified as a Significant Natural Area in ECO-SCHED5**

<p><b>Manuka and Kanuka Species Only</b></p>	<p><b>1. Activity Status: PER</b></p> <p><b>Where the following conditions are met:</b></p> <p>a. Limited to:</p> <ul style="list-style-type: none"> <li>i. clearance of no more than 0.5 hectare per site per calendar year.</li> <li>ii. Trees to be cleared must have: <ul style="list-style-type: none"> <li>a. an average diameter measured 1.4m from the highest point of ground level at the base of the tree, of no more than 15cm; and</li> <li>b. an average canopy height of less than 6 metres.</li> </ul> </li> </ul>	<p><b>2. Activity status where compliance not achieved: RDIS</b></p> <p><b>Matters over which discretion is restricted:</b></p> <p>a. ECO-AM1.</p>
<p><b>All Other Indigenous Vegetation Species</b></p>	<p><b>3. Activity Status: PER</b></p> <p><b>Where the following conditions are met:</b></p> <p>a. Limited to:</p> <ul style="list-style-type: none"> <li>i. clearance of no more than 0.5 hectare per site per calendar year.</li> <li>ii. Trees to be cleared must have: <ul style="list-style-type: none"> <li>a. an average diameter measured 1.4m from the highest point of ground level at the base of the tree, of no more than 15cm; and</li> <li>b. an average canopy height of less than 6 metres.</li> </ul> </li> </ul>	<p><b>4. Activity status where compliance not achieved: DIS</b></p>

**ECO-R6 Trimming or clearance of indigenous vegetation which forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5**

<p><b>All Indigenous Vegetation Species</b></p>	<p><b>1. Activity Status: NC</b></p> <p><b>Where the following conditions are met:</b> <b>N/A</b></p> <p><i>Note (1): Wetland restoration work managed by the Department of Conservation, Hawke's Bay Regional Council or Central Hawke's Bay District Council is regulated by the Regional Resource Management Plan and the NES Freshwater 2020 and therefore exempt from this rule.</i></p> <p><i>Note (2): This rule does not apply to vegetation clearance associated with construction of, and ongoing safe and efficient operation, maintenance and upgrading of a network utility, but is subject to the (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA) (refer Regulations 30, 31 and 32), and / or Resource Management (National Environmental Standards for Freshwater) Regulations, 2020 (NES-FM), (refer Regulations 46 &amp; 47).</i></p>	<p><b>2. Activity status where compliance not achieved: N/A</b></p>
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16. A copy of the flow diagram of ECO Rules is attached for the Hearings Panel's reference. This chart remains unchanged as a result of the proposed simplifying amendments.

**Date: 19 August 2022**



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**APPENDIX 1**

**Copy of Tenth Memorandum and Direction of the Hearings Panel,  
dated 27 June 2022**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of Hearing of Submissions and Further  
Submissions on the Proposed Central Hawke's  
Bay District Plan Review

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**Tenth Memorandum and Direction of the Hearings Panel**  
**DIRECTIONS FURTHER TO HEARING 1**

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**ECO Rules**

1. In reviewing the recommended changes to the ECO Rules contained within the last supplementary right-of-reply from Stella Morgan, dated 4 May 2022, the Panel considers that there appears to be considerable duplication between Rules ECO-R1A and ECO-R3, with the only key difference being in the activity status for non-compliance and the exclusion of natural wetlands from the SNA rule. Similarly, rule ECO-R3 appears to contain a large degree of internal duplication.
2. To assist the Panel in our deliberations, and without prejudice to our final recommendation, we request that the reporting officer consider whether a more simplified rule structure would be possible. Noting that the reporting officer will be on extended leave over July, the Panel requests that this response be provided by close-of-business on Friday 19 August 2022, the response will be circulated to all relevant parties by the end of Tuesday 23 August 2022.

**Dated 27 June 2022**



**Robert Schofield**  
Chair of the Central Hawke's Bay District Council District Plan Hearings Panel

## **APPENDIX 2**

**'Ecosystems and Indigenous Biodiversity' chapter as provided in Supplementary  
Right of Reply dated 4 May 2022**

## NATURAL ENVIRONMENT VALUES

### ECO – Ecosystems and Indigenous Biodiversity

#### Introduction

In achieving the sustainable management purpose of the RMA, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, is specifically identified as a 'matter of national importance' (section 6(c)).

The RMA also requires particular regard to be given to 'other matters', including kaitiakitanga (s7(a)), and the intrinsic values of ecosystems (s7(d)), amongst other things.

Section 31 of the RMA also requires territorial authorities to control any actual or potential effects of the use, development or protection of land for the purpose of maintaining indigenous biological diversity (s31(1)(b)(iii)).

Subdivision, use and development often results in changes to the natural environment. These changes are not always negative, nor are they always significant, however it is important that an opportunity to consider the impact of these activities on the District's remaining significant indigenous vegetation and significant habitats of indigenous fauna is provided for in the District Plan.

At a national level, a National Policy Statement for Indigenous Biodiversity (NPS-IB) is anticipated to be gazetted and to take effect mid 2021, which is expected to require district plans to:

- undertake a district-wide assessment to identify and map areas of significant indigenous vegetation and / or significant habitats of indigenous fauna within the District; and
- take steps to ensure the protection, maintenance and restoration of indigenous biodiversity.

It is anticipated that the approach in this District Plan will go a long way towards giving effect to the likely requirements of the NPS-IB.

#### Issues

**ECO-1                      Loss of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna**

**ECO-2                      The desire of mana whenua to exercise kaitiakitanga in the protection of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna.**

Commented [SM1]: S125.051 Ngā hapū me ngā marae o Tamatea  
SNA Topic Key Issue 3

**Loss of the District's indigenous vegetation, habitats of indigenous fauna and indigenous biodiversity from threats of modification, damage, or destruction through inappropriate subdivision, use and development.**

Explanation

There is a relatively small amount of remaining indigenous cover in the plains and coastal areas of Central Hawke's Bay. These remaining habitats are now isolated and fragmented. In addition, plant, and animal pests, as well as diseases contribute to the degradation of these fragile areas. While land use changes, development and subdivision can result in adverse effects on these habitats and the native plants and animals which use them, many landowners have voluntarily protected and managed what is left. Addressing the issue of biodiversity loss and degradation therefore requires an integrated management approach that recognises existing activities and utilises a range of implementation methods.

A study of the natural values of the District shows that remaining habitats of indigenous fauna and flora comprise approximately 10% of the District's total land area. However much of the remaining forest lies in the Ruahine Forest Park and is represented by hill and country forests and habitats which are well represented and protected in the region and nationally. The plains and lowland coastal areas, however, have very little remaining original cover and habitat. While some ecosystem / vegetation types retain much of their original extent (such as the podocarp-beech types in the very steep areas of the Ruahine Ranges), other types (such as kahikatea-pukatea-tawa forest) and freshwater wetlands, have retained very little of their former extent. Some vegetation types, such as podocarp-based vegetation types, have all but disappeared from the District. Under-represented ecosystem types fall largely within nationally threatened and under-protected environment categories, and the lowland, coastal and plains parts of the District have very few natural features left and hence very low biodiversity values for indigenous fauna and flora.

Sites which were found to be significant with respect to section 6(c) of the RMA, have been mapped and shown on the Planning Maps, and recommended for inclusion in the District Plan as 'Significant Natural Areas' (SNAs). Many of the sites are found within the Ruahine Forest Park, already under protection. In the plains and along the coast, sites are generally scattered smaller fragments of remaining bush, regenerating scrub and wetlands. Habitats for nationally 'At-Risk' and 'Threatened' fauna and flora are also located within and alongside much of the shingle braided river corridors as well as coastal cliffs and estuary / river mouth areas of the District. While these latter habitats often comprise exotic trees and shrubs, and even weeds, with little native plant cover, they provide the only habitat left for many native animals and plants, including rare and threatened species. They are also critical in maintaining ecological corridors between the coast, existing native fragments across the plains and the extensive forested and protected habitats for the Ruahine Ranges, as well as providing breeding, roosting and spawning habitat.

Only a small percentage of significant sites in the plains and coastal areas have some form of legal protection, such as Stewardship Areas, Queen Elizabeth II National Trust (QEII) private land covenants, and Ngā Whenua Rāhui kawenata (covenants). Central Hawke's Bay District Council acknowledges the important stewardship role of landowners in protecting and managing these remaining sites. The study of the District's natural values also identified that

there are many sites outside those legally protected natural remnants which have value, that have been assessed as SNAs. Landowners often informally protect and manage these SNAs to enhance their biodiversity values as well.

The Hawke's Bay Regional Policy Statement identifies that water and its relationship with land is a significant issue for the Region, as is the scarcity of indigenous vegetation, natural wetlands, and habitats of indigenous fauna as a result of vegetation modification or clearance. Lake Whatuma, Porangahau River and Estuary, the Ruataniwha Aquifer and Waipawa River have been identified as outstanding water bodies, with Lake Whatuma identified as a regionally significant indigenous wetland.

As part of addressing these issues, Hawke's Bay Regional Council have led development of a Regional Biodiversity Strategy to improve habitats and support native species in the Region. Central Hawke's Bay District Council is a signatory and 'accountable partner' to the Hawke's Bay Biodiversity Accord and is therefore a key regional partner in encouraging and enabling improvement in the Region's biodiversity.

Council recognises there is a need to balance protecting and enhancing the District's indigenous biodiversity while allowing for rural landowners to farm their land effectively and efficiently. Except where very high conservation values exist, a wide range of activities can be accommodated, with appropriate standards to ensure adverse effects of these activities are avoided, remedied, or mitigated.

Council also has responsibilities in relation to the control of activities on the surface of inland waters where effects can cause loss of water quality and impacts on ecological systems and habitats.

## Objectives

**ECO-01**      **Protect the District's areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, particularly those within wetlands, braided rivers, and coastal margins, from activities that may adversely affect them.**

Commented [SM2]: S75.029 Forest and Bird SNA Topic Key Issue 3

**ECO-02**      **Maintain indigenous biodiversity within Central Hawke's Bay District.**

**ECO-03**      **The relationship of tangata whenua and their traditions and culture with indigenous vegetation and fauna are recognised and provided for.**

Commented [SM3]: S120.018 Heretaunga Tamatea Settlement Trust SNA Topic Key Issue 3

## Policies

**ECO-P1**      **To identify Significant Natural Areas (being areas of significant indigenous vegetation and/or significant habitats of indigenous fauna) in the District where they meet one or more of the criteria below and describe these areas in ECO-SCHED5 and show their**

location on the Planning Maps **(except for areas that meet Criterion 1, where at least one of Criterion 2-7 must also be met).**

Commented [SM4]: S75.031 Forest & Bird SNA Topic Key Issue 4

<i>Ecological Significance Determination Criteria for the Central Hawke's Bay District</i>	
<b>CRITERION 1 <u>Protection Status:</u></b>	It is indigenous vegetation or habitat for indigenous fauna that is currently, or is recommended to be, set aside by Government statute or covenant, or by the Nature Heritage Fund, or Ngā Whenua Rāhui committees, or the Queen Elizabeth the Second National Trust Board of Directors as an Open Space Covenant, specifically for the protection of biodiversity, and meets at least one of criteria 2-7.
<b>CRITERION 2 <u>Representativeness:</u></b>	<ul style="list-style-type: none"> <li>• It is vegetation or habitat of indigenous fauna that is highly typical or characteristic of the indigenous biodiversity in the Hawkes Bay Region, or an Ecological District within the Central Hawkes Bay District, or nationally.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• It is habitat that forms part of an indigenous ecological sequence, or is an exceptional, representative example of its type at a national level.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• It is habitat that supports a typical suite of indigenous fauna and flora and that is characteristic of the habitat type in an Ecological District within the Central Hawkes Bay District.</li> </ul>
<b>CRITERION 3 <u>Diversity and Pattern:</u></b>	It is an area of indigenous vegetation or habitat of high diversity (for its type) that contains ecotones, gradients, or sequences.
<b>CRITERION 4 <u>Rarity – Species:</u></b>	It is vegetation or habitat (including exotic vegetation or braided riverbed for highly mobile fauna species), that is currently regularly utilised habitat for indigenous flora or fauna species or associations of indigenous flora and fauna species that are: <ul style="list-style-type: none"> <li>• classed as Nationally Threatened or At Risk by the New Zealand Threat Classification System, or</li> <li>• endemic or uncommon to the Hawke's Bay Region, or</li> <li>• at the limit of their natural range.</li> </ul>
<b>CRITERION 5 <u>Rarity - Ecosystems:</u></b>	It is indigenous vegetation or habitat that is, and prior to human settlement was, nationally uncommon.
<b>CRITERION 6 <u>Distinctiveness:</u></b>	<ul style="list-style-type: none"> <li>• It is indigenous vegetation or habitat on an ecosystem type that is under-represented (30% or less of its known or likely original extent remaining) in an Ecological District, or Ecological Region, or nationally.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• It is wetland, sand dune, braided river or estuarine habitats, or a distinctive assemblage or community of indigenous species habitat for indigenous plant communities and/or indigenous fauna communities (excluding exotic rush/pasture communities) that has <i>not</i> been created and subsequently maintained for or in connection with: <ul style="list-style-type: none"> <li>○ waste treatment;</li> <li>○ wastewater renovation;</li> <li>○ hydroelectric power lakes;</li> <li>○ water storage for irrigation; or</li> <li>○ water supply storage, including stock water storage.</li> </ul> </li> </ul>
<b>CRITERION 7 <u>Ecological Context:</u></b>	It is an area of indigenous vegetation or naturally occurring habitat that: <ul style="list-style-type: none"> <li>• is moderate to large, well buffered, or is a compact shape, in the context of the Ecological District it is found in, and which contains all or almost all indigenous species typical of that habitat type.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• is critical to the self-sustainability of an indigenous flora or fauna species within a catchment of the Hawke's Bay Region. In this context "critical" means essential for a</li> </ul>

specific component of the life cycle and includes breeding and spawning grounds, juvenile nursery areas, important feeding areas and migratory and dispersal pathways of an indigenous species. This includes areas that maintain connectivity between habitats.

OR

- is a site that provides a full or partial buffer to, or link between, other important habitats or significant natural area(s) and/or is important for the natural functioning of a freshwater or coastal/estuarine system.

*Refer District Plan ECO-APP1 for Quantifying Thresholds and Attribute Assessment Guidance.*

**ECO-P2** To protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna from the adverse effects of landuse and development, including earthworks and vegetation clearance, **whilst providing for limited trimming and clearance opportunities where it is necessary for the economic, social and cultural wellbeing of people or their health and safety.**

**Commented [SM5]:** S121.017 Fed Farmers SNA Topic Key Issue 3

**ECO-P3** To avoid adverse effects of activities on areas of significant indigenous vegetation and/or significant habitats of indigenous fauna in the coastal environment; and avoid significant adverse effects and remedy or mitigate other adverse effects of activities on the indigenous biological values of other areas and habitats in the coastal environment.

