

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

ECOSYSTEMS AND INDIGENOUS BIODIVERSITY

Introduction

The District contains a diverse range of habitats that support indigenous plants and animals, including at-risk, threatened, and endangered indigenous species. Many of these habitats are endemic, comprising forests, shrubland, herbfields, drylands, tussock grasslands, and waterbody margins.¹

The Council has a responsibility to maintain 'indigenous biodiversity' generally and in particular to recognise and provide for the protection of 'significant indigenous vegetation' and 'significant habitats of indigenous fauna'. The identified significant indigenous vegetation and habitats are collectively referred to as Significant Natural Areas (SNAs) having been assessed and listed in the District Plan. In addition, there are likely to be a range of other areas not yet assessed, but containing significant values that meet the APP5 Criteria for identifying Significant Natural Areas.²

Objectives

ECO-01	Protection of significant indigenous biodiversity
The values of <u>Areas of Significant</u> ³ indigenous vegetation and significant habitats of indigenous fauna across the District are protected. ⁴	
ECO-02	Maintenance and enhancement of indigenous biodiversity
The indigenous biodiversity of the District is maintained or enhanced.	
ECO-03	Recognition of Ngāi Tahu
The relationship of Ngāi Tahu whānui with indigenous biodiversity is recognised and provided for.	

Policies

ECO-P1	Assessment and identification of significant indigenous biodiversity
Identify <u>SNAs Significant Natural Areas</u> by: <ol style="list-style-type: none"> 1. assessing areas of indigenous vegetation and habitats of indigenous fauna according to the criteria set out in APP5 - Criteria for Identifying Significant Natural Areas; and 2. including <u>SNAs Significant Natural Areas</u> on the planning maps and in SCHED7 - Schedule of Significant Natural Areas. 	
ECO-P2	Appropriate indigenous vegetation clearance in Significant Natural Areas
Provide for the clearance of indigenous vegetation in <u>SNAs Significant Natural Areas</u> where it is appropriate for health and <u>safety</u> , ⁵ wellbeing or customary reasons, <u>or to allow for ongoing farming practices</u> ⁶ , by enabling clearance: <ol style="list-style-type: none"> 1. for mahika kai and other customary uses, where this is undertaken in accordance with tikaka protocols; or 	

¹ Forest and Bird [156.97], Dir. General Conservation [166.30]

² Forest and Bird [156.97], Dir. General Conservation [166.30]

³ ECan [183.68] - Evidence of Deidre Francis

⁴ Forest and Bird [156.98]

⁵ Forest and Bird [156.102]

⁶ Clause 10(2)(b) relating to Hart, J R [149.2], Federated Farmers [182.104]

2. where it is causing imminent danger to human life, structures, or network utilities, or affecting the safe operation of network utilities⁷; or
3. where necessary to manage plant or animal pests or unwanted organisms; or
4. for flood protection works by appropriate authorities where those works are required to protect people and communities from the effects of flooding; or
5. for the operation, maintenance, or repair or minor upgrade⁸ of the National Grid; or
6. for the operation or maintenance of the electricity distribution network, rail network⁹ and public roads; or
7. arising from continued¹⁰ grazing within areas of improved pasture which form part of SNAs Significant Natural Areas¹¹.

ECO-P3 Protection of indigenous biodiversity in sensitive areas

Protect indigenous biodiversity by managing the clearance of indigenous vegetation in the following sensitive areas:

1. riparian margins areas, wetlands¹² and springs; and
- ~~2. coastal areas; and~~¹³
3. areas at higher altitude; and
4. areas on steep slopes.

ECO-P4 Protection for long-tailed bats

Protect long-tailed bats by:

1. ~~Identifying~~ identifying important habitat for long-tailed bats as a Long-Tailed Bat Habitat¹⁴ Protection Area ~~Overlay~~ on the planning maps; and
2. maintaining the habitat for long-tailed bats within this ~~Overlay~~.

ECO-P5 Protection of Significant Natural Areas

Except as provided for in ECO-P2¹⁵, ~~a~~ Avoid the clearance of indigenous vegetation and earthworks within SNAs, unless these activities:

1. are outside the coastal environment and¹⁶ can be undertaken in a way that protects the identified ecological values; ~~and or~~¹⁷
2. are for regionally significant infrastructure and it can be demonstrated that adverse effects are managed in accordance with EI-P2 ~~Managing adverse effects of Regionally Significant Infrastructure and other infrastructure~~ or for the National Grid, EI-PX5 ~~Managing adverse effects of the National Grid~~¹⁸.

ECO-PX6 Maintaining ~~Indigenous B~~biodiversity¹⁹

Limit the clearance of indigenous vegetation outside areas identified in ECO-P1, ECO-P3 and ECO-PX8, in order to maintain indigenous biodiversity, taking into account the value of such biodiversity.

⁷ Clause 10(2)(b) relating to Road Metals [169.20], Fulton Hogan [170.21]

⁸ Transpower [159.70]

⁹ Alpine [55.4], KiwiRail [187.54]

¹⁰ Speaking Notes of Forest and Bird, paras 8-13.