**ECO-P4** To avoid, remedy or mitigate adverse effects, including cumulative adverse effects of subdivision, use and development that would result in a loss of indigenous biodiversity values from:

1. Clearance, modification, damage or destruction of large areas of intact indigenous vegetation or habitats of indigenous fauna;
2. Clearance of indigenous vegetation in and on the margins of Lake Whātuma and other natural wetlands and **including** braided rivers;
3. Subdivision of land and location of buildings and works in close proximity to areas of significant indigenous vegetation and/or habitats of indigenous fauna; or
4. Increased exposure to invasive introduced plant and animal species that pose a threat to indigenous biodiversity.

**Commented [SM6]:** S75.034 Forest & Bird - Right of Reply dated 8 April 22 - change of recommendation in S42A Ecosystems and Indigenous Biodiversity Topic Report, Key Issue 6 to **accept in part** (and reject Federated Farmer FS 25.52)

**ECO-P5** To give effect to the Principles for Biodiversity Offsets in ECO-APP2 of this Plan where biodiversity offsets are proposed as part of resource consent applications.

**ECO-P6.** To encourage the restoration and creation of ecological linkages between coastal habitats, river and stream margins and inland habitats as the opportunity arises and where it enhances the Districts indigenous biodiversity.

**ECO-P7** To recognise landowners' stewardship and current management practices (including weed management and pest control) associated

with protecting and maintaining areas of significant indigenous vegetation and/or significant habitats of indigenous fauna.

**ECO-P8** To assist landowners with the establishment of protective covenants, education, and other non-regulatory methods and incentives to protect and maintain areas of significant indigenous vegetation and/or significant habitats of indigenous fauna

**ECO-P9** To ensure that new nationally significant infrastructure is not located in areas of significant indigenous vegetation and/or significant habitats of indigenous fauna unless:

1. There is a functional or operational need for the infrastructure to be in that particular location; and
2. The route/site selection process has identified no practicable alternative locations.

Where it is necessary to locate in these areas and where, despite the adoption of the best practicable option, there remain residual adverse effects, biodiversity offsetting measures should be proposed for the purpose of ensuring positive effects on the environment sufficient to offset any residual adverse effects of activities on indigenous biodiversity that will or may result from allowing the activity.

### Rule Overview Table

Use/activity	Rule Number
Trimming or clearance of indigenous vegetation within any of the following: <ol style="list-style-type: none"> <li>1. Areas of domestic or ornamental landscape planting; or</li> <li>2. Planted shelter belts; or</li> <li>3. <u>Plantation forestry undergrowth (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5); or</u></li> <li>4. Planted indigenous forestry.</li> </ol>	ECO-R1
<u>Trimming or clearance of indigenous vegetation (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5)</u>	ECO-R1A

**Commented [SM7]:** Hearing Stream 1 - Right of Reply dated 8 April 2022 - change of recommendation in s42A Ecosystems and Indigenous Biodiversity Topic, Key Issue 7 to **accept in part** s75.038 Forest & Bird, (and amend Fed Farmers (FS25.54) to reject and DOC (FS19.8) to accept in part)

**Commented [SM8]:** Hearing Stream 1 - Supplementary Evidence Stella Morgan dated 11 Mar 2022, change of recommendation in S42A Ecosystems and Indigenous Biodiversity Topic, Key Issue 7 to **accept** S81.073 Hort NZ submission for an additional rule that enables a biosecurity response (and accept Federated Farmers (FS25.53) and reject Nga Hapu Me nga Marae O Tamatea (FS5.069))

Trimming or clearance of indigenous vegetation that has naturally re-grown on land that was cleared within the previous 15 years	ECO-R2
Trimming or clearance of indigenous vegetation inside any area of significant indigenous vegetation and/or significant habitat of indigenous fauna identified as a Significant Natural Area in ECO-SCHED5 (excluding natural wetlands)	ECO-R3
Trimming or clearance of indigenous vegetation outside any area of significant indigenous vegetation and/or significant habitat of indigenous fauna identified as a Significant Natural Area in ECO-SCHED5	ECO-R4
Trimming or clearance of indigenous vegetation not otherwise provided for	ECO-R5
Trimming or clearance of indigenous vegetation which forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5	ECO-R6

Commented [SM9]: consequential amendment - Right of Reply dated 8 April 2022

Commented [SM10]: consequential amendment - Right of Reply dated 8 April 2022

## Rules

It is important to note that in addition to the provisions in this chapter, zone chapters and a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities involving the trimming or clearance of significant indigenous vegetation and/or significant habitats of indigenous fauna.

Note 1: Plantation Forestry Activities - In the case of conflict with any rule in this Chapter, the provisions of the NES-PF apply instead of the rule. This specifically applies to afforestation, and vegetation clearance that occurs during or after afforestation outside of a significant natural area and 'incidental damage' within or outside a significant natural area. Vegetation clearance of indigenous vegetation that occurs before afforestation, or within a significant natural area (other than incidental damage) is not controlled by the NES-PF, and the rules in this Chapter will apply.

Note 2: These rules do not replace regional rules which control vegetation clearance and soil disturbance to address the loss and degradation of soil. These rules must be complied with prior to the activity proceeding.

Commented [SM11]: S85.008 Rayonier Matariki Forests; S132.002 Ernslaw One Limited ; S132.003 Ernslaw One Limited; S132.004 Ernslaw One Limited SNA Topic Key Issue 7

Commented [SM12]: S11.037 Hawke's Bay Regional Council SNA Topic Key Issue 2

### ECO-R1 Trimming or clearance of indigenous vegetation within any of the following:

- Areas of domestic or ornamental landscape planting; or
- Planted shelter belts; or

- **Plantation forestry undergrowth (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5); or**
- **Planted indigenous forestry.**

**Commented [SM13]:** Hearing Stream 1 - Right of Reply dated 18 April 2022 - change of recommendation in s42A Ecosystems and Indigenous Biodiversity Topic, Key Issue 7 to **accept in part** s75.038 Forest & Bird, (and amend Fed Farmers (FS25.54) to reject and DOC (FS19.8) to accept in part)

<b>All Indigenous Vegetation Species</b>	<b>1. Activity Status: PER</b>  <b>Where the following conditions are met: N/A</b>	<b>2. Activity status where compliance not achieved: N/A</b>
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**ECO-R1A Trimming or clearance of indigenous vegetation outside any area identified as a Significant Natural Area in ECO-SCHED5)**

<b>All Indigenous Vegetation Species</b>	<p><b>1. Activity Status: PER</b></p> <p><b>Where the following conditions are met:</b></p> <p>a. <u>Limited to trimming or clearance that is required for any of the following purposes:</u></p> <p>i. <u>required to achieve compliance with the requirements of the Electricity (Hazards from Trees) Regulations 2003; or</u></p> <p>ii. <u>required to remove deadwood, wind-thrown trees, or chronically diseased indigenous vegetation, where an arborist who has attained the New Zealand Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent qualification has certified in writing that the indigenous vegetation is no longer independently viable or poses a risk; or</u></p> <p>iii. <u>carried out in accordance with a registered protective covenant under the Reserves Act 1977, Conservation Act 1986 or Queen Elizabeth the Second National Trust Act 1977; or a Reserve Management Plan approved under the Reserves Act 1977; or</u></p> <p>iv. <u>required for pest control undertaken by or in conjunction with the Department of Conservation, Hawke's Bay Regional Council or Central Hawke's Bay District Council.</u></p>	<p><b>2. Activity status where compliance not achieved: ECO-R2 to ECO-R5 apply</b></p>
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**Commented [SM17]:** Hearing Stream 1 - Supplementary Evidence Stella Morgan dated 11 Mar 2022, change of recommendation in S42A Ecosystems and Indigenous Biodiversity Topic, Key Issue 7 to **accept** S81.073 Hort NZ submission for an additional rule that enables a biosecurity response (and accept Federated Farmers (FS25.53) and reject Nga Hapu Me nga Marae O Tamatea (FS5.069))

**Commented [SM14]:** Hearing Stream 1 - Right of Reply dated 4 May 2022 - minor clarification suggested as a result of Expert Conferencing on Rule ECO-R3.1 (as set out in Joint Witness Statement (dated 28 April 2022))

- or by landowners and personnel working with these organisations for this purpose; or removal of material infected by an unwanted organism under the Biosecurity Act 1993; or
- v. necessary to avoid an imminent threat to the safety of persons or of damage to lawfully established buildings or structures; or
  - vi. necessary to provide for the ongoing safe and efficient operation, maintenance and upgrading of telecommunication, radio communication and other network utilities, but excluding their expansion, where carried out by the respective network utility operator; or
  - vii. necessary to provide for the maintenance and safe and efficient operation of existing tracks, stock crossing and bridges, drains, firebreaks, formed public roads, private accesses, driveways, right of ways and walkways; or
  - viii. necessary to maintain buildings, provided that the trimming or clearance of vegetation is limited to within 3 metres of a wall or roof of a building; or
  - ix. required to construct new fences (including post holes) to exclude stock and/or pests from the area of indigenous vegetation, or to maintain existing fences, provided that the trimming or clearance does not exceed 2 metres in width either side of the fence line; or
  - x. for use by tangata whenua for cultural purposes (e.g. for Rongoā, Waka, traditional buildings and marae-based activities) and does not result in the removal of more than 25m<sup>3</sup> of timber per site per 10-year period.

Note (1): The Council recommends that trimming or clearance of indigenous

**Commented [SM15]:** S121.030 Fed Farmers  
SNA Topic Key Issue 7

**Commented [SM16]:** S121.030 Federated Farmers  
SNA Topic Key Issue 7

vegetation is carried out by an arborist who has attained the New Zealand Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent qualification.

Note (2): Any trimming or clearance work within the vicinity of a network utility should be undertaken by a network utility approved arborist.

**ECO-R2 Trimming or clearance of indigenous vegetation that has naturally re-grown on land that was cleared within the previous 15 years**

**Manuka and Kanuka Species Only**

**1. Activity Status: PER**

**Where the following conditions are met:**

- a. Limited to:
  - i-xi. trees no more than 30cm in diameter measured at 1.4m from the highest point of ground level at the base of the tree.

*Note: If the requirements of this rule are complied with then there is no limit on the area of vegetation that can be trimmed or cleared.*

**2. Activity status where compliance not achieved: RDIS**

**Matters over which discretion is restricted:**

- a. ECO-AM1.

**All Other Indigenous Vegetation Species**

**3. Activity Status: PER**

**Where the following conditions are met:**

- a. Limited to:
  - i. trees no more than 30cm in diameter measured at 1.4m from the highest point of ground level at the base of the tree.

*Note: If the requirements of this rule are complied with then there is no limit on the area of vegetation that can be trimmed or cleared.*

**4. Activity status where compliance not achieved: ECO-R3 to ECO-R6 apply**

**ECO-R3 Trimming or clearance of indigenous vegetation inside any ~~areas of significant indigenous vegetation and/or significant habitat of indigenous fauna identified as a Significant Natural Area in ECO-SCHED5~~ (excluding natural wetlands)**

**Commented [SM18]:** S64.064 Department of Conservation SNA Topic Key Issue 7

**Commented [SM19]:** Hearing Stream 1 - Right of Reply dated 18 April 2022 - change of recommendation in s42A Ecosystems and Indigenous Biodiversity Topic, Key Issue 7 to **accept in part** s75.041 Forest & Bird, (and amend Fed Farmers (FS25.60) to reject)

**All Indigenous Vegetation Species**

**1. Activity Status: PER**

**Where the following conditions are met:**

- a. Limited to (whichever is the lesser):
  - i. clearance of no more than 500m<sup>2</sup> of indigenous vegetation per site per calendar year; or
  - ii. clearance of no more than 1% of the area of a Significant Natural Area identified in ECO-SCHED5 per calendar year.

OR

- b. Limited to trimming or clearance that is required for any of the following purposes:
  - i. required to achieve compliance with the requirements of the Electricity (Hazards from Trees) Regulations 2003; or
  - ii. required to remove deadwood, wind-thrown trees, or chronically diseased indigenous vegetation, where an arborist who has attained the New Zealand Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent qualification has certified in writing that the indigenous vegetation is no longer independently viable or poses a risk; or
  - iii. carried out in accordance with a registered protective covenant under the Reserves Act 1977, Conservation Act 1986 or Queen Elizabeth the Second National Trust Act 1977; or a Reserve Management Plan approved under the Reserves Act 1977; or
  - iv. required for pest control undertaken by or in conjunction with the Department of Conservation, Hawke's Bay Regional Council or Central Hawke's Bay District Council, or by landowners and personnel working with these organisations for this purpose; and/or removal of material infected by an unwanted

**2. Activity status where compliance not achieved: DIS**

**Commented [SM20]:** S75.040 Forest and Bird SNA Topic Key Issue 7

**Commented [SM21]:** Hearing Stream 1 - Right of Reply dated 4 May 2022 - minor clarification suggested as a result of Expert Conferencing on Rule ECO-R3.1 (as set out in Joint Witness Statement (dated 28 April 2022))

organism under the Biosecurity Act 1993; or

- v. necessary to avoid an imminent threat to the safety of persons or of damage to lawfully established buildings or structures; or
- vi. necessary to provide for the ongoing safe and efficient operation, maintenance and upgrading of telecommunication, radio communication and other network utilities, but excluding their expansion, where carried out by the respective network utility operator; or
- vii. necessary to provide for the maintenance and safe and efficient operation of existing tracks, stock crossing and bridges, drains, firebreaks, formed public roads, private accesses, driveways, right of ways and walkways; or
- viii. necessary to maintain buildings, provided that the trimming or clearance of vegetation is limited to within 3 metres of a wall or roof of a building; or
- ix. required to construct new fences (including post holes) to exclude stock and/or pests from the area of indigenous vegetation, or to maintain existing fences, provided that the trimming or clearance does not exceed 2 metres in width either side of the fence line; or
- x. for use by tangata whenua for cultural purposes (e.g. for Rongoā, Waka, traditional buildings and marae-based activities) and does not result in the removal of more than 25m<sup>3</sup> of timber per site per 10-year period.

*Note (1): The Council recommends that trimming or clearance of indigenous vegetation is carried out by an arborist who has attained the New Zealand Qualifications*

**Commented [SM22]:** S121.030 Fed Farmers SNA Topic Key Issue 7

**Commented [SM23]:** S121.030 Federated Farmers SNA Topic Key Issue 7

Authority National Certificate in Arboriculture Level 4 or equivalent qualification.

Note (2): Any trimming or clearance work within the vicinity of a network utility should be undertaken by a network utility approved arborist. *Note (3): Afforestation and vegetation clearance of indigenous vegetation associated with plantation forestry, is subject to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.*

**ECO-R4 Trimming or clearance of indigenous vegetation outside any area of significant indigenous vegetation and/or significant habitat of indigenous fauna identified as a Significant Natural Area in ECO-SCHED5**

**Manuka and Kanuka Species Only**

**1. Activity Status: PER**

Where the following conditions are met:

- a. Limited to:
  - i. clearance of no more than 40.5 hectare per site per calendar year.
  - ii. Trees to be cleared must behave:
    - a. no more than 15cm in diameter measured 1.4m from the highest point of ground level at the base of the tree an average diameter measured 1.4m from the highest point of ground level at the base of the tree, of no more than 15cm; and
    - b. must have an average canopy height of less than 6 metres.

**2. Activity status where compliance not achieved: RDIS**

**Matters over which discretion is restricted:**

- a. ECO-AM1.

**All Other Indigenous Vegetation Species**

**3. Activity Status: PER**

Where the following conditions are met:

- a. Limited to:
  - i. clearance of no more than 40.5 hectare per site per calendar year.
  - ii. Trees to be cleared must have be:
    - a. no more than 15cm in diameter measured 1.4m from the highest point of ground level at the base of the tree an

**4. Activity status where compliance not achieved: DIS**

**Commented [SM24]:** As a result of amendment made to note above preceding rules, in response to submissions from: S85.008 Rayonier Matariki Forests; S132.002 Ermslaw One Limited ; S132.003 Ermslaw One Limited; S132.004 Ermslaw One Limited SNA Topic Key Issue 7

**Commented [SM25]:** Hearing Stream 1 - Right of Reply dated 8 April 2022 - change of recommendation in s42A Ecosystems and Indigenous Biodiversity Topic, Key Issue 7 to **accept in part** s75.041 Forest & Bird, (and amend Fed Farmers (FS25.60) to reject)

average diameter measured 1.4m from the highest point of ground level at the base of the tree, of no more than 15cm; and  
 b. must have an average canopy height of less than 6 metres.

**ECO-R5 Trimming or clearance of indigenous vegetation not otherwise provided for**

<b>All Indigenous Vegetation Species</b>	<b>1. Activity Status: DIS</b>  <b>Where the following conditions are met: N/A</b>	<b>2. Activity status where compliance not achieved: N/A</b>
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**Commented [SM26]:** Hearing Stream 1- Right of Reply dated 18 April 2022, change of recommendation in s42A Ecosystems and Indigenous Biodiversity Topic, Key Issue 6 to **accept** s121.032 Federated Farmers (and amend Forest and Bird (FS9.32) to reject); and subsequent amendments to S75.042 Forest & Bird (and further submissions The Director General of Conservation (FS19.10) and Nga Hapu me nga marae o Tamatea (FS5.080))

**ECO-R6 Trimming or clearance of indigenous vegetation which forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5**

<b>All Indigenous Vegetation Species</b>	<b>1. Activity Status: NC</b>  <b>Where the following conditions are met: N/A</b>  <i>Note (1): Wetland restoration work managed by the Department of Conservation, Hawke's Bay Regional Council or Central Hawke's Bay District Council is regulated by the Regional Resource Management Plan and the NES Freshwater 2020 and therefore exempt from this rule.</i>  <i>Note (2): This rule does not apply to vegetation clearance associated with construction of, and ongoing safe and efficient operation, maintenance and upgrading of a network utility, but is subject to the (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA) (refer Regulations 30, 31 and 32), and / or Resource Management (National Environmental Standards for Freshwater) Regulations, 2020 (NES-FM), (refer Regulations 46 &amp; 47).</i>	<b>2. Activity status where compliance not achieved: N/A</b>
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**Commented [SM27]:** S11.019 HBRC SNA Topic Key Issue 7

**Commented [SM28]:** S79.066 Transpower New Zealand Ltd SNA Topic Key Issue 7

## Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

### ECO-AM1 Removal of Manuka or Kanuka

1. The significance of the affected indigenous vegetation or habitat of indigenous fauna in terms of ecological, intrinsic, cultural or amenity values.
2. The extent to which an area of affected indigenous vegetation or habitat of indigenous fauna and its inter-relationship with other habitats or areas of indigenous vegetation represents or exemplifies the components of the natural diversity of a larger reference area. For example, the representation of the current natural diversity of an ecological district, or representation of the original natural landscape.
3. The sustainability of the habitat or area of vegetation proposed to be modified or damaged or of any adjoining habitat of vegetation to an area proposed to be affected.
4. The degree to which the vegetation or habitat is threatened or is uncommon in the ecological district within which it is located.
5. Whether any affected area contains a vegetation type or species of flora or fauna that is regionally rare or threatened.
6. Whether the area is adjacent to an SNA or part of an ecological corridor for threatened or at risk species and the impact that the clearance may have on these areas.
7. Location and dimensions of areas to be cleared and vegetation type.
8. Effects on archaeological, cultural, or historic sites.
9. Effects on waterbodies and riparian margins.
10. Clearance methods.
11. Where biodiversity off-setting is proposed, the application of the principles contained in ECO-APP2 will be considered.
12. Effects on areas of high natural character identified in CE-SCHED7, or on outstanding natural landscape or feature, or significant amenity feature identified in NFL-SCHED6.
13. Whether the indigenous vegetation or habitat is on Māori land proposed for development, and the effects of that development on the indigenous vegetation or habitat.
14. The degree to which the trimming or removal of affected vegetation will provide for the health and safety of people, property, and the environment through the management of fire risk.

*Note: Any significance assessment must be carried out by a suitably qualified ecologist or forester (i.e. B.For.Sc, BSc, B.App.Sc or relevant postgraduate qualification).*

### ECO-AM2 Trimming and Clearance of Indigenous Vegetation

**Commented [SM29]:** S11.038 HBRC  
SNA Topic Key Issue 8

**Commented [SM30]:** S125.075 Ngā hapū me ngā marae o Tamatea  
SNA Topic Key Issue 3

**Commented [SM31]:** Hearing Stream 1 - Right of Reply dated 8 April 2022 - change of recommendation in s42A Ecosystems and Indigenous Biodiversity Topic, Key Issue 8 to **accept** S57.064 FENZ, (and amend Fed Farmers (FS25.65) to accept)

1. The significance of the affected indigenous vegetation or habitat of indigenous fauna in terms of ecological, intrinsic, cultural or amenity values.
2. The extent to which an area of affected indigenous vegetation or habitat of indigenous fauna and its inter-relationship with other habitats or areas of indigenous vegetation represents or exemplifies the components of the natural diversity of a larger reference area. For example, the representation of the current natural diversity of an ecological district, or representation of the original natural landscape.
3. The sustainability of the habitat or area of vegetation proposed to be modified or damaged or of any adjoining habitat of vegetation to an area proposed to be affected.
4. The degree to which the vegetation or habitat is threatened or is uncommon in the ecological district in which it is located.
5. Whether any affected area contains a vegetation type of species of flora or fauna that is regionally rare or threatened.
6. Location and dimensions of areas to be cleared and vegetation type.
7. Effects on archaeological, cultural or historic sites.
8. Effects on waterbodies and riparian margins.
9. Clearance methods.
10. Where biodiversity off-setting is proposed, the application of the principles in ECO-APP2 will be considered.
11. Effects on areas of high natural character identified in CE-SCHED7, or on outstanding natural landscape or feature, or significant amenity feature identified in NFL-SCHED6.
12. Whether the indigenous vegetation or habitat is on Māori land proposed for development, and the effects of that development on the indigenous vegetation or habitat.
13. The degree to which the trimming or removal of affected vegetation will provide for the health and safety of people, property, and the environment through the management of fire risk.

*Note: Any significance assessment must be carried out by a suitably qualified ecologist or forester (i.e. B.For.Sc, BSc, B.App.Sc or relevant postgraduate qualification).*

## Methods

Methods, other than the above rules, for implementing the policies:

### **ECO-M1 Identification and Mapping of Significant Natural Areas**

Identifying Significant Natural Areas in ECO-SCHED5 in the District Plan and showing them on the relevant Planning Maps.

### **ECO-M2 Other Provisions in the District Plan**

Implementation of objectives and policies of the relevant zones and district-wide activities in the District Plan, including those set out in the following sections of the District Plan:

**Commented [SM32]:** S125.075 Ngā hapū me ngā marae o Tamatea  
SNA Topic Key Issue 3

**Commented [SM33]:** Hearing Stream 1 - Right of Reply dated 8 April 2022 - change of recommendation in s42A Ecosystems and Indigenous Biodiversity Topic, Key Issue 8 to **accept** S57.065 FENZ

1. TW – Ngā Tangata Whenua o Tamatea
2. SASM – Sites and Areas of Significance to Māori
3. NFL – Natural Landscapes and Features
4. SUB – Subdivision
5. CE – Coastal Environment
6. EW – Earthworks – rules limit the amount of earthworks in areas of significant indigenous vegetation and/or significant habitats of indigenous fauna

### **ECO-M3 Biodiversity Offsetting**

Applying nationally accepted best practice principles for biodiversity offsetting where biodiversity offsetting or compensation is proposed, to achieve 'no net loss' or a 'net gain' of indigenous biodiversity where adverse effects cannot be avoided, remedied, or mitigated.

This includes reference to '*Guidance of Good Practice Biodiversity Offsetting in New Zealand*', (Department of Conservation, (2014))' and '*Biodiversity Offsetting Under the Resource Management Act, A Guidance Document*' (Maseyk, Ussher, Kessels, Christenson and Brown, (2018)), [and the principles outlined in ECO-APP2](#).

Commented [SM34]: S75.047 Forest and Bird SNA Topic Key Issue 5

### **ECO-M4 Promotion of Ecological Corridors / Networks**

Promoting the protection and maintenance of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, particularly those that contribute to achieving an ecological corridor or network, through for example:

1. taking esplanade reserves or esplanade strips on subdivision as the opportunity arises;
2. providing for additional development rights through the subdivision of Conservation Lots where sites in ECO-SCHED5 or other areas of significant indigenous vegetation and/or significant habitats of indigenous fauna (including wetlands) are protected in perpetuity; and
3. providing partial rates relief or other financial assistance for landowners.

### **ECO-M5 Advocacy, Education and Information Sharing**

1. Promoting education, advocacy and information sharing to raise community awareness of the attributes and values of the District's areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, and the need to have regard to these values when considering applications for subdivision use and development activities.
2. Encouraging, guiding and assisting landowners in the voluntary protection of natural areas, including making the community more aware of the opportunities provided by the Queen Elizabeth II National Trust Act 1977 and Reserves Act 1977 (e.g. Ngā Whenua Rāhui kawenata), particularly landowners of areas identified in ECO-SCHED5 of the District Plan; and through consideration of other mechanisms such as a rates rebates in accordance with the provisions of the Local Government Act 1974.

### **ECO-M6 Hawke's Bay Biodiversity Accord**

Council's role in the Hawke's Bay Biodiversity Accord. This will be a key method for enhancing biodiversity in the District and will include maintaining, developing, and enhancing partnerships with landowners who have large and significant ecological areas, Landcare and other community groups and non-governmental organisations', tangata whenua, Hawke's Bay Regional Council, Department of Conservation and other agencies and stakeholders to provide focused and efficient assistance to worthy protection and enhancement projects.

### Principal Reasons

The principal reasons for adopting the policies and methods:

Key threats to areas of significant indigenous vegetation and/or significant habitats of indigenous fauna include inappropriate subdivision, use and development, intensification in land use practices, as well as animal and plant pests and diseases. Control and management of these activities, via rules for earthworks and vegetation clearance, in areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, is therefore appropriate.

There is considerable ecological benefit in restoring and linking SNAs where they can contribute to restoring the biodiversity values of a site, achieving an ecological corridor or network, or controlling animal and plant pests. Methods to encourage and assist ecological management, restoration and protection measures by landowners is therefore appropriate. Council recognises that many landowners are already being proactive in the protection of areas of significant indigenous habitat including SNAs, and seeks to continue working together with the community, to encourage protection of sites on private land through consideration of other mechanisms such as QEII covenants and rates rebates in accordance with the provisions of the Local Government Act 1974.

Council, through its commitment to the Hawkes's Bay Biodiversity Accord will also continue to work with community groups and other organisations to raise awareness about the importance of protecting and enhancing the District's biodiversity and remaining threatened indigenous habitats and fauna.

### Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- |                 |  |
|-----------------|--|
| <b>ECO-AER1</b> | <b>Increasing the biodiversity values of the District by increasing the protection and ecological management of SNAs and other natural areas.</b>  |
| <b>ECO-AER2</b> | <b>Improved integrated management of the District's significant areas of indigenous vegetation and/or significant habitats of indigenous fauna and biodiversity within Central Hawke's Bay District.</b> |
| <b>ECO-AER3</b> | <b>Improved landowner and public understanding of the protecting biodiversity values in Central Hawke's Bay.</b>   |

**ECO-AER4** Increase in the number of registered sites of QE II Covenants to protect areas of significant indigenous vegetation and/or significant indigenous habitats of flora and fauna in perpetuity.

**ECO-AER5** ~~Avoidance, remediation, and mitigation of potential conflicts between surface water activities and adjoining activities.~~

**ECO-AER6** Maintenance of the natural amenity and intrinsic values of waterbodies.

Commented [SM35]: S75.055 F& B  
SNA Topic Key Issue 8

**APPENDIX 3**

**Amended 'Ecosystems and Indigenous Biodiversity' chapter**

**dated 19 August 2022**

## NATURAL ENVIRONMENT VALUES

### ECO – Ecosystems and Indigenous Biodiversity

#### Introduction

In achieving the sustainable management purpose of the RMA, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, is specifically identified as a 'matter of national importance' (section 6(c)).

The RMA also requires particular regard to be given to 'other matters', including kaitiakitanga (s7(a)), and the intrinsic values of ecosystems (s7(d)), amongst other things.

Section 31 of the RMA also requires territorial authorities to control any actual or potential effects of the use, development or protection of land for the purpose of maintaining indigenous biological diversity (s31(1)(b)(iii)).

Subdivision, use and development often results in changes to the natural environment. These changes are not always negative, nor are they always significant, however it is important that an opportunity to consider the impact of these activities on the District's remaining significant indigenous vegetation and significant habitats of indigenous fauna is provided for in the District Plan.

At a national level, a National Policy Statement for Indigenous Biodiversity (NPS-IB) is anticipated to be gazetted and to take effect mid 2021, which is expected to require district plans to:

- undertake a district-wide assessment to identify and map areas of significant indigenous vegetation and / or significant habitats of indigenous fauna within the District; and
- take steps to ensure the protection, maintenance and restoration of indigenous biodiversity.

It is anticipated that the approach in this District Plan will go a long way towards giving effect to the likely requirements of the NPS-IB.