¹¹ Clause 10(2)(b) relating to Hart, J R [149.2], Federated Farmers [182.104]

¹² Clause 10(2)(b) relating to Federated Farmers [182.117]

¹³ Clause 10(2)(b) relating to Forest and Bird [156.5]

¹⁴ Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]

¹⁵ ECan [183.75]

¹⁶ Forest and Bird [156.5]

¹⁷ Clause 10(2)(b)

¹⁸ Transpower [159.71]

¹⁹ Frank, H [90.23], Forest and Bird [156.3, 156.106, 156.107], Dir. General Conservation [166.29]

ECO-P67 **Avoidance of risk species**

Avoid the planting of species that are likely to adversely affect indigenous biodiversity values.

ECO-P78 **Indigenous Biodiversity in the Coastal Environment²⁰**

In the coastal environment, except as provided for in ECO-P2, avoid adverse effects of activities on:

1. indigenous taxa that are listed as threatened or at-risk in the New Zealand Threat Classification System lists; and
2. taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened; and
3. indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare; and
4. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare; and
5. areas containing nationally significant examples of indigenous community types; and
6. areas set aside for full or partial protection of indigenous biological diversity under other legislation; and

avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:

7. areas of predominantly indigenous vegetation in the coastal environment; and
8. habitats in the coastal environment that are important during the vulnerable life stages of indigenous species; and
9. indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh; and
10. habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes; and
11. habitats, including areas and routes, important to migratory species; and
12. ecological corridors, and areas important for linking or maintaining biological values identified under this policy.

ECO-P29 **Restoration of Indigenous Biodiversity²¹**

Promote the restoration of indigenous biodiversity through a range of methods, including consent conditions, covenants, reserves, management plans and other initiatives, with prioritisation given to:

1. SNA Significant Natural Areas whose ecological integrity is degraded; and
2. threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems; and
3. areas that provide important connectivity or buffering functions; and
4. natural inland wetlands whose ecological integrity is degraded or that no longer retain their indigenous vegetation or habitat for indigenous fauna; and
5. areas of indigenous biodiversity on specified Māori land where restoration is advanced by the Māori landowners; and
6. any other priorities specified in regional biodiversity strategies or any national priorities for indigenous biodiversity restoration.

Rules

Note: ~~Activities not listed in the rules of this chapter are classified as a permitted under this chapter.~~ For certain activities, consent may be required by rules in more than one chapter in the District Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users

²⁰ Forest and Bird [156.5]

²¹ Dir. General Conservation [166.38]

should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

<p>ECO-R1</p>	<p>Clearance of indigenous vegetation (except as provided for in ECO-R2 for flood protection works, or ECO-R3 for National Grid activities or ECO-R6 for restoration or enhancement of a Significant Natural Area)²²</p>	
<p>1 Significant Natural Areas Overlay</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The indigenous²³ vegetation to be cleared is causing an imminent danger to human life, structures, or <u>network utilities, or affecting the safe operation of network utilities,</u>²⁴ and the clearance of <u>indigenous vegetation</u> is undertaken in accordance with advice from a suitably qualified arborist; or</p> <p>PER-2 The clearance of <u>indigenous vegetation</u> is carried out by the relevant Road Requiring Authority <u>or an agent authorised by them</u>²⁵:</p> <ol style="list-style-type: none"> 1. to install, <u>maintain or repair</u>²⁶ road safety assets for the purpose of reducing traffic risk within the road corridor, and the clearance is less than 5m² within a single SNA; or 2. to maintain existing roadside drainage; or <p>PER-2A3 <u>The clearance of indigenous vegetation is for the purpose of maintaining the rail network and the clearance is less than 5m² within a single SNA; or</u>²⁷</p> <p>PER-34 The vegetation clearance of <u>indigenous vegetation</u> is carried out by Ngāi Tahu whānui for the purposes of mahika kai or other customary uses, <u>in accordance with</u></p>	<p>Activity status where compliance not achieved: Non-complying</p>

²² Clause 10(2)(b) relating to Silver Fern Farms [172.55] and Alliance Group [173.59], Rooney Holdings [174.32, 174.34], Rooney, GJH [191.32, 191.34], Rooney Group [249.32, 249.34], Rooney Farms [250.32, 250.34], Rooney Earthmoving [251.32, 251.34], TDL [252.32, 252.34]

²³ **Schedule 1, cl16(2)**

²⁴ Road Metals [169.20], Fulton Hogan [170.21]

²⁵ Road Metals [169.20] and Fulton Hogan [170.21]

²⁶ Road Metals [169.20] and Fulton Hogan [170.21]

²⁷ KiwiRail [187.56]

	<p>tikaka where it has been certified by Te Runanga o Arowhenua that the activity will meet tikanga protocol (Note: Te Runanga o Arowhenua will notify the Timaru District Council prior to such activities occurring)²⁸; or</p> <p>PER-45 The <u>clearance of indigenous vegetation clearance</u> is carried out to remove material infected by unwanted organisms as declared by the Minister for Primary Industries Chief Technical Officer, or an emergency declared under the Biosecurity Act 1993; or</p> <p>PER-56 The <u>clearance of indigenous vegetation</u> is unavoidable in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, or where this occurs as part of indigenous biodiversity restoration or enhancement; <u>or</u></p> <p>PER-67 The <u>clearance of indigenous vegetation occurs due as part of</u> is caused by²⁹ <u>grazing, (but not over-grazing/trampling), within an area of improved pasture, where grazing has previously been undertaken^{30 31}.</u></p> <p>Advice Note <u>This rule does not apply to the clearance of indigenous vegetation associated with a commercial forestry activity which is regulated under the National Environmental Standard for Commercial Forestry (NESCF).</u>³²</p>	
<p>2 Within 50m of any wetland Riparian margins</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p>	<p>Activity status where compliance not achieved: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p>

²⁸ Clause 16(2) to align with ECO-P2 and ECO-R1.4 PER-1.3

²⁹ Speaking notes of Forest and Bird, para 26.

³⁰ Speaking notes of Forest and Bird, para 26.

³¹ Hart, J R [149.2], Speaking notes of Forest and Bird, para 26.

³² Port Blakely [94.7]

<p><u>(excluding a river that is a High Naturalness Waterbody)</u>³³ In the Coastal Environment, within 20m of mean high water springs³⁴</p> <p><u>Within 20m of the bank of any waterbody</u>³⁵</p> <p>Within 20m of any waipuna (spring)</p> <p>At an altitude of 900m or higher</p> <p>Land with an average slope of 30° or greater</p>	<p>The indigenous³⁶ vegetation to be cleared is causing an imminent danger to human life, structures, or <u>network utilities, or affecting the safe operation of network utilities</u>,³⁷ and the clearance is undertaken in accordance with advice from a suitably qualified arborist; or</p> <p>PER-2 The clearance <u>of indigenous vegetation</u> is within 2m, and for the purpose, of maintenance, repair or replacement of existing lawfully established fences, vehicle tracks, roads, <u>railway tracks, stock water or irrigation systems</u>,³⁸ walkways, firebreaks, drains, ponds, dams, waterlines, waterway crossings, or <u>network utilities, or regionally significant infrastructure</u>,³⁹ or for an <u>upgrade in seal cover of an existing road</u>⁴⁰; or</p> <p>PER-3 The vegetation clearance <u>of indigenous vegetation</u> is carried out by NgKāi Tahu whānui for the purposes of mahinga kai or other customary uses, <u>in accordance with tikaka where it has been certified by Te Runanga o Arowhenua that the activity will meet tikaka protocol (Note: Te Runanga o Arowhenua will notify the Timaru District Council prior to such activities occurring)</u>⁴¹; or</p> <p>PER-4 The clearance is of indigenous vegetation that: a. has been planted and managed specifically for the purpose of harvesting, or</p>	<ol style="list-style-type: none"> 1. whether the indigenous vegetation is significant (when assessed against the APP5 — Criteria for Identifying Significant Natural Areas) and the <u>extent to which the proposal retain-protects</u>⁴⁷ any significant <u>biodiversity vegetation</u>⁴⁸; and 2. the condition and character of the indigenous vegetation; and 3. whether the indigenous vegetation provides habitat for threatened, at-risk or locally uncommon species; and 4. any adverse effects on indigenous vegetation and habitats of indigenous fauna due to the clearance; and 5. any adverse effects on the mauri of the site, <u>rakatirataka, kaiitiakitaka, mahika kai, tikaka, or wāhi tapu or wāhi tāoka values</u>⁴⁹; and 6. whether species diversity would be adversely impacted by the proposal; and 7. the role the indigenous vegetation plays in providing a buffer to effects or an ecological corridor; and 8. any potential for mitigation or compensation of adverse effects on biodiversity values; and 9. the economic effects on the landholder of the retention of the vegetation; and 10. any site specific management factors to promote the restoration and enhancement of indigenous vegetation and habitats; and 11. the potential for use of other mechanisms that assist with the protection or enhancement of significant indigenous vegetation such as QE II covenants and the use
---	--	---

³³ Clause 10(2)(b) relating to Federated Farmers [182.117]

³⁴ Clause 10(2)(b) relating to Forest and Bird [156.5]

³⁵ Clause 10(2)(b) relating to Federated Farmers [182.117]

³⁶ **Schedule 1, cl16(2)**

³⁷ Clause 10(2)(b) relating to Road Metals [169.20], Fulton Hogan [170.21]

³⁸ Clause 10(2)(b) relating to Rangitata Dairies [44.10], Connolly, S [136.2]

³⁹ Waka Kotahi [143.84]

⁴⁰ KiwiRail [187.59]

⁴¹ Clause 16(2) to align with ECO-P2 and ECO-R1.4 PER-1.3

⁴⁷ Dir. General Conservation [166.41]

⁴⁸ Dir. General Conservation [166.41] - Evidence of Elizabeth Williams, paras 44-45

⁴⁹ TRoNT [185.8] – Memorandum of Rachael Pull, 31 March 2025, page 3.