#### Issues

**ECO-11                      Loss of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna**

**ECO-12                      The desire of mana whenua to exercise kaitiakitanga in the protection of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna.**

Commented [SM1]: S125.051 Ngā hapū me ngā marae o Tamatea  
SNA Topic Key Issue 3

**Loss of the District's indigenous vegetation, habitats of indigenous fauna and indigenous biodiversity from threats of modification, damage, or destruction through inappropriate subdivision, use and development.**

Explanation

There is a relatively small amount of remaining indigenous cover in the plains and coastal areas of Central Hawke's Bay. These remaining habitats are now isolated and fragmented. In addition, plant, and animal pests, as well as diseases contribute to the degradation of these fragile areas. While land use changes, development and subdivision can result in adverse effects on these habitats and the native plants and animals which use them, many landowners have voluntarily protected and managed what is left. Addressing the issue of biodiversity loss and degradation therefore requires an integrated management approach that recognises existing activities and utilises a range of implementation methods.

A study of the natural values of the District shows that remaining habitats of indigenous fauna and flora comprise approximately 10% of the District's total land area. However much of the remaining forest lies in the Ruahine Forest Park and is represented by hill and country forests and habitats which are well represented and protected in the region and nationally. The plains and lowland coastal areas, however, have very little remaining original cover and habitat. While some ecosystem / vegetation types retain much of their original extent (such as the podocarp-beech types in the very steep areas of the Ruahine Ranges), other types (such as kahikatea-pukatea-tawa forest) and freshwater wetlands, have retained very little of their former extent. Some vegetation types, such as podocarp-based vegetation types, have all but disappeared from the District. Under-represented ecosystem types fall largely within nationally threatened and under-protected environment categories, and the lowland, coastal and plains parts of the District have very few natural features left and hence very low biodiversity values for indigenous fauna and flora.

Sites which were found to be significant with respect to section 6(c) of the RMA, have been mapped and shown on the Planning Maps, and recommended for inclusion in the District Plan as 'Significant Natural Areas' (SNAs). Many of the sites are found within the Ruahine Forest Park, already under protection. In the plains and along the coast, sites are generally scattered smaller fragments of remaining bush, regenerating scrub and wetlands. Habitats for nationally 'At-Risk' and 'Threatened' fauna and flora are also located within and alongside much of the shingle braided river corridors as well as coastal cliffs and estuary / river mouth areas of the District. While these latter habitats often comprise exotic trees and shrubs, and even weeds, with little native plant cover, they provide the only habitat left for many native animals and plants, including rare and threatened species. They are also critical in maintaining ecological corridors between the coast, existing native fragments across the plains and the extensive forested and protected habitats for the Ruahine Ranges, as well as providing breeding, roosting and spawning habitat.

Only a small percentage of significant sites in the plains and coastal areas have some form of legal protection, such as Stewardship Areas, Queen Elizabeth II National Trust (QEII) private land covenants, and Ngā Whenua Rāhui kawenata (covenants). Central Hawke's Bay District Council acknowledges the important stewardship role of landowners in protecting and managing these remaining sites. The study of the District's natural values also identified that

there are many sites outside those legally protected natural remnants which have value, that have been assessed as SNAs. Landowners often informally protect and manage these SNAs to enhance their biodiversity values as well.

The Hawke's Bay Regional Policy Statement identifies that water and its relationship with land is a significant issue for the Region, as is the scarcity of indigenous vegetation, natural wetlands, and habitats of indigenous fauna as a result of vegetation modification or clearance. Lake Whatuma, Porangahau River and Estuary, the Ruataniwha Aquifer and Waipawa River have been identified as outstanding water bodies, with Lake Whatuma identified as a regionally significant indigenous wetland.

As part of addressing these issues, Hawke's Bay Regional Council have led development of a Regional Biodiversity Strategy to improve habitats and support native species in the Region. Central Hawke's Bay District Council is a signatory and 'accountable partner' to the Hawke's Bay Biodiversity Accord and is therefore a key regional partner in encouraging and enabling improvement in the Region's biodiversity.

Council recognises there is a need to balance protecting and enhancing the District's indigenous biodiversity while allowing for rural landowners to farm their land effectively and efficiently. Except where very high conservation values exist, a wide range of activities can be accommodated, with appropriate standards to ensure adverse effects of these activities are avoided, remedied, or mitigated.

Council also has responsibilities in relation to the control of activities on the surface of inland waters where effects can cause loss of water quality and impacts on ecological systems and habitats.

## Objectives

**ECO-01**      **Protect the District's areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, particularly those within wetlands, braided rivers, and coastal margins, from activities that may adversely affect them.**

Commented [SM2]: S75.029 Forest and Bird SNA Topic Key Issue 3

**ECO-02**      **Maintain indigenous biodiversity within Central Hawke's Bay District.**

**ECO-03**      **The relationship of tangata whenua and their traditions and culture with indigenous vegetation and fauna are recognised and provided for.**

Commented [SM3]: S120.018 Heretaunga Tamatea Settlement Trust SNA Topic Key Issue 3

## Policies

**ECO-P1**      **To identify Significant Natural Areas (being areas of significant indigenous vegetation and/or significant habitats of indigenous fauna) in the District where they meet one or more of the criteria below and describe these areas in ECO-SCHED5 and show their**

location on the Planning Maps **(except for areas that meet Criterion 1, where at least one of Criterion 2-7 must also be met).**

Commented [SM4]: S75.031 Forest & Bird SNA Topic Key Issue 4

<i>Ecological Significance Determination Criteria for the Central Hawke's Bay District</i>	
<b>CRITERION 1 <u>Protection Status:</u></b>	It is indigenous vegetation or habitat for indigenous fauna that is currently, or is recommended to be, set aside by Government statute or covenant, or by the Nature Heritage Fund, or Ngā Whenua Rāhui committees, or the Queen Elizabeth the Second National Trust Board of Directors as an Open Space Covenant, specifically for the protection of biodiversity, and meets at least one of criteria 2-7.
<b>CRITERION 2 <u>Representativeness:</u></b>	<ul style="list-style-type: none"> <li>• It is vegetation or habitat of indigenous fauna that is highly typical or characteristic of the indigenous biodiversity in the Hawke's Bay Region, or an Ecological District within the Central Hawke's Bay District, or nationally.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• It is habitat that forms part of an indigenous ecological sequence, or is an exceptional, representative example of its type at a national level.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• It is habitat that supports a typical suite of indigenous fauna and flora and that is characteristic of the habitat type in an Ecological District within the Central Hawke's Bay District.</li> </ul>
<b>CRITERION 3 <u>Diversity and Pattern:</u></b>	It is an area of indigenous vegetation or habitat of high diversity (for its type) that contains ecotones, gradients, or sequences.
<b>CRITERION 4 <u>Rarity – Species:</u></b>	It is vegetation or habitat (including exotic vegetation or braided riverbed for highly mobile fauna species), that is currently regularly utilised habitat for indigenous flora or fauna species or associations of indigenous flora and fauna species that are: <ul style="list-style-type: none"> <li>• classed as Nationally Threatened or At Risk by the New Zealand Threat Classification System, or</li> <li>• endemic or uncommon to the Hawke's Bay Region, or</li> <li>• at the limit of their natural range.</li> </ul>
<b>CRITERION 5 <u>Rarity - Ecosystems:</u></b>	It is indigenous vegetation or habitat that is, and prior to human settlement was, nationally uncommon.
<b>CRITERION 6 <u>Distinctiveness:</u></b>	<ul style="list-style-type: none"> <li>• It is indigenous vegetation or habitat on an ecosystem type that is under-represented (30% or less of its known or likely original extent remaining) in an Ecological District, or Ecological Region, or nationally.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• It is wetland, sand dune, braided river or estuarine habitats, or a distinctive assemblage or community of indigenous species habitat for indigenous plant communities and/or indigenous fauna communities (excluding exotic rush/pasture communities) that has <i>not</i> been created and subsequently maintained for or in connection with: <ul style="list-style-type: none"> <li>○ waste treatment;</li> <li>○ wastewater renovation;</li> <li>○ hydroelectric power lakes;</li> <li>○ water storage for irrigation; or</li> <li>○ water supply storage, including stock water storage.</li> </ul> </li> </ul>
<b>CRITERION 7 <u>Ecological Context:</u></b>	It is an area of indigenous vegetation or naturally occurring habitat that: <ul style="list-style-type: none"> <li>• is moderate to large, well buffered, or is a compact shape, in the context of the Ecological District it is found in, and which contains all or almost all indigenous species typical of that habitat type.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• is critical to the self-sustainability of an indigenous flora or fauna species within a catchment of the Hawke's Bay Region. In this context "critical" means essential for a</li> </ul>

specific component of the life cycle and includes breeding and spawning grounds, juvenile nursery areas, important feeding areas and migratory and dispersal pathways of an indigenous species. This includes areas that maintain connectivity between habitats.

OR

- is a site that provides a full or partial buffer to, or link between, other important habitats or significant natural area(s) and/or is important for the natural functioning of a freshwater or coastal/estuarine system.

*Refer District Plan ECO-APP1 for Quantifying Thresholds and Attribute Assessment Guidance.*

**ECO-P2** To protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna from the adverse effects of landuse and development, including earthworks and vegetation clearance, **whilst providing for limited trimming and clearance opportunities where it is necessary for the economic, social and cultural wellbeing of people or their health and safety.**

**Commented [SM5]:** S121.017 Fed Farmers SNA Topic Key Issue 3

**ECO-P3** To avoid adverse effects of activities on areas of significant indigenous vegetation and/or significant habitats of indigenous fauna in the coastal environment; and avoid significant adverse effects and remedy or mitigate other adverse effects of activities on the indigenous biological values of other areas and habitats in the coastal environment.

**ECO-P4** To avoid, remedy or mitigate adverse effects, including cumulative adverse effects of subdivision, use and development that would result in a loss of indigenous biodiversity values from:

1. Clearance, modification, damage or destruction of large areas of intact indigenous vegetation or habitats of indigenous fauna;
2. Clearance of indigenous vegetation in and on the margins of Lake Whātuma and other natural wetlands and **including** braided rivers;
3. Subdivision of land and location of buildings and works in close proximity to areas of significant indigenous vegetation and/or habitats of indigenous fauna; or
4. Increased exposure to invasive introduced plant and animal species that pose a threat to indigenous biodiversity.

**Commented [SM6]:** S75.034 Forest & Bird - Right of Reply dated 8 April 22 - change of recommendation in S42A Ecosystems and Indigenous Biodiversity Topic Report, Key Issue 6 to **accept in part** (and reject Federated Farmer FS 25.52)

**ECO-P5** To give effect to the Principles for Biodiversity Offsets in ECO-APP2 of this Plan where biodiversity offsets are proposed as part of resource consent applications.

**ECO-P6.** To encourage the restoration and creation of ecological linkages between coastal habitats, river and stream margins and inland habitats as the opportunity arises and where it enhances the Districts indigenous biodiversity.

**ECO-P7** To recognise landowners' stewardship and current management practices (including weed management and pest control) associated

with protecting and maintaining areas of significant indigenous vegetation and/or significant habitats of indigenous fauna.

**ECO-P8** To assist landowners with the establishment of protective covenants, education, and other non-regulatory methods and incentives to protect and maintain areas of significant indigenous vegetation and/or significant habitats of indigenous fauna

**ECO-P9** To ensure that new nationally significant infrastructure is not located in areas of significant indigenous vegetation and/or significant habitats of indigenous fauna unless:

1. There is a functional or operational need for the infrastructure to be in that particular location; and
2. The route/site selection process has identified no practicable alternative locations.

Where it is necessary to locate in these areas and where, despite the adoption of the best practicable option, there remain residual adverse effects, biodiversity offsetting measures should be proposed for the purpose of ensuring positive effects on the environment sufficient to offset any residual adverse effects of activities on indigenous biodiversity that will or may result from allowing the activity.

### Rule Overview Table

Use/activity	Rule Number
Trimming or clearance of indigenous vegetation within any of the following <u>(excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5)</u> :	ECO-R1
<ol style="list-style-type: none"> <li>1. Areas of domestic or ornamental landscape planting; or</li> <li>2. Planted shelter belts; or</li> <li>3. <u>Plantation forestry undergrowth; or</u></li> <li>4. Planted indigenous forestry.</li> </ol>	
<u>Specified trimming or clearance of indigenous vegetation (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5)</u> :	<u>ECO-R1A</u>
Trimming or clearance of indigenous vegetation that has naturally re-grown on land that was cleared within the previous 15 years <u>(excluding</u>	ECO-R2

**Commented [SM7]:** Hearing Stream 1 Right of Reply dated 19 August 2022 - in response to Minute 10

**Commented [SM8]:** Hearing Stream 1 - Right of Reply dated 8 April 2022 - change of recommendation in s42A Ecosystems and Indigenous Biodiversity Topic, Key Issue 7 to **accept in part** s75.038 Forest & Bird, (and amend Fed Farmers (FS25.54) to reject and DOC (FS19.8) to accept in part)

**Commented [SM11]:** Hearing Stream 1 - Supplementary Evidence Stella Morgan dated 11 Mar 2022, change of recommendation in S42A Ecosystems and Indigenous Biodiversity Topic, Key Issue 7 to **accept** S81.073 Hort NZ submission for an additional rule that enables a biosecurity response (and accept Federated Farmers (FS25.53) and reject Nga Hapu Me nga Marae O Tamatea (FS5.069))

**Commented [SM9]:** Hearing Stream 1 - Right of Reply dated 19 August 2022 - in response to Minute 10

**Commented [SM10]:** Hearing Stream 1 Right of Reply dated 19 August 2022 - in response to Minute 10

<b>where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5):</b>	
<b>Trimming or clearance of indigenous vegetation inside any area of significant indigenous vegetation and/or significant habitat of indigenous fauna identified as a Significant Natural Area in ECO-SCHED5 (excluding natural wetlands)</b>	ECO-R3
<b>Trimming or clearance of indigenous vegetation outside any area of significant indigenous vegetation and/or significant habitat of indigenous fauna identified as a Significant Natural Area in ECO-SCHED5</b>	ECO-R4
<b>Trimming or clearance of indigenous vegetation not otherwise provided for</b>	ECO-R5
<b>Trimming or clearance of indigenous vegetation which forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5</b>	ECO-R6

**Commented [SM12]:** Hearing Stream 1 Right of Reply dated 19 August 2022 - in response to Minute 10

**Commented [SM13]:** consequential amendment - Right of Reply dated 8 April 2022

**Commented [SM14]:** Hearing Stream 1- Right of Reply dated 8 April 2022, change of recommendation in s42A Ecosystems and Indigenous Biodiversity Topic, Key Issue 6 to **accept** s121.032 Federated Farmers (and amend Forest and Bird (FS9.32) to reject); and subsequent amendments to S75.042 Forest & Bird (and further submissions The Director General of Conservation (FS19.10) and Nga Hapu me nga marae o Tamatea (FS5.080))

## Rules

It is important to note that in addition to the provisions in this chapter, zone chapters and a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities involving the trimming or clearance of significant indigenous vegetation and/or significant habitats of indigenous fauna.