	<p>b. has grown up under an area of lawfully established plantation forestry, or⁴²</p> <p>e. <u>1. has been planted and/or managed as part of a domestic or public garden or has been planted for amenity purposes as a shelterbelt, or</u></p> <p>d. <u>2. is within an area of improved pasture and:</u></p> <p><u>ia. is caused by grazing, that is not over-grazing/trampling, where grazing has previously been undertaken; or</u></p> <p><u>ib. is for the purpose of maintaining improved pasture outside any originally rare ecosystems within the upper Rangitata and provided the clearance is not of any 'threatened' or 'at-risk' indigenous species (in the New Zealand Threat Classification System lists);</u> or⁴³</p> <p>PER-5 The clearance <u>of indigenous vegetation</u> is unavoidable in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993;⁴⁴ or</p> <p>PER-6 <u>The clearance of indigenous vegetation where this occurs as part of indigenous biodiversity restoration or enhancement, including vegetation clearance which is to restore or enhance the natural character or ecological values of the riparian margin</u>⁴⁴; or</p> <p>PER-7 <u>The vegetation clearance of indigenous vegetation is within a riparian margin and is associated with the replacement of, or</u></p>	<p>of Biodiversity Management Plans; and</p> <p>12. any benefits that the activity provides to the local community and beyond; <u>and</u></p> <p>13. <u>within the coastal environment, the management of effects in accordance with ECO- PY8</u>⁵⁰; <u>and</u></p> <p>14. <u>where the clearance of indigenous vegetation is within a riparian margin</u>⁵¹:</p> <p>a. <u>the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and</u></p> <p>b. <u>the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and</u></p> <p>c. <u>the extent to which alternative practicable options have been considered and their feasibility; and</u></p> <p>d. <u>the extent to which any restoration or enhancement of the natural character of the area is proposed; and</u></p> <p>e. <u>the extent to which the proposal has the potential to cause or exacerbate bank erosion; and</u></p> <p>f. <u>whether there is a functional need, or in relation to infrastructure an operational need,</u>⁵² <u>for the activity to locate in a riparian margin; and</u></p> <p>15. <u>where the proposed clearance is located within a site identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa:</u></p> <p>a. <u>whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the</u></p>
--	---	---

⁴² Port Blakely [94.7]

⁴³ Clause 10(2)(b) relating to Frank, H [90.23], Forest and Bird [156.3, 156.116], Dir. General Conservation [166.29] - Evidence of Elizabeth Williams, paras 46-52; Speaking notes of Forest and Bird, para 27

⁴⁴ Shifted from NATC-R1 PER-6 (Clause 10(2)(b) relating to Federated Farmers [182.117])

⁵⁰ Clause 10(2)(b) relating to Forest and Bird [156.5]

⁵¹ Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])

⁵² Transpower [159.78]

	<p><u>expansion to, an existing building or structure, permitted under NATC-R5.</u>⁴⁵</p> <p><u>Advice Note</u> <u>This rule does not apply to the clearance of indigenous vegetation associated with a commercial forestry activity which is regulated under the NESCF National Environmental Standard for Commercial Forestry.</u>⁴⁶</p>	<p><u>proposal responds to, or incorporates the outcomes of that consultation; and</u></p> <p><u>b. the proposal’s consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and</u></p> <p><u>c. the nature of any effects on mahika kai and other customary uses; and</u></p> <p><u>d. the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and</u></p> <p><u>e. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of works on the values associated with the SASM site or area of significance; and</u></p> <p><u>f. the appropriateness of any mitigation measures proposed; and</u></p> <p><u>g. the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the SASM site/area, and any potential to:</u></p> <p><u>i. affirm the connection between mana whenua and place; or</u></p> <p><u>ii. enhance the cultural values of the SASM site/area; or</u></p> <p><u>iii. provide for the relationship of Kāti Huirapa with their taonga; or</u></p> <p><u>iv. maintain or enhance the ability of Kāti Huirapa to access and use the SASM Site or Area of Significance; commensurate with the scale and nature of the proposal.</u>⁵³</p>
--	--	---

⁴⁵ Te Kotare [115.29], Waipopo Huts [189.41]

⁴⁶ Port Blakely [94.7]

⁵³ Clause 10(2)(b) relating to Frank, H [90.23], Forest and Bird [156.3, 156.116], Dir. General Conservation [166.29]

<p><u>3. Riparian margins of a High Naturalness Waterbody</u>⁵⁴</p>	<p><u>Activity status: Discretionary</u></p> <p><u>This rule does not apply to the clearance of indigenous vegetation associated with a commercial forestry activity which is regulated under the NESCF National Environmental Standard for Commercial Forestry.</u>⁵⁵</p>	<p><u>Activity status when compliance not achieved: Not applicable</u></p>
<p><u>4. All areas not specified in 1. – to 3. above</u>⁵⁶</p>	<p><u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-1</u></p> <p><u>The clearance of indigenous vegetation is for the purpose of:</u></p> <ol style="list-style-type: none"> 1. <u>the maintenance, repair or replacement of:</u> <ol style="list-style-type: none"> a. <u>existing fences, vehicle tracks, roads, walkways, firebreaks, dams, drains, man-made ponds, waterway crossings, or network utilities and is limited to the area within 2m of these</u>⁵⁷; <u>and</u> b. <u>any existing flood, erosion or drainage works administered by a Regional or Territorial Authority, limited to the area within the existing footprint of the works;</u> <u>and</u> c. <u>existing buildings, and is limited to within 2m from any existing exterior wall</u>⁵⁸; <u>and</u> 2. <u>clearing vegetation that is causing an imminent danger to human life, structures, infrastructure, or important infrastructure;</u> <u>and</u> 3. <u>mahinga kai or other customary uses, where the clearance is by Ngāi Tahu whānui and in</u> 	<p><u>Activity status when compliance not achieved: Restricted discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>whether the indigenous vegetation is significant (when assessed against the APP5 – Criteria for Identifying Significant Natural Areas) and the ability to retain any significant vegetation extent to which the proposal protects any significant biodiversity</u>⁶²; <u>and</u> 2. <u>the condition and character of the indigenous vegetation; and</u> 3. <u>whether the indigenous vegetation provides habitat for threatened, at-risk or locally uncommon species or is more than 25 years old; and</u> 4. <u>any adverse effects on indigenous vegetation and habitats of indigenous fauna due to the clearance; and</u> 5. <u>any adverse effects on the mauri of the site, rakatirataka, kaitiakitaka, mahika kai, tikaka, or</u>⁶³ <u>wāhi tapu or wāhi taoka values; and</u> 6. <u>whether species diversity would be adversely impacted by the proposal; and</u> 7. <u>the role the indigenous vegetation plays in providing a buffer to effects or an ecological corridor; and</u>