**Note 1:** *Plantation Forestry Activities - In the case of conflict with any rule in this Chapter, the provisions of the NES-PF apply instead of the rule. This specifically applies to afforestation, and vegetation clearance that occurs during or after afforestation outside of a significant natural area and 'incidental damage' within or outside a significant natural area. Vegetation clearance of indigenous vegetation that occurs before afforestation, or within a significant natural area (other than incidental damage) is not controlled by the NES-PF, and the rules in this Chapter will apply.*

**Note 2:** *These rules do not replace regional rules which control vegetation clearance and soil disturbance to address the loss and degradation of soil. These rules must be complied with prior to the activity proceeding.*

**ECO-R1** Trimming or clearance of indigenous vegetation within any of the following (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5):

- Areas of domestic or ornamental landscape planting; or

**Commented [SM15]:** S85.008 Rayonier Matariki Forests; S132.002 Ermslaw One Limited ; S132.003 Ermslaw One Limited; S132.004 Ermslaw One Limited SNA Topic Key Issue 7

**Commented [SM16]:** S11.037 Hawke's Bay Regional Council SNA Topic Key Issue 2

**Commented [SM17]:** Hearing Stream 1 - Supplementary Evidence Stella Morgan dated 11 Mar 2022, change of recommendation in S42A Ecosystems and Indigenous Biodiversity Topic, Key Issue 7 to **accept** S81.073 Hort NZ submission for an additional rule that enables a biosecurity response (and accept Federated Farmers (FS25.53) and reject Nga Hapu Me nga Marae O Tamatea (FS5.069))

**Commented [SM18]:** Hearing Stream 1 Right of Reply dated August 19 2022 - in response to Minute 10

- Planted shelter belts; or
- Planted indigenous forestry.

All Indigenous Vegetation Species	1. Activity Status: PER Where the following conditions are met: N/A	2. Activity status where compliance not achieved: N/A
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Commented [SM19]: Hearing Stream 1 - Right of Reply dated 8 April 2022 - change of recommendation in s42A Ecosystems and Indigenous Biodiversity Topic, Key Issue 7 to **accept in part** s75.038 Forest & Bird, (and amend Fed Farmers (FS25.54) to reject and DOC (FS19.8) to accept in part)

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**ECO-R1A Specified trimming or clearance of indigenous vegetation (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5):**

All Indigenous Vegetation Species	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to trimming or clearance that is required for any of the following purposes:</p> <p>i. required to achieve compliance with the requirements of the Electricity (Hazards from Trees) Regulations 2003; or</p> <p>ii. required to remove deadwood, wind-thrown trees, or chronically diseased indigenous vegetation, where an arborist who has attained the New Zealand Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent qualification has certified in writing that the indigenous vegetation is no longer independently viable or poses a risk; or</p> <p>iii. carried out in accordance with a registered protective covenant under the Reserves Act 1977, Conservation Act 1986 or Queen Elizabeth the Second National Trust Act 1977; or a Reserve Management Plan approved under the Reserves Act 1977; or</p> <p>iv. required for pest control undertaken by or in conjunction with the Department of Conservation, Hawke's Bay Regional Council or</p>	<p>2. Activity status where compliance not achieved: ECO-R2 to ECO-R4 apply</p>
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Commented [SM20]: Hearing Stream 1 Right of Reply dated August 19 2022 - in response to Minute 10

Commented [SM21]: Hearing Stream 1 - Right of Reply dated 4 May 2022 - minor clarification suggested as a result of Expert Conferencing on Rule ECO-R3.1 (as set out in Joint Witness Statement (dated 28 April 2022))

- Central Hawke's Bay District Council, or by landowners and personnel working with these organisations for this purpose; or  
removal of material infected by an unwanted organism under the Biosecurity Act 1993; or
- v. necessary to avoid an imminent threat to the safety of persons or of damage to lawfully established buildings or structures; or
  - vi. necessary to provide for the ongoing safe and efficient operation, maintenance and upgrading of telecommunication, radio communication and other network utilities, but excluding their expansion, where carried out by the respective network utility operator; or
  - vii. necessary to provide for the maintenance and safe and efficient operation of existing tracks, stock crossing and bridges, drains, firebreaks, formed public roads, private accesses, driveways, right of ways and walkways; or
  - viii. necessary to maintain buildings, provided that the trimming or clearance of vegetation is limited to within 3 metres of a wall or roof of a building; or
  - ix. required to construct new fences (including post holes) to exclude stock and/or pests from the area of indigenous vegetation, or to maintain existing fences, provided that the trimming or clearance does not exceed 2 metres in width either side of the fence line; or
  - x. for use by tangata whenua for cultural purposes (e.g. for Rongoā, Waka, traditional buildings and marae-based activities) and does not result in the removal of more than 25m<sup>3</sup> of timber per site per 10-year period.

**Commented [SM22]:** S121.030 Fed Farmers SNA Topic Key Issue 7

**Commented [SM23]:** S121.030 Federated Farmers SNA Topic Key Issue 7

**Commented [SM24]:** Hearing Stream 1 - Right of Reply dated 19 August 2022 - in response to Minute 10

Note (1): The Council recommends that trimming or clearance of indigenous vegetation is carried out by an arborist who has attained the New Zealand Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent qualification.

Note (2): Any trimming or clearance work within the vicinity of a network utility should be undertaken by a network utility approved arborist.

**ECO-R2 Trimming or clearance of indigenous vegetation that has naturally re-grown on land that was cleared within the previous 15 years. (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5):**

**Manuka and Kanuka Species Only**

**1. Activity Status: PER**

**Where the following conditions are met:**

- a. Limited to:
  - i. trees no more than 30cm in diameter measured at 1.4m from the highest point of ground level at the base of the tree.

*Note: If the requirements of this rule are complied with then there is no limit on the area of vegetation that can be trimmed or cleared.*

**2. Activity status where compliance not achieved: RDIS**

**Matters over which discretion is restricted:**

- a. ECO-AM1.

**All Other Indigenous Vegetation Species**

**3. Activity Status: PER**

**Where the following conditions are met:**

- a. Limited to:
  - i. trees no more than 30cm in diameter measured at 1.4m from the highest point of ground level at the base of the tree.

*Note: If the requirements of this rule are complied with then there is no limit on the area of vegetation that can be trimmed or cleared.*

**4. Activity status where compliance not achieved: ECO-R3 to ECO-R6 apply**

**ECO-R3 Trimming or clearance of indigenous vegetation inside any areas of significant indigenous vegetation and/or significant habitat of indigenous**

Commented [SM25]: Hearing Stream 1 Right of Reply dated 19 August 2022 - in response to Minute 10

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Commented [SM26]: S64.064 Department of Conservation SNA Topic Key Issue 7

**fauna identified as a Significant Natural Area in ECO-SCHED5 (excluding natural wetlands)**

**All Indigenous Vegetation Species**

**1. Activity Status: PER**

**Where the following conditions are met:**

- a. Limited to (whichever is the lesser):
  - i. clearance of no more than 500m<sup>2</sup> of indigenous vegetation per site per calendar year; or
  - ii. clearance of no more than 1% of the area of a Significant Natural Area identified in ECO-SCHED5 per calendar year.

**OR**

- b. Limited to trimming or clearance that is:
  - i. required to achieve compliance with the requirements of the Electricity (Hazards from Trees) Regulations 2003; or
  - ii. required to remove deadwood, wind-thrown trees, or chronically diseased indigenous vegetation, where an arborist who has attained the New Zealand Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent qualification has certified in writing that the indigenous vegetation is no longer independently viable or poses a risk; or
  - iii. carried out in accordance with a registered protective covenant under the Reserves Act 1977, Conservation Act 1986 or Queen Elizabeth the Second National Trust Act 1977; or a Reserve Management Plan approved under the Reserves Act 1977; or
  - iv. required for pest control undertaken by the Department of Conservation, Hawke's Bay Regional Council or Central Hawke's Bay District Council; and removal of material infected by an unwanted organism under the Biosecurity Act 1993; or

**2. Activity status where compliance not achieved: DIS**

**Commented [SM27]:** Hearing Stream 1 - Right of Reply dated 8 April 2022 - change of recommendation in s42A Ecosystems and Indigenous Biodiversity Topic, Key Issue 7 to **accept in part** s75.041 Forest & Bird, (and amend Fed Farmers (FS25.60) to reject)

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**Commented [SM28]:** S75.040 Forest and Bird SNA Topic Key Issue 7

**Commented [SM29]:** S121.030 Fed Farmers SNA Topic Key Issue 7

- v. necessary to avoid an imminent threat to the safety of persons or of damage to lawfully established buildings or structures; or
- vi. necessary to provide for the ongoing safe and efficient operation, maintenance and upgrading of telecommunication, radio communication and other network utilities, but excluding their expansion, where carried out by the respective network utility operator; or
- vii. necessary to provide for the maintenance and safe and efficient operation of existing tracks, drains, formed public roads, private accesses, driveways, right of ways and walkways; or
- viii. necessary to maintain buildings, provided that the trimming or clearance of vegetation is limited to within 3 metres of a wall or roof of a building; or
- ix. required to construct new fences (including post holes) to exclude stock and/or pests from the area of indigenous vegetation, or to maintain existing fences, provided that the trimming or clearance does not exceed 2 metres in width either side of the fence line; or
- x. for use by tangata whenua for cultural purposes (e.g. for Rongoā, Waka, traditional buildings and marae-based activities) and does not result in the removal of more than 25m<sup>3</sup> of timber per site per 10-year period.

*Note (1): The Council recommends that trimming or clearance of indigenous vegetation is carried out by an arborist who has attained the New Zealand Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent qualification.*

**Commented [SM30]:** S121.030 Federated Farmers SNA Topic Key Issue 7

*Note (2): Any trimming or clearance work within the vicinity of a network utility should be undertaken by a network utility approved arborist. Note (3): Afforestation and vegetation clearance of indigenous vegetation associated with plantation forestry, is subject to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.*

**Commented [SM31]:** Hearing Stream 1 Right of Reply dated 19 August 2022 - in response to Minute 10

**Commented [SM32]:** As a result of amendment made to note above preceding rules, in response to submissions from: S85.008 Rayonier Matariki Forests; S132.002 Ernslaw One Limited ; S132.003 Ernslaw One Limited; S132.004 Ernslaw One Limited SNA Topic Key Issue 7

**ECO-R4 Trimming or clearance of indigenous vegetation outside any area of significant indigenous vegetation and/or significant habitat of indigenous fauna identified as a Significant Natural Area in ECO-SCHED5**

**Manuka and Kanuka Species Only**

**1. Activity Status: PER**

**Where the following conditions are met:**

- a. Limited to:
  - i. clearance of no more than 40.5 hectare per site per calendar year.
  - ii. Trees to be cleared must behave:
    - a. no more than 15cm in diameter measured 1.4m from the highest point of ground level at the base of the tree and average diameter measured 1.4m from the highest point of ground level at the base of the tree, of no more than 15cm; and
    - b. must have an average canopy height of less than 6 metres.

**2. Activity status where compliance not achieved: RDIS**

**Matters over which discretion is restricted:**

- a. ECO-AM1.

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**All Other Indigenous Vegetation Species**

**3. Activity Status: PER**

**Where the following conditions are met:**

- a. Limited to:
  - i. clearance of no more than 40.5 hectare per site per calendar year.
  - ii. Trees to be cleared must have be:
    - a. no more than 15cm in diameter measured 1.4m from the highest point of ground level at the base of the tree and average diameter measured 1.4m from the highest point of

**4. Activity status where compliance not achieved: DIS**

**Commented [SM33]:** Hearing Stream 1 - Right of Reply dated 8 April 2022 - change of recommendation in s42A Ecosystems and Indigenous Biodiversity Topic, Key Issue 7 to accept in part s75.041 Forest & Bird, (and amend Fed Farmers (FS25.60) to reject)

- ground level at the base of the tree, of no more than 15cm; and
- b. ~~must have~~ an average canopy height of less than 6 metres.

**ECO-R5 Trimming or clearance of indigenous vegetation not otherwise provided for**

**All Indigenous Vegetation Species**

**1. Activity Status: DIS**  
Where the following conditions are met: N/A

**2. Activity status where compliance not achieved: N/A**

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Commented [SM34]: Hearing Stream 1- Right of Reply dated 8 April 2022, change of recommendation in s42A Ecosystems and Indigenous Biodiversity Topic, Key Issue 6 to **accept** s121.032 Federated Farmers (and amend Forest and Bird (FS9.32) to reject); and subsequent amendments to S75.042 Forest & Bird (and further submissions The Director General of Conservation (FS19.10) and Nga Hapu me nga marae o Tamatea (FS5.080))

**ECO-R6 Trimming or clearance of indigenous vegetation which forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5**

**All Indigenous Vegetation Species**

**1. Activity Status: NC**  
Where the following conditions are met: N/A

**2. Activity status where compliance not achieved: N/A**

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*Note (1): Wetland restoration work managed by the Department of Conservation, Hawke's Bay Regional Council or Central Hawke's Bay District Council is regulated by the Regional Resource Management Plan and the NES Freshwater 2020 and therefore exempt from this rule.*

Commented [SM35]: S11.019 HBRC SNA Topic Key Issue 7

*Note (2): This rule does not apply to vegetation clearance associated with construction of, and ongoing safe and efficient operation, maintenance and upgrading of a network utility, but is subject to the (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA) (refer Regulations 30, 31 and 32), and / or Resource Management (National Environmental Standards for Freshwater) Regulations, 2020 (NES-FM), (refer Regulations 46 & 47).*

Commented [SM36]: S79.066 Transpower New Zealand Ltd SNA Topic Key Issue 7

## Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

### ECO-AM1 Removal of Manuka or Kanuka

1. The significance of the affected indigenous vegetation or habitat of indigenous fauna in terms of ecological, intrinsic, cultural or amenity values.
2. The extent to which an area of affected indigenous vegetation or habitat of indigenous fauna and its inter-relationship with other habitats or areas of indigenous vegetation represents or exemplifies the components of the natural diversity of a larger reference area. For example, the representation of the current natural diversity of an ecological district, or representation of the original natural landscape.
3. The sustainability of the habitat or area of vegetation proposed to be modified or damaged or of any adjoining habitat of vegetation to an area proposed to be affected.
4. The degree to which the vegetation or habitat is threatened or is uncommon in the ecological district within which it is located.
5. Whether any affected area contains a vegetation type or species of flora or fauna that is regionally rare or threatened.
6. Whether the area is adjacent to an SNA or part of an ecological corridor for threatened or at risk species and the impact that the clearance may have on these areas.
7. Location and dimensions of areas to be cleared and vegetation type.
8. Effects on archaeological, cultural, or historic sites.
9. Effects on waterbodies and riparian margins.
10. Clearance methods.
11. Where biodiversity off-setting is proposed, the application of the principles contained in ECO-APP2 will be considered.
12. Effects on areas of high natural character identified in CE-SCHED7, or on outstanding natural landscape or feature, or significant amenity feature identified in NFL-SCHED6.
13. Whether the indigenous vegetation or habitat is on Māori land proposed for development, and the effects of that development on the indigenous vegetation or habitat.
14. The degree to which the trimming or removal of affected vegetation will provide for the health and safety of people, property, and the environment through the management of fire risk.