⁵⁴ Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])

⁵⁵ Port Blakely [94.7]

⁵⁶ Frank, H [90.23], Forest and Bird [156.3, 156.116], Dir. General Conservation [166.29]

⁵⁷ Statement of Rachel Thomas and Greg Anderson, para 29

⁵⁸ Statement of Rachel Thomas and Greg Anderson, para 29

⁶² Dir. General Conservation [166.41] - Evidence of Elizabeth Williams, paras 44-45

⁶³ TRoNT [185.8] – Memorandum of Rachael Pull, 31 March 2025, page 3.

	<p>accordance with tikaknga protocols⁵⁹; and</p> <ol style="list-style-type: none"> 4. <u>clearing vegetation that has been managed as part of a domestic or public garden, for amenity purposes, or as a shelterbelt; and</u> 5. <u>protecting, maintaining, restoring, and accessing ecological values, and is carried out in accordance with:</u> <ol style="list-style-type: none"> a. <u>a Reserve Management Plan approved under the Reserves Act 1977; and</u> b. <u>a registered protective covenant under the Reserves Act 1977, Conservation Act 1987 or Queen Elizabeth the Second National Trust Act 1977; and</u> c. <u>a national park management plan or conservation management plan or strategy prepared under the Conservation Act 1987; and</u> 6. <u>maintaining cultivated land, where cultivation has been undertaken within the past 15 years⁵⁹; and</u> 7. <u>grazing, that is not over-grazing/trampling, within an area of improved pasture; and</u> 8. <u>maintaining improved pasture by way of oversowing and/or topdressing:</u> <ol style="list-style-type: none"> a. <u>outside any depositional landforms originally rare ecosystems within the upper Rangitata; and</u> b. <u>provided the clearance is not of any 'threatened' or 'at-risk' indigenous species (in the New Zealand Threat Classification System lists);⁶⁰ and</u> 9. <u>biosecurity, and is necessary in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993,</u> 	<ol style="list-style-type: none"> 8. <u>any potential for mitigation or compensation of adverse effects on biodiversity values; and</u> 9. <u>the economic effects on the landholder of the retention of the vegetation; and</u> 10. <u>any site specific management factors to promote the restoration and enhancement of indigenous vegetation and habitats; and</u> 11. <u>the potential for use of other mechanisms that assist with the protection or enhancement of significant indigenous vegetation such as QE II covenants and the use of Biodiversity Management Plans; and</u> 12. <u>any benefits that the activity provides to the local community and beyond; and</u> 13. <u>where the proposed clearance is located within a site identified in in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa:</u> <ol style="list-style-type: none"> a. <u>whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</u> b. <u>the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and</u> c. <u>the nature of any effects on mahika kai and other customary uses; and</u> d. <u>the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and</u> e. <u>whether there are alternative methods, locations or designs that would avoid or mitigate the impact of works on the values associated with the</u>
--	---	---

⁵⁹ ECan [183.8] - Evidence of Deidre Francis, paras 47–58; Evidence of Jean Jack, paras 24-29

⁶⁰ Evidence of Elizabeth Williams, paras 46-50

	<p>including the clearance of material infected by unwanted organisms.</p> <p><u>Advice Note</u> This rule does not apply to the clearance of indigenous vegetation associated with a commercial forestry activity which is regulated under the <u>NESCF National Environmental Standard for Commercial Forestry</u>.⁶¹</p>	<p>SASM site or area of significance; and</p> <p>f. <u>the appropriateness of any mitigation measures proposed</u>; and</p> <p>g. <u>the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the SASM site/area, and any potential to:</u></p> <ul style="list-style-type: none"> i. <u>affirm the connection between mana whenua and place</u>; or ii. <u>enhance the cultural values of the SASM site/area</u>; or iii. <u>provide for the relationship of Kāti Huirapa with their taonga</u>; or iv. <u>maintain or enhance the ability of Kāti Huirapa to access and use the SASM Site or Area of Significance, commensurate with the scale and nature of the proposal</u>.⁶⁴
<p>ECO-R2</p>	<p>Clearance of indigenous vegetation for natural hazard mitigation works</p>	
<p>Significant Natural Areas Overlay</p> <p><u>Within 50m of any wetland Riparian margins (excluding a river that is a High Naturalness Waterbody)</u>⁶⁵</p> <p><u>In the Coastal Environment Area Overlay</u>⁶⁶,</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The indigenous vegetation removed is only pohuehue (<i>muehlenbeckia australis</i>, <i>muehlenbeckia axillaris</i> or <i>muehlenbeckia complexa</i> only); and</p> <p>PER-2 The indigenous⁶⁹ vegetation clearance is carried out solely by the CRC Regional Council, Timaru District Council, or an agent authorised by one of these parties.</p>	<p>Activity status where compliance not achieved with PER-1: Controlled</p> <p>Matters of control are restricted reserved⁷⁰ to:</p> <ol style="list-style-type: none"> 1. any adverse effects on indigenous vegetation and habitats of indigenous fauna and proposed mitigation measures; and 2. any adverse effects on the mauri of the site, mahika kai, wāhi tapu or wāhi taoka; and 3. opportunities for enhancement of indigenous vegetation or habitats of indigenous species; and 4. methods proposed to monitor or inspect the works undertaken; and