*Note: Any significance assessment must be carried out by a suitably qualified ecologist or forester (i.e. B.For.Sc, BSc, B.App.Sc or relevant postgraduate qualification).*

### ECO-AM2 Trimming and Clearance of Indigenous Vegetation

Commented [SM37]: S11.038 HBRC  
SNA Topic Key Issue 8

Commented [SM38]: S125.075 Ngā hapū me ngā  
marae o Tamatea  
SNA Topic Key Issue 3

Commented [SM39]: Hearing Stream 1 - Right of Reply  
dated 8 April 2022 - change of recommendation in  
s42A Ecosystems and Indigenous Biodiversity Topic,  
Key Issue 8 to **accept** S57.064 FENZ, (and amend Fed  
Farmers (FS25.65) to accept)

1. The significance of the affected indigenous vegetation or habitat of indigenous fauna in terms of ecological, intrinsic, cultural or amenity values.
2. The extent to which an area of affected indigenous vegetation or habitat of indigenous fauna and its inter-relationship with other habitats or areas of indigenous vegetation represents or exemplifies the components of the natural diversity of a larger reference area. For example, the representation of the current natural diversity of an ecological district, or representation of the original natural landscape.
3. The sustainability of the habitat or area of vegetation proposed to be modified or damaged or of any adjoining habitat of vegetation to an area proposed to be affected.
4. The degree to which the vegetation or habitat is threatened or is uncommon in the ecological district in which it is located.
5. Whether any affected area contains a vegetation type of species of flora or fauna that is regionally rare or threatened.
6. Location and dimensions of areas to be cleared and vegetation type.
7. Effects on archaeological, cultural or historic sites.
8. Effects on waterbodies and riparian margins.
9. Clearance methods.
10. Where biodiversity off-setting is proposed, the application of the principles in ECO-APP2 will be considered.
11. Effects on areas of high natural character identified in CE-SCHED7, or on outstanding natural landscape or feature, or significant amenity feature identified in NFL-SCHED6.
12. Whether the indigenous vegetation or habitat is on Māori land proposed for development, and the effects of that development on the indigenous vegetation or habitat.
13. The degree to which the trimming or removal of affected vegetation will provide for the health and safety of people, property, and the environment through the management of fire risk.

*Note: Any significance assessment must be carried out by a suitably qualified ecologist or forester (i.e. B.For.Sc, BSc, B.App.Sc or relevant postgraduate qualification).*

## Methods

Methods, other than the above rules, for implementing the policies:

### **ECO-M1 Identification and Mapping of Significant Natural Areas**

Identifying Significant Natural Areas in ECO-SCHED5 in the District Plan and showing them on the relevant Planning Maps.

### **ECO-M2 Other Provisions in the District Plan**

Implementation of objectives and policies of the relevant zones and district-wide activities in the District Plan, including those set out in the following sections of the District Plan:

**Commented [SM40]:** S125.075 Ngā hapū me ngā marae o Tamatea  
SNA Topic Key Issue 3

**Commented [SM41]:** Hearing Stream 1 - Right of Reply dated 8 April 2022 - change of recommendation in s42A Ecosystems and Indigenous Biodiversity Topic, Key Issue 8 to **accept** S57.065 FENZ

1. TW – Ngā Tangata Whenua o Tamatea
2. SASM – Sites and Areas of Significance to Māori
3. NFL – Natural Landscapes and Features
4. SUB – Subdivision
5. CE – Coastal Environment
6. EW – Earthworks – rules limit the amount of earthworks in areas of significant indigenous vegetation and/or significant habitats of indigenous fauna

### **ECO-M3 Biodiversity Offsetting**

Applying nationally accepted best practice principles for biodiversity offsetting where biodiversity offsetting or compensation is proposed, to achieve 'no net loss' or a 'net gain' of indigenous biodiversity where adverse effects cannot be avoided, remedied, or mitigated.

This includes reference to '*Guidance of Good Practice Biodiversity Offsetting in New Zealand*', (Department of Conservation, (2014))' and '*Biodiversity Offsetting Under the Resource Management Act, A Guidance Document*' (Maseyk, Ussher, Kessels, Christenson and Brown, (2018)), [and the principles outlined in ECO-APP2](#).

Commented [SM42]: S75.047 Forest and Bird SNA Topic Key Issue 5

### **ECO-M4 Promotion of Ecological Corridors / Networks**

Promoting the protection and maintenance of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, particularly those that contribute to achieving an ecological corridor or network, through for example:

1. taking esplanade reserves or esplanade strips on subdivision as the opportunity arises;
2. providing for additional development rights through the subdivision of Conservation Lots where sites in ECO-SCHED5 or other areas of significant indigenous vegetation and/or significant habitats of indigenous fauna (including wetlands) are protected in perpetuity; and
3. providing partial rates relief or other financial assistance for landowners.

### **ECO-M5 Advocacy, Education and Information Sharing**

1. Promoting education, advocacy and information sharing to raise community awareness of the attributes and values of the District's areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, and the need to have regard to these values when considering applications for subdivision use and development activities.
2. Encouraging, guiding and assisting landowners in the voluntary protection of natural areas, including making the community more aware of the opportunities provided by the Queen Elizabeth II National Trust Act 1977 and Reserves Act 1977 (e.g. Ngā Whenua Rāhui kawenata), particularly landowners of areas identified in ECO-SCHED5 of the District Plan; and through consideration of other mechanisms such as a rates rebates in accordance with the provisions of the Local Government Act 1974.

### **ECO-M6 Hawke's Bay Biodiversity Accord**

Council's role in the Hawke's Bay Biodiversity Accord. This will be a key method for enhancing biodiversity in the District and will include maintaining, developing, and enhancing partnerships with landowners who have large and significant ecological areas, Landcare and other community groups and non-governmental organisations', tangata whenua, Hawke's Bay Regional Council, Department of Conservation and other agencies and stakeholders to provide focused and efficient assistance to worthy protection and enhancement projects.

### Principal Reasons

The principal reasons for adopting the policies and methods:

Key threats to areas of significant indigenous vegetation and/or significant habitats of indigenous fauna include inappropriate subdivision, use and development, intensification in land use practices, as well as animal and plant pests and diseases. Control and management of these activities, via rules for earthworks and vegetation clearance, in areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, is therefore appropriate.

There is considerable ecological benefit in restoring and linking SNAs where they can contribute to restoring the biodiversity values of a site, achieving an ecological corridor or network, or controlling animal and plant pests. Methods to encourage and assist ecological management, restoration and protection measures by landowners is therefore appropriate. Council recognises that many landowners are already being proactive in the protection of areas of significant indigenous habitat including SNAs, and seeks to continue working together with the community, to encourage protection of sites on private land through consideration of other mechanisms such as QEII covenants and rates rebates in accordance with the provisions of the Local Government Act 1974.

Council, through its commitment to the Hawkes's Bay Biodiversity Accord will also continue to work with community groups and other organisations to raise awareness about the importance of protecting and enhancing the District's biodiversity and remaining threatened indigenous habitats and fauna.

### Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- |                 |  |
|-----------------|--|
| <b>ECO-AER1</b> | <b>Increasing the biodiversity values of the District by increasing the protection and ecological management of SNAs and other natural areas.</b>  |
| <b>ECO-AER2</b> | <b>Improved integrated management of the District's significant areas of indigenous vegetation and/or significant habitats of indigenous fauna and biodiversity within Central Hawke's Bay District.</b> |
| <b>ECO-AER3</b> | <b>Improved landowner and public understanding of the protecting biodiversity values in Central Hawke's Bay.</b>   |

**ECO-AER4** Increase in the number of registered sites of QE II Covenants to protect areas of significant indigenous vegetation and/or significant indigenous habitats of flora and fauna in perpetuity.

**ECO-AER5** ~~Avoidance, remediation, and mitigation of potential conflicts between surface water activities and adjoining activities.~~

**ECO-AER6** Maintenance of the natural amenity and intrinsic values of waterbodies.

Commented [SM43]: S75.055 F& B  
SNA Topic Key Issue 8

## NATURAL ENVIRONMENT VALUES

### ECO – Ecosystems and Indigenous Biodiversity

#### Introduction

In achieving the sustainable management purpose of the RMA, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, is specifically identified as a 'matter of national importance' (section 6(c)).

The RMA also requires particular regard to be given to 'other matters', including kaitiakitanga (s7(a)), and the intrinsic values of ecosystems (s7(d)), amongst other things.

Section 31 of the RMA also requires territorial authorities to control any actual or potential effects of the use, development or protection of land for the purpose of maintaining indigenous biological diversity (s31(1)(b)(iii)).

Subdivision, use and development often results in changes to the natural environment. These changes are not always negative, nor are they always significant, however it is important that an opportunity to consider the impact of these activities on the District's remaining significant indigenous vegetation and significant habitats of indigenous fauna is provided for in the District Plan.

At a national level, a National Policy Statement for Indigenous Biodiversity (NPS-IB) is anticipated to be gazetted and to take effect mid 2021, which is expected to require district plans to:

- undertake a district-wide assessment to identify and map areas of significant indigenous vegetation and / or significant habitats of indigenous fauna within the District; and
- take steps to ensure the protection, maintenance and restoration of indigenous biodiversity.

It is anticipated that the approach in this District Plan will go a long way towards giving effect to the likely requirements of the NPS-IB.

#### Issues

- |               |   |
|---------------|---|
| <b>ECO-I1</b> | <b>Loss of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna</b>   |
| <b>ECO-I2</b> | <b>The desire of mana whenua to exercise kaitiakitanga in the protection of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna.</b> |

## **Loss of the District's indigenous vegetation, habitats of indigenous fauna and indigenous biodiversity from threats of modification, damage, or destruction through inappropriate subdivision, use and development.**

### Explanation

There is a relatively small amount of remaining indigenous cover in the plains and coastal areas of Central Hawke's Bay. These remaining habitats are now isolated and fragmented. In addition, plant, and animal pests, as well as diseases contribute to the degradation of these fragile areas. While land use changes, development and subdivision can result in adverse effects on these habitats and the native plants and animals which use them, many landowners have voluntarily protected and managed what is left. Addressing the issue of biodiversity loss and degradation therefore requires an integrated management approach that recognises existing activities and utilises a range of implementation methods.

A study of the natural values of the District shows that remaining habitats of indigenous fauna and flora comprise approximately 10% of the District's total land area. However much of the remaining forest lies in the Ruahine Forest Park and is represented by hill and country forests and habitats which are well represented and protected in the region and nationally. The plains and lowland coastal areas, however, have very little remaining original cover and habitat. While some ecosystem / vegetation types retain much of their original extent (such as the podocarp-beech types in the very steep areas of the Ruahine Ranges), other types (such as kahikatea-pukatea-tawa forest) and freshwater wetlands, have retained very little of their former extent. Some vegetation types, such as podocarp-based vegetation types, have all but disappeared from the District. Under-represented ecosystem types fall largely within nationally threatened and under-protected environment categories, and the lowland, coastal and plains parts of the District have very few natural features left and hence very low biodiversity values for indigenous fauna and flora.

Sites which were found to be significant with respect to section 6(c) of the RMA, have been mapped and shown on the Planning Maps, and recommended for inclusion in the District Plan as 'Significant Natural Areas' (SNAs). Many of the sites are found within the Ruahine Forest Park, already under protection. In the plains and along the coast, sites are generally scattered smaller fragments of remaining bush, regenerating scrub and wetlands. Habitats for nationally 'At-Risk' and 'Threatened' fauna and flora are also located within and alongside much of the shingle braided river corridors as well as coastal cliffs and estuary / river mouth areas of the District. While these latter habitats often comprise exotic trees and shrubs, and even weeds, with little native plant cover, they provide the only habitat left for many native animals and plants, including rare and threatened species. They are also critical in maintaining ecological corridors between the coast, existing native fragments across the plains and the extensive forested and protected habitats for the Ruahine Ranges, as well as providing breeding, roosting and spawning habitat.

Only a small percentage of significant sites in the plains and coastal areas have some form of legal protection, such as Stewardship Areas, Queen Elizabeth II National Trust (QEII) private land covenants, and Ngā Whenua Rāhui kawenata (covenants). Central Hawke's Bay District Council acknowledges the important stewardship role of landowners in protecting and managing these remaining sites. The study of the District's natural values also identified that

there are many sites outside those legally protected natural remnants which have value, that have been assessed as SNAs. Landowners often informally protect and manage these SNAs to enhance their biodiversity values as well.

The Hawke's Bay Regional Policy Statement identifies that water and its relationship with land is a significant issue for the Region, as is the scarcity of indigenous vegetation, natural wetlands, and habitats of indigenous fauna as a result of vegetation modification or clearance. Lake Whatuma, Porangahau River and Estuary, the Ruataniwha Aquifer and Waipawa River have been identified as outstanding water bodies, with Lake Whatuma identified as a regionally significant indigenous wetland.

As part of addressing these issues, Hawke's Bay Regional Council have led development of a Regional Biodiversity Strategy to improve habitats and support native species in the Region. Central Hawke's Bay District Council is a signatory and 'accountable partner' to the Hawke's Bay Biodiversity Accord and is therefore a key regional partner in encouraging and enabling improvement in the Region's biodiversity.

Council recognises there is a need to balance protecting and enhancing the District's indigenous biodiversity while allowing for rural landowners to farm their land effectively and efficiently. Except where very high conservation values exist, a wide range of activities can be accommodated, with appropriate standards to ensure adverse effects of these activities are avoided, remedied, or mitigated.

Council also has responsibilities in relation to the control of activities on the surface of inland waters where effects can cause loss of water quality and impacts on ecological systems and habitats.