⁶¹ Port Blakely [94.7]

⁶⁴ Clause 10(2)(b) relating to Frank, H [90.23], Forest and Bird [156.3, 156.116], Dir. General Conservation [166.29]

⁶⁵ Clause 10(2)(b) relating to Federated Farmers [182.117]

⁶⁶ Schedule 1, cl16(2)

⁶⁹ Schedule 1, cl16(2)

⁷⁰ Schedule 1, cl16(2)

<p>within 20m of Mean High Water Springs⁶⁷</p> <p>Within 20m of the bank of any waterbody⁶⁸</p> <p>Within 20m of any waipuna (spring)</p> <p>At an altitude of 900m or higher</p> <p>Land with an average slope of 30° or greater</p>		<p>5. the ability to apply a management plan approach to the works and the content of any management plan; and</p> <p>6. the timing of works to minimise adverse effects on significant indigenous species.</p> <p>Activity status where compliance not achieved with PER-2 and the clearance is outside a SNA Significant Natural Area: <u>Restricted Discretionary</u>⁷¹</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. <u>whether the indigenous vegetation is significant (when assessed against the APP5 – Criteria for Identifying Significant Natural Areas) and the ability to retain any significant vegetation extent to which the proposal protects any significant biodiversity⁷²; and</u> 2. <u>the condition and character of the indigenous vegetation; and</u> 3. <u>whether the indigenous vegetation provides habitat for threatened, at-risk or locally uncommon species; and</u> 4. <u>any adverse effects on indigenous vegetation and habitats of indigenous fauna due to the clearance of indigenous vegetation; and</u> 5. <u>any adverse effects on the mauri of the site, mahika kai, wāhi tapu or wāhi taoka values; and</u> 6. <u>whether species diversity would be adversely impacted by the proposal; and</u> 7. <u>the role the indigenous vegetation plays in providing a buffer to effects or an ecological corridor; and</u> 8. <u>any potential for mitigation or compensation of adverse effects on biodiversity values; and</u> 9. <u>the economic effects on the landholder of the retention of the vegetation; and</u>
--	--	--

⁶⁷ Clause 10(2)(b) relating to Forest and Bird [156.5]

⁶⁸ Clause 10(2)(b) relating to Federated Farmers [182.117]

⁷¹ Alliance Group [173.58]

⁷² Dir. General Conservation [166.41] - Evidence of Elizabeth Williams, paras 44-45

		<p>10. <u>any site specific management factors to promote the restoration and enhancement of indigenous vegetation and habitats; and</u></p> <p>11. <u>the potential for use of other mechanisms that assist with the protection or enhancement of significant indigenous vegetation such as QE II covenants and the use of Biodiversity Management Plans; and</u></p> <p>12. <u>any benefits that the activity provides to the local community and beyond; and</u></p> <p>13. <u>where the clearance is within a riparian margin:</u>⁷³</p> <ul style="list-style-type: none"> a. <u>the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and</u> b. <u>the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and</u> c. <u>the extent to which alternative practicable options have been considered and their feasibility; and</u> d. <u>the extent to which any restoration or enhancement of the natural character of the area is proposed; and;</u> e. <u>the extent to which the proposal has the potential to cause or exacerbate bank erosion; and</u> f. <u>whether there is a functional need, or in relation to infrastructure an operational need,⁷⁴ for the activity to locate in a riparian margin.</u> <p><u>Activity status where compliance is not achieved with PER-2 and the clearance is within a SNA Significant Natural Area: Non-complying</u></p>
<p>ECO-R3</p>	<p><u>Clearance of indigenous vegetation associated with the National Grid or electricity distribution network</u>⁷⁵</p>	

⁷³ Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])

⁷⁴ Transpower [159.78]

⁷⁵ Alpine Energy [55.5]

<p>1. Significant Natural Areas Overlay</p> <p>Within 50m of any wetland Riparian margins (excluding a river that is a High Naturalness Waterbody)⁷⁶</p> <p>In the Coastal Environment Area Overlay⁷⁷ within 20m of Mean High Water Springs⁷⁸</p> <p>Within 20m of the bank of any waterbody⁷⁹</p> <p>Within 20m of any waipuna (spring)</p> <p>At an altitude of 900m or higher</p> <p>Land with an average slope of 30° or greater</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The vegetation clearance <u>of indigenous vegetation</u> is to provide for the operation, maintenance or repair of the National Grid or <u>electricity distribution network</u>⁸⁰, including maintenance of existing access to National Grid support structures; and</p> <p>PER-2 The vegetation clearance is carried out by or on behalf of Transpower New Zealand Limited or <u>Alpine Energy Limited</u>⁸¹.</p>	<p>Activity status when compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> any adverse effects on indigenous vegetation and habitats of indigenous fauna and proposed mitigation measures; and the necessity for the clearance and any alternate options that have been considered; and the mitigation measures proposed to ensure that the values of the SNA are protected as far as practicable; <u>and</u> any adverse effects on the mauri of the site, mahika kai, wāhi tāpu or wāhi taoka; and opportunities for enhancement of indigenous vegetation or habitats of indigenous species; and methods proposed to monitor or inspect the works undertaken; and the ability to apply a management plan approach to the works and the content of any management plan; and the timing of works to minimise adverse effects on significant indigenous species; <u>and</u> <u>where the clearance is within a riparian margin:</u>⁸² <ol style="list-style-type: none"> <u>the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and</u> <u>the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and</u> <u>the extent to which alternative practicable options have been</u>
--	--	---

⁷⁶ Clause 10(2)(b) relating to Federated Farmers [182.117]

⁷⁷ Schedule 1, cl16(2)

⁷⁸ Clause 10(2)(b) relating to Forest and Bird [156.5]

⁷⁹ Clause 10(2)(b) relating to Federated Farmers [182.117]

⁸⁰ Alpine Energy [55.5]

⁸¹ Alpine Energy [55.5]

⁸² Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])

		<p><u>considered and their feasibility; and</u></p> <p>d. <u>the extent to which any restoration or enhancement of the natural character of the area is proposed; and</u></p> <p>e. <u>the extent to which the proposal has the potential to cause or exacerbate bank erosion; and</u></p> <p>f. <u>whether there is a functional need, or in relation to infrastructure an operational need,⁸³ for the activity to locate in a riparian margin.</u></p> <p>Activity status where compliance not achieved with PER-2: Non-complying</p>
<p><u>2. Riparian margins of a High Naturalness Waterbody</u>⁸⁴</p>	<p><u>Activity status: Discretionary</u></p>	<p><u>Activity status where compliance not achieved: Not applicable</u></p>
<p>ECO-R4</p>	<p>Clearance of trees in the Long-Tailed Bat <u>Habitat</u>⁸⁵ Protection Area <u>Overlay</u></p>	
<p>Long-Tailed Bat <u>Habitat</u>⁸⁶ Protection Area <u>Overlay</u></p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The trees being cleared:</p> <ol style="list-style-type: none"> 1. were planted for timber production (plantation forest and woodlots); or 2. are within a domestic garden; or 3. are causing an imminent danger to human life, structures, or <u>network</u> utilities and the clearance is undertaken in accordance with advice from a suitably qualified arborist; or <p>PER-2 The tree is:</p>	<p>Activity status where compliance not achieved: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. whether, upon specialist assessment by a suitably qualified <u>and experienced expert ecologist, or demonstrated (which may be supported through use of an automatic bat monitor),⁸⁹</u> the tree/s proposed to be removed is habitat for long-tailed bats; and 2. the extent to which the removal of tree/s would impact on the ability of the long-tailed bat habitat⁹⁰ protection area to provide for the habitat needs of the bats; and

⁸³ Transpower [159.78]

⁸⁴ Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])

⁸⁵ Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]

⁸⁶ Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]

⁸⁹ Port Blakely [94.8], Zolve [164.2]

⁹⁰ Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]

	<ol style="list-style-type: none"> 1. a native tree with a trunk circumference of less than 31.5cm, when measured at 1.5m above ground level; or 2. an exotic tree, excluding willow, with a trunk circumference of less than 70cm, when measured at 1.5m above ground level greater⁸⁷; or 3. any willow tree with a trunk circumference of less than 120cm, when measured at 1.5m above ground level.; <u>or</u> <p>PER-3 <u>Where PER-1 and PER-2 are not complied with, and:</u></p> <ol style="list-style-type: none"> 1. The trees being cleared present a risk to the integrity of the public flood or erosion protection schemes administered by the CRC Regional Council; and 2. The works are completed by the CRC Regional Council or an agent authorised by the CRC Regional Council; and 3. The works are assessed as being consistent with the Department of Conservation’s Bat Roost Protocols (October 2024) by a suitably qualified and experienced expert; and 4. A written record of the assessment under PER-3.3, is provided to Timaru District Council and the Department of Conservation 10 working days prior to carrying out the works.⁸⁸ 	<ol style="list-style-type: none"> 3. the extent to which the long-tailed bat habitat⁹¹ protection area has been previously modified by the removal of bat habitat; <u>and</u> 4. the reasons for removal of the tree and any alternatives considered; and 5. any measures to avoid or mitigate the adverse effects.
<p>ECO-R5</p>	<p>Earthworks in a Significant Natural Area (except as provided for ECO-RX6 for restoration or enhancement of a Significant Natural Area)⁹²</p>	

⁸⁷ Clause 16

⁸⁸ ECan [183.79] - Summary of Evidence Statement of Jolene Irvine

⁹¹ Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]

⁹² Clause 10(2)(b) relating to Silver Fern Farms [172.55] and Alliance Group [173.59], Rooney Holdings [174.32, 174.34], Rooney, GJH [191.32, 191.34], Rooney Group [249.32, 249.34], Rooney Farms [250.32, 250.34], Rooney Earthmoving [251.32, 251.34], TDL [252.32, 252.34]