## Objectives

- ECO-O1**            **Protect the District's areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, particularly those within wetlands, braided rivers, and coastal margins, from activities that may adversely affect them.**
- ECO-O2**            **Maintain indigenous biodiversity within Central Hawke's Bay District.**
- ECO-O3**            **The relationship of tangata whenua and their traditions and culture with indigenous vegetation and fauna are recognised and provided for.**

## Policies

- ECO-P1**            **To identify Significant Natural Areas (being areas of significant indigenous vegetation and/or significant habitats of indigenous fauna) in the District where they meet one or more of the criteria below and describe these areas in ECO-SCHED5 and show their**

**location on the Planning Maps (except for areas that meet Criterion 1, where at least one of Criterion 2-7 must also be met).**

<i>Ecological Significance Determination Criteria for the Central Hawke's Bay District</i>	
<p><b>CRITERION 1 <u>Protection Status:</u></b></p> <p>It is indigenous vegetation or habitat for indigenous fauna that is currently, or is recommended to be, set aside by Government statute or covenant, or by the Nature Heritage Fund, or Ngā Whenua Rāhui committees, or the Queen Elizabeth the Second National Trust Board of Directors as an Open Space Covenant, specifically for the protection of biodiversity, and meets at least one of criteria 2-7.</p>	
<p><b>CRITERION 2 <u>Representativeness:</u></b></p> <ul style="list-style-type: none"> <li>• It is vegetation or habitat of indigenous fauna that is highly typical or characteristic of the indigenous biodiversity in the Hawkes Bay Region, or an Ecological District within the Central Hawkes Bay District, or nationally.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• It is habitat that forms part of an indigenous ecological sequence, or is an exceptional, representative example of its type at a national level.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• It is habitat that supports a typical suite of indigenous fauna and flora and that is characteristic of the habitat type in an Ecological District within the Central Hawkes Bay District.</li> </ul>	
<p><b>CRITERION 3 <u>Diversity and Pattern:</u></b></p> <p>It is an area of indigenous vegetation or habitat of high diversity (for its type) that contains ecotones, gradients, or sequences.</p>	
<p><b>CRITERION 4 <u>Rarity – Species:</u></b></p> <p>It is vegetation or habitat (including exotic vegetation or braided riverbed for highly mobile fauna species), that is currently regularly utilised habitat for indigenous flora or fauna species or associations of indigenous flora and fauna species that are:</p> <ul style="list-style-type: none"> <li>• classed as Nationally Threatened or At Risk by the New Zealand Threat Classification System, or</li> <li>• endemic or uncommon to the Hawke's Bay Region, or</li> <li>• at the limit of their natural range.</li> </ul>	
<p><b>CRITERION 5 <u>Rarity - Ecosystems:</u></b></p> <p>It is indigenous vegetation or habitat that is, and prior to human settlement was, nationally uncommon.</p>	
<p><b>CRITERION 6 <u>Distinctiveness:</u></b></p> <ul style="list-style-type: none"> <li>• It is indigenous vegetation or habitat on an ecosystem type that is under-represented (30% or less of its known or likely original extent remaining) in an Ecological District, or Ecological Region, or nationally.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• It is wetland, sand dune, braided river or estuarine habitats, or a distinctive assemblage or community of indigenous species habitat for indigenous plant communities and/or indigenous fauna communities (excluding exotic rush/pasture communities) that has <i>not</i> been created and subsequently maintained for or in connection with: <ul style="list-style-type: none"> <li>○ waste treatment;</li> <li>○ wastewater renovation;</li> <li>○ hydroelectric power lakes;</li> <li>○ water storage for irrigation; or</li> <li>○ water supply storage, including stock water storage.</li> </ul> </li> </ul>	
<p><b>CRITERION 7 <u>Ecological Context:</u></b></p> <p>It is an area of indigenous vegetation or naturally occurring habitat that:</p> <ul style="list-style-type: none"> <li>• is moderate to large, well buffered, or is a compact shape, in the context of the Ecological District it is found in, and which contains all or almost all indigenous species typical of that habitat type.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• is critical to the self-sustainability of an indigenous flora or fauna species within a catchment of the Hawke's Bay Region. In this context "critical" means essential for a</li> </ul>	

OR	<p>specific component of the life cycle and includes breeding and spawning grounds, juvenile nursery areas, important feeding areas and migratory and dispersal pathways of an indigenous species. This includes areas that maintain connectivity between habitats.</p> <ul style="list-style-type: none"> <li>• is a site that provides a full or partial buffer to, or link between, other important habitats or significant natural area(s) and/or is important for the natural functioning of a freshwater or coastal/estuarine system.</li> </ul>
<p><i>Refer District Plan ECO-APP1 for Quantifying Thresholds and Attribute Assessment Guidance.</i></p>	

- ECO-P2** To protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna from the adverse effects of landuse and development, including earthworks and vegetation clearance, whilst providing for limited trimming and clearance opportunities where it is necessary for the economic, social and cultural wellbeing of people or their health and safety.
- ECO-P3** To avoid adverse effects of activities on areas of significant indigenous vegetation and/or significant habitats of indigenous fauna in the coastal environment; and avoid significant adverse effects and remedy or mitigate other adverse effects of activities on the indigenous biological values of other areas and habitats in the coastal environment.
- ECO-P4** To avoid, remedy or mitigate adverse effects, including cumulative adverse effects of subdivision, use and development that would result in a loss of indigenous biodiversity values from:
1. Clearance, modification, damage or destruction of large areas of intact indigenous vegetation or habitats of indigenous fauna;
  2. Clearance of indigenous vegetation in and on the margins of Lake Whātuma and other natural wetlands and including braided rivers;
  3. Subdivision of land and location of buildings and works in close proximity to areas of significant indigenous vegetation and/or habitats of indigenous fauna; or
  4. Increased exposure to invasive introduced plant and animal species that pose a threat to indigenous biodiversity.
- ECO-P5** To give effect to the Principles for Biodiversity Offsets in ECO-APP2 of this Plan where biodiversity offsets are proposed as part of resource consent applications.
- ECO-P6.** To encourage the restoration and creation of ecological linkages between coastal habitats, river and stream margins and inland habitats as the opportunity arises and where it enhances the Districts indigenous biodiversity.
- ECO-P7** To recognise landowners’ stewardship and current management practices (including weed management and pest control) associated

with protecting and maintaining areas of significant indigenous vegetation and/or significant habitats of indigenous fauna.

**ECO-P8** To assist landowners with the establishment of protective covenants, education, and other non-regulatory methods and incentives to protect and maintain areas of significant indigenous vegetation and/or significant habitats of indigenous fauna

**ECO-P9** To ensure that new nationally significant infrastructure is not located in areas of significant indigenous vegetation and/or significant habitats of indigenous fauna unless:

1. There is a functional or operational need for the infrastructure to be in that particular location; and
2. The route/site selection process has identified no practicable alternative locations.

Where it is necessary to locate in these areas and where, despite the adoption of the best practicable option, there remain residual adverse effects, biodiversity offsetting measures should be proposed for the purpose of ensuring positive effects on the environment sufficient to offset any residual adverse effects of activities on indigenous biodiversity that will or may result from allowing the activity.

### Rule Overview Table

Use/activity	Rule Number
Trimming or clearance of indigenous vegetation within any of the following (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5): <ol style="list-style-type: none"> <li>1. Areas of domestic or ornamental landscape planting; or</li> <li>2. Planted shelter belts; or</li> <li>3. Plantation forestry undergrowth; or</li> <li>4. Planted indigenous forestry.</li> </ol>	ECO-R1
Specified trimming or clearance of indigenous vegetation (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5):	ECO-R1A
Trimming or clearance of indigenous vegetation that has naturally re-grown on land that was cleared within the previous 15 years (excluding	ECO-R2

where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5):	
Trimming or clearance of indigenous vegetation inside any area identified as a Significant Natural Area in ECO-SCHED5 (excluding natural wetlands)	ECO-R3
Trimming or clearance of indigenous vegetation outside any area identified as a Significant Natural Area in ECO-SCHED5	ECO-R4
Trimming or clearance of indigenous vegetation which forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5	ECO-R6

## Rules

It is important to note that in addition to the provisions in this chapter, zone chapters and a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities involving the trimming or clearance of significant indigenous vegetation and/or significant habitats of indigenous fauna.

*Note 1: Plantation Forestry Activities - In the case of conflict with any rule in this Chapter, the provisions of the NES-PF apply instead of the rule. This specifically applies to afforestation, and vegetation clearance that occurs during or after afforestation outside of a significant natural area and 'incidental damage' within or outside a significant natural area. Vegetation clearance of indigenous vegetation that occurs before afforestation, or within a significant natural area (other than incidental damage) is not controlled by the NES-PF, and the rules in this Chapter will apply.*

*Note 2: These rules do not replace regional rules which control vegetation clearance and soil disturbance to address the loss and degradation of soil. These rules must be complied with prior to the activity proceeding.*

**ECO-R1 Trimming or clearance of indigenous vegetation within any of the following (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5):**

- Areas of domestic or ornamental landscape planting; or
- Planted shelter belts; or
- Plantation forestry undergrowth; or
- Planted indigenous forestry.

<p><b>All Indigenous Vegetation Species</b></p>	<p><b>1. Activity Status: PER</b></p> <p>Where the following conditions are met: N/A</p>	<p><b>2. Activity status where compliance not achieved: N/A</b></p>
<p><b>ECO-R1A Specified trimming or clearance of indigenous vegetation (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5):</b></p>		
<p><b>All Indigenous Vegetation Species</b></p>	<p><b>1. Activity Status: PER</b></p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> <li>a. Limited to trimming or clearance that is required for any of the following purposes: <ul style="list-style-type: none"> <li>i. required to achieve compliance with the requirements of the Electricity (Hazards from Trees) Regulations 2003; or</li> <li>ii. required to remove deadwood, wind-thrown trees, or chronically diseased indigenous vegetation, where an arborist who has attained the New Zealand Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent qualification has certified in writing that the indigenous vegetation is no longer independently viable or poses a risk; or</li> <li>iii. carried out in accordance with a registered protective covenant under the Reserves Act 1977, Conservation Act 1986 or Queen Elizabeth the Second National Trust Act 1977; or a Reserve Management Plan approved under the Reserves Act 1977; or</li> <li>iv. required for pest control undertaken by or in conjunction with the Department of Conservation, Hawke’s Bay Regional Council or Central Hawke’s Bay District Council, or by landowners and personnel working with these organisations for this purpose; or</li> </ul> </li> </ul>	<p><b>2. Activity status where compliance not achieved:</b> ECO-R2 to ECO-R4 apply</p>

- removal of material infected by an unwanted organism under the Biosecurity Act 1993; or
- v. necessary to avoid an imminent threat to the safety of persons or of damage to lawfully established buildings or structures; or
  - vi. necessary to provide for the ongoing safe and efficient operation, maintenance and upgrading of telecommunication, radio communication and other network utilities, but excluding their expansion, where carried out by the respective network utility operator; or
  - vii. necessary to provide for the maintenance and safe and efficient operation of existing tracks, stock crossing and bridges, drains, firebreaks, formed public roads, private accesses, driveways, right of ways and walkways; or
  - viii. necessary to maintain buildings, provided that the trimming or clearance of vegetation is limited to within 3 metres of a wall or roof of a building; or
  - ix. required to construct new fences (including post holes) to exclude stock and/or pests from the area of indigenous vegetation, or to maintain existing fences, provided that the trimming or clearance does not exceed 2 metres in width either side of the fence line; or
  - x. for use by tangata whenua for cultural purposes (e.g. for Rongoā, Waka, traditional buildings and marae-based activities) and does not result in the removal of more than 25m<sup>3</sup> of timber per site per 10-year period.

*Note (1): The Council recommends that trimming or clearance of indigenous vegetation is carried out by an arborist who has attained the New Zealand Qualifications*

	<p>Authority National Certificate in Arboriculture Level 4 or equivalent qualification.</p> <p>Note (2): Any trimming or clearance work within the vicinity of a network utility should be undertaken by a network utility approved arborist.</p>	
<p><b>ECO-R2 Trimming or clearance of indigenous vegetation that has naturally re-grown on land that was cleared within the previous 15 years (excluding where it forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5):</b></p>		
<p><b>Manuka and Kanuka Species Only</b></p>	<p><b>1. Activity Status: PER</b></p> <p><b>Where the following conditions are met:</b></p> <p>a. Limited to:</p> <p>i. trees no more than 30cm in diameter measured at 1.4m from the highest point of ground level at the base of the tree.</p> <p><i>Note: If the requirements of this rule are complied with then there is no limit on the area of vegetation that can be trimmed or cleared.</i></p>	<p><b>2. Activity status where compliance not achieved: RDIS</b></p> <p><b>Matters over which discretion is restricted:</b></p> <p>a. ECO-AM1.</p>
<p><b>All Other Indigenous Vegetation Species</b></p>	<p><b>3. Activity Status: PER</b></p> <p><b>Where the following conditions are met:</b></p> <p>a. Limited to:</p> <p>i. trees no more than 30cm in diameter measured at 1.4m from the highest point of ground level at the base of the tree.</p> <p><i>Note: If the requirements of this rule are complied with then there is no limit on the area of vegetation that can be trimmed or cleared.</i></p>	<p><b>4. Activity status where compliance not achieved: ECO-R3 to ECO-R6 apply</b></p>
<p><b>ECO-R3 Trimming or clearance of indigenous vegetation inside any area identified as a Significant Natural Area in ECO-SCHED5 (excluding natural wetlands)</b></p>		
<p><b>All Indigenous Vegetation Species</b></p>	<p><b>1. Activity Status: PER</b></p> <p><b>Where the following conditions are met:</b></p> <p>a. Limited to (whichever is the lesser):</p>	<p><b>2. Activity status where compliance not achieved: DIS</b></p>

	<ul style="list-style-type: none"> <li>i. clearance of no more than 500m<sup>2</sup> of indigenous vegetation per site per calendar year; or</li> <li>ii. clearance of no more than 1% of the area of a Significant Natural Area identified in ECO-SCHED5 per calendar year.</li> </ul>	
<p><b>ECO-R4 Trimming or clearance of indigenous vegetation outside any area identified as a Significant Natural Area in ECO-SCHED5</b></p>		
<p><b>Manuka and Kanuka Species Only</b></p>	<p><b>1. Activity Status: PER</b></p> <p><b>Where the following conditions are met:</b></p> <ul style="list-style-type: none"> <li>a. Limited to: <ul style="list-style-type: none"> <li>i. clearance of no more than 0.5 hectare per site per calendar year.</li> <li>ii. Trees to be cleared must have: <ul style="list-style-type: none"> <li>a. an average diameter measured 1.4m from the highest point of ground level at the base of the tree, of no more than 15cm; and</li> <li>b. an average canopy height of less than 6 metres.</li> </ul> </li> </ul> </li> </ul>	<p><b>2. Activity status where compliance not achieved: RDIS</b></p> <p><b>Matters over which discretion is restricted:</b></p> <ul style="list-style-type: none"> <li>a. ECO-AM1.</li> </ul>
<p><b>All Other Indigenous Vegetation Species</b></p>	<p><b>3. Activity Status: PER</b></p> <p><b>Where the following conditions are met:</b></p> <ul style="list-style-type: none"> <li>a. Limited to: <ul style="list-style-type: none"> <li>i. clearance of no more than 0.5 hectare per site per calendar year.</li> <li>ii. Trees to be cleared must have: <ul style="list-style-type: none"> <li>a. an average diameter measured 1.4m from the highest point of ground level at the base of the tree, of no more than 15cm; and</li> <li>b. an average canopy height of less than 6 metres.</li> </ul> </li> </ul> </li> </ul>	<p><b>4. Activity status where compliance not achieved: DIS</b></p>

**ECO-R6 Trimming or clearance of indigenous vegetation which forms part of any natural wetland identified as a Significant Natural Area in ECO-SCHED5**

<p><b>All Indigenous Vegetation Species</b></p>	<p><b>1. Activity Status: NC</b></p> <p><b>Where the following conditions are met:</b> <b>N/A</b></p> <p><i>Note (1): Wetland restoration work managed by the Department of Conservation, Hawke’s Bay Regional Council or Central Hawke’s Bay District Council is regulated by the Regional Resource Management Plan and the NES Freshwater 2020 and therefore exempt from this rule.</i></p> <p><i>Note (2): This rule does not apply to vegetation clearance associated with construction of, and ongoing safe and efficient operation, maintenance and upgrading of a network utility, but is subject to the (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA) (refer Regulations 30, 31 and 32), and / or Resource Management (National Environmental Standards for Freshwater) Regulations, 2020 (NES-FM), (refer Regulations 46 &amp; 47).</i></p>	<p><b>2. Activity status where compliance not achieved: N/A</b></p>
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**Assessment Matters**

For Discretionary Activities, Council’s assessment is not restricted to these matters, but it may consider them (among other factors).

**ECO-AM1            Removal of Manuka or Kanuka**

1.        The significance of the affected indigenous vegetation or habitat of indigenous fauna in terms of ecological, intrinsic, cultural or amenity values.
2.        The extent to which an area of affected indigenous vegetation or habitat of indigenous fauna and its inter-relationship with other habitats or areas of indigenous vegetation represents or exemplifies the components of the natural diversity of a larger reference area. For example, the representation of the current natural diversity of an ecological district, or representation of the original natural landscape.

3. The sustainability of the habitat or area of vegetation proposed to be modified or damaged or of any adjoining habitat of vegetation to an area proposed to be affected.
4. The degree to which the vegetation or habitat is threatened or is uncommon in the ecological district within which it is located.
5. Whether any affected area contains a vegetation type or species of flora or fauna that is regionally rare or threatened.
6. Whether the area is adjacent to an SNA or part of an ecological corridor for threatened or at risk species and the impact that the clearance may have on these areas.
7. Location and dimensions of areas to be cleared and vegetation type.
8. Effects on archaeological, cultural, or historic sites.
9. Effects on waterbodies and riparian margins.
10. Clearance methods.
11. Where biodiversity off-setting is proposed, the application of the principles contained in ECO-APP2 will be considered.
12. Effects on areas of high natural character identified in CE-SCHED7, or on outstanding natural landscape or feature, or significant amenity feature identified in NFL-SCHED6.
13. Whether the indigenous vegetation or habitat is on Māori land proposed for development, and the effects of that development on the indigenous vegetation or habitat.
14. The degree to which the trimming or removal of affected vegetation will provide for the health and safety of people, property, and the environment through the management of fire risk.

*Note: Any significance assessment must be carried out by a suitably qualified ecologist or forester (i.e. B.For.Sc, BSc, B.App.Sc or relevant postgraduate qualification).*

#### **ECO-AM2            Trimming and Clearance of Indigenous Vegetation**

1. The significance of the affected indigenous vegetation or habitat of indigenous fauna in terms of ecological, intrinsic, cultural or amenity values.
2. The extent to which an area of affected indigenous vegetation or habitat of indigenous fauna and its inter-relationship with other habitats or areas of indigenous vegetation represents or exemplifies the components of the natural diversity of a larger reference area. For example, the representation of the current natural diversity of an ecological district, or representation of the original natural landscape.
3. The sustainability of the habitat or area of vegetation proposed to be modified or damaged or of any adjoining habitat of vegetation to an area proposed to be affected.
4. The degree to which the vegetation or habitat is threatened or is uncommon in the ecological district in which it is located.
5. Whether any affected area contains a vegetation type of species of flora or fauna that is regionally rare or threatened.
6. Location and dimensions of areas to be cleared and vegetation type.

7. Effects on archaeological, cultural or historic sites.
8. Effects on waterbodies and riparian margins.
9. Clearance methods.
10. Where biodiversity off-setting is proposed, the application of the principles in ECO-APP2 will be considered.
11. Effects on areas of high natural character identified in CE-SCHED7, or on outstanding natural landscape or feature, or significant amenity feature identified in NFL-SCHED6.
12. Whether the indigenous vegetation or habitat is on Māori land proposed for development, and the effects of that development on the indigenous vegetation or habitat.
13. The degree to which the trimming or removal of affected vegetation will provide for the health and safety of people, property, and the environment through the management of fire risk.

*Note: Any significance assessment must be carried out by a suitably qualified ecologist or forester (i.e. B.For.Sc, BSc, B.App.Sc or relevant postgraduate qualification).*

## Methods

Methods, other than the above rules, for implementing the policies:

### **ECO-M1 Identification and Mapping of Significant Natural Areas**

Identifying Significant Natural Areas in ECO-SCHED5 in the District Plan and showing them on the relevant Planning Maps.

### **ECO-M2 Other Provisions in the District Plan**

Implementation of objectives and policies of the relevant zones and district-wide activities in the District Plan, including those set out in the following sections of the District Plan:

1. TW – Ngā Tangata Whenua o Tamatea
2. SASM – Sites and Areas of Significance to Māori
3. NFL – Natural Landscapes and Features
4. SUB – Subdivision
5. CE – Coastal Environment
6. EW – Earthworks – rules limit the amount of earthworks in areas of significant indigenous vegetation and/or significant habitats of indigenous fauna

### **ECO-M3 Biodiversity Offsetting**

Applying nationally accepted best practice principles for biodiversity offsetting where biodiversity offsetting or compensation is proposed, to achieve 'no net loss' or a 'net gain' of indigenous biodiversity where adverse effects cannot be avoided, remedied, or mitigated.

This includes reference to '*Guidance of Good Practice Biodiversity Offsetting in New Zealand*', (Department of Conservation, (2014))' and '*Biodiversity Offsetting Under the Resource Management Act, A Guidance Document*' (Maseyk, Ussher, Kessels, Christenson and Brown, (2018)), and the principles outlined in ECO-APP2.

#### **ECO-M4            Promotion of Ecological Corridors / Networks**

Promoting the protection and maintenance of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, particularly those that contribute to achieving an ecological corridor or network, through for example:

1. taking esplanade reserves or esplanade strips on subdivision as the opportunity arises;
2. providing for additional development rights through the subdivision of Conservation Lots where sites in ECO-SCHED5 or other areas of significant indigenous vegetation and/or significant habitats of indigenous fauna (including wetlands) are protected in perpetuity; and
3. providing partial rates relief or other financial assistance for landowners.

#### **ECO-M5            Advocacy, Education and Information Sharing**

1. Promoting education, advocacy and information sharing to raise community awareness of the attributes and values of the District's areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, and the need to have regard to these values when considering applications for subdivision use and development activities.
2. Encouraging, guiding and assisting landowners in the voluntary protection of natural areas, including making the community more aware of the opportunities provided by the Queen Elizabeth II National Trust Act 1977 and Reserves Act 1977 (e.g. Ngā Whenua Rāhui kawenata), particularly landowners of areas identified in ECO-SCHED5 of the District Plan; and through consideration of other mechanisms such as a rates rebates in accordance with the provisions of the Local Government Act 1974.

#### **ECO-M6            Hawke's Bay Biodiversity Accord**

Council's role in the Hawke's Bay Biodiversity Accord. This will be a key method for enhancing biodiversity in the District and will include maintaining, developing, and enhancing partnerships with landowners who have large and significant ecological areas, Landcare and other community groups and non-governmental organisations', tangata whenua, Hawke's Bay Regional Council, Department of Conservation and other agencies and stakeholders to provide focused and efficient assistance to worthy protection and enhancement projects.

### **Principal Reasons**

The principal reasons for adopting the policies and methods:

Key threats to areas of significant indigenous vegetation and/or significant habitats of indigenous fauna include inappropriate subdivision, use and development, intensification in land use practices, as well as animal and plant pests and diseases. Control and management of these activities, via rules for earthworks and vegetation clearance, in areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, is therefore appropriate.

There is considerable ecological benefit in restoring and linking SNAs where they can contribute to restoring the biodiversity values of a site, achieving an ecological corridor or network, or controlling animal and plant pests. Methods to encourage and assist ecological management, restoration and protection measures by landowners is therefore appropriate. Council recognises that many landowners are already being proactive in the protection of areas of significant indigenous habitat including SNAs, and seeks to continue working together with the community, to encourage protection of sites on private land though consideration of other mechanisms such as QEII covenants and rates rebates in accordance with the provisions of the Local Government Act 1974.

Council, through its commitment to the Hawkes's Bay Biodiversity Accord will also continue to work with community groups and other organisations to raise awareness about the importance of protecting and enhancing the District's biodiversity and remaining threatened indigenous habitats and fauna.

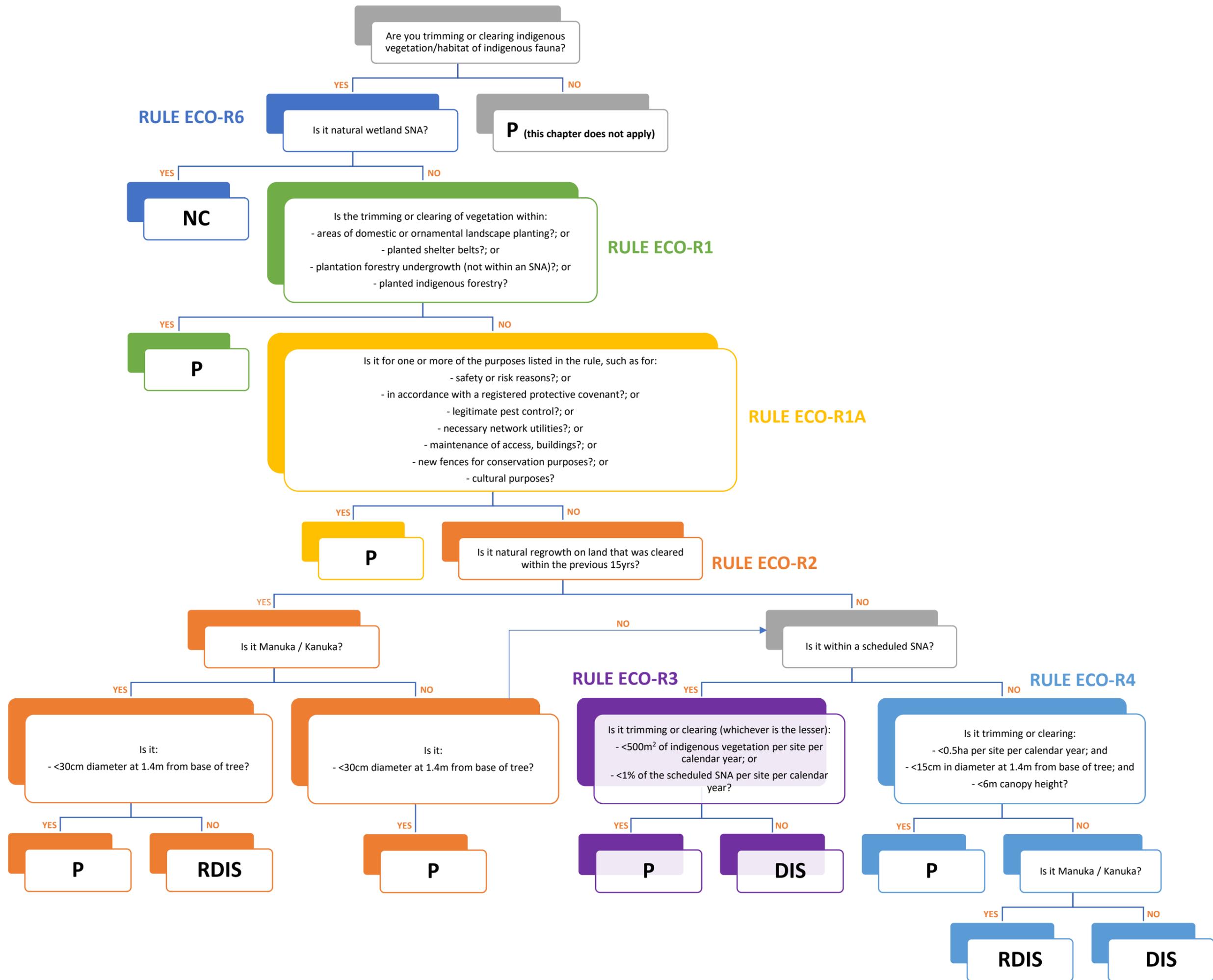
### **Anticipated Environmental Results**

The environmental results anticipated from the policies and methods:

- |                 |  |
|-----------------|--|
| <b>ECO-AER1</b> | <b>Increasing the biodiversity values of the District by increasing the protection and ecological management of SNAs and other natural areas.</b>  |
| <b>ECO-AER2</b> | <b>Improved integrated management of the District's significant areas of indigenous vegetation and/or significant habitats of indigenous fauna and biodiversity within Central Hawke's Bay District.</b> |
| <b>ECO-AER3</b> | <b>Improved landowner and public understanding of the protecting biodiversity values in Central Hawke's Bay.</b>   |
| <b>ECO-AER4</b> | <b>Increase in the number of registered sites of QE II Covenants to protect areas of significant indigenous vegetation and/or significant indigenous habitats of flora and fauna in perpetuity.</b>      |
| <b>ECO-AER6</b> | <b>Maintenance of the natural amenity and intrinsic values of waterbodies.</b>   |

## APPENDIX 4

### ECO Rule Framework, Flow Diagram



Are you trimming or clearing indigenous vegetation/habitat of indigenous fauna?

YES

NO

**RULE ECO-R6**

Is it natural wetland SNA?

**P** (this chapter does not apply)

YES

NO

**NC**

**RULE ECO-R1**

Is the trimming or clearing of vegetation within:  
- areas of domestic or ornamental landscape planting?; or  
- planted shelter belts?; or  
- plantation forestry undergrowth (not within an SNA)?; or  
- planted indigenous forestry?

YES

NO

**P**

**RULE ECO-R1A**

Is it for one or more of the purposes listed in the rule, such as for:  
- safety or risk reasons?; or  
- in accordance with a registered protective covenant?; or  
- legitimate pest control?; or  
- necessary network utilities?; or  
- maintenance of access, buildings?; or  
- new fences for conservation purposes?; or  
- cultural purposes?

YES

NO

**P**

**RULE ECO-R2**

Is it natural regrowth on land that was cleared within the previous 15yrs?

YES

NO

Is it Manuka / Kanuka?

Is it within a scheduled SNA?

YES

NO

**RULE ECO-R3**

**RULE ECO-R4**

Is it:  
- <30cm diameter at 1.4m from base of tree?

Is it:  
- <30cm diameter at 1.4m from base of tree?

Is it trimming or clearing (whichever is the lesser):  
- <500m² of indigenous vegetation per site per calendar year; or  
- <1% of the scheduled SNA per site per calendar year?

Is it trimming or clearing:  
- <0.5ha per site per calendar year; and  
- <15cm in diameter at 1.4m from base of tree; and  
- <6m canopy height?

YES

NO

**P**

**RDIS**

YES

**P**

YES

NO

**P**

**DIS**

YES

NO

**P**

Is it Manuka / Kanuka?

YES

NO

**RDIS**

**DIS**