<p>Significant Natural Areas Overlay</p>	<p>Activity status: <u>Permitted Restricted discretionary</u>⁹³</p> <p>Where:</p> <p><u>RDISPER-1</u> The earthworks are within 2m, and <u>are required</u> for the purpose, of⁹⁴ the maintenance, repair or replacement of existing lawfully established vehicle tracks, roads, walkways, firebreaks, drains, ponds, dams, waterlines, waterway crossings, or <u>network</u> utilities.</p> <p><u>This rule does not apply to earthworks within the beds of rivers.</u>⁹⁵</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. any adverse effects on indigenous vegetation and habitats of indigenous fauna and 2. the necessity for the earthworks and any alternate options that have been considered 3. the mitigation measures proposed to ensure that the values of the SNA are maintained; and 4. any adverse effects on the mauri of the site, mahika kai, wāhi tāpu or wāhi taoka; and 5. opportunities for enhancement of indigenous vegetation or habitats of indigenous species; and 6. methods proposed to monitor or inspect the works undertaken; and 7. the ability to apply a management plan approach to the works and the content of any management plan; and 8. the timing of works to minimise adverse effects on significant indigenous species. 	<p>Activity status when <u>re</u> compliance not achieved with <u>PER-1</u>: Restricted <u>Discretionary</u>⁹⁶</p> <p>Where:</p> <p><u>DIS-1</u> The earthworks are to provide for activities associated with the National Grid and are carried out by or on behalf of Transpower New Zealand Limited; or</p> <p><u>DIS-2</u> The earthworks are for flood protection works and are carried out solely by the <u>CRC Regional Council, Timaru District Council</u>, or an agent authorised by one of these parties.</p> <p>Activity status when <u>re</u> compliance not achieved with <u>DIS-1</u> or <u>DIS-2</u>: <u>Non-complying</u></p>
<p><u>ECO-R-X6</u></p>	<p><u>Clearance of indigenous vegetation and earthworks in a Significant Natural Area associated with the restoration or enhancement of the Significant Natural Area</u>⁹⁷</p>	

⁹³ Transpower [159.73], Federated Farmers [182.109]

⁹⁴ Speaking notes of Forest & Bird, para 32

⁹⁵ Rooney Holdings [174.2], Rooney, GJH [191.2], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

⁹⁶ Forest and Bird [156.113], Federated Farmers [182.109]

⁹⁷ Silver Fern Farms [172.55] and Alliance Group [173.59], Rooney Holdings [174.32, 174.34], Rooney, GJH [191.32, 191.34], Rooney Group [249.32, 249.34], Rooney Farms [250.32, 250.34], Rooney Earthmoving [251.32, 251.34], TDL [252.32, 252.34]

<p><u>Significant Natural Areas Overlay</u></p>	<p><u>Activity status: Restricted discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>the extent to which the values of the SNA Significant Natural Area will be restored or enhanced as part of the overall project; and</u> 2. <u>the necessity for the clearance or earthworks and any alternate options that have been considered; and</u> 3. <u>the mitigation measures proposed to ensure that the values of the SNA are protected; and</u> 4. <u>any adverse effects on the mauri of the site, mahika kai, wāhi tapu or wāhi taoka; and</u> 5. <u>methods proposed to monitor or inspect the works undertaken; and</u> 6. <u>the ability to apply a management plan approach to the works and the content of any management plan; and</u> 7. <u>the timing of works to minimise adverse effects on significant indigenous species.</u> 	<p><u>Activity status when compliance not achieved: Not Applicable</u></p>
<p>ECO-R6 Subdivision of land containing a Significant Natural Area</p>		
<p>Sites containing a Significant Natural Areas Overlay</p>	<p>Activity Status: Discretionary</p>	<p>Activity status when compliance not achieved: Not Applicable</p>
<p>ECO-R7 Planting of potential pest species</p>		
<p>All Zzones</p>	<p>Activity status: Non-complying</p> <p>Where:</p> <p>NC-1 The planting involves any of the following species:</p> <ol style="list-style-type: none"> a. <i>Acer pseudoplatanus</i> (sycamore) b. <i>Ammophila arenaria</i> (marram) c. <i>Berberis glaucocarpa</i> (barberry) d. <i>Buddleja davidii</i> (buddleia) e. <i>Cotoneaster simonsii</i> (Khasia berry) f. <i>Crataegus monoqyna</i> (hawthorn) g. <i>Erica lusitanica</i> (Spanish heath) h. <i>Fraxinus excelsior</i> (Ash) i. <i>Glechoma hederacea</i> (ground ivy) j. <i>Ilex aquifolium</i> (holly) k. <i>Salix cinerea</i> (grey willow) 	<p>Activity status when compliance not achieved: Not Applicable</p>

- l. *Betula pendula* (Silver birch)
- m. *Ribes sanguineum* (Red-flowering currant)
- n. *Dryopteris filix-mas* (Male fern)
- o. *Populus alba* (White poplar)
- p. *Sorbus aucuparia* (rowan)
- q. *Cotoneaster franchetii*;
- r. *Cotoneaster glaucophyllus*;
- s. *Cotoneaster lacteus*;
- t. *Cotoneaster microphylla*⁹⁸ ; or

NC-2

The planting is undertaken above 300m as above sea level⁹⁹ and involves any of the following species:

- a. *Lupinus arboreus* (tree lupin); or
- b. *Lupinus polyphyllus* (Russell lupin);
or
- c. *Salix fragilis* (crack willow);±
- d. ~~*Sorbus aucuparia* (rowan)~~.¹⁰⁰

Note: Reference should also be made to species included in the Canterbury Regional Pest Management Plan. Under sections 52 and 53 of the Biosecurity Act 1993, any person is prevented from selling, propagating or distributing any pest species listed in that Plan.

⁹⁸ Frank, H [90.10]

⁹⁹ Schedule 1, cl16(2)

¹⁰⁰ Frank, H [90.10]