

Timaru District Plan Review

Ecosystems and Indigenous Biodiversity Chapter

Revised and Reformatted 10 April 2018

PART 1 – INTRODUCTION AND GENERAL PROVISIONS

INTER – Interpretation Chapter

DEF - Definitions Section [extract]

Term	Definition
biodiversity / biological diversity	<p>has the same meaning as in section 2 of the RMA (as set out in box below)</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>means the variability of living organisms and the ecological complexes of which they are a part, including diversity within species, between species and of ecosystems</p> </div>
biodiversity management plan	means a document prepared to direct development within one or more properties for the purpose of maintenance and protection of indigenous biodiversity
cleanfill area	means an area used for the disposal of cleanfill material
cleanfill material	<p>means virgin excavated natural materials including clay, gravel, sand, soil and rock that are free of:</p> <ol style="list-style-type: none"> a. combustible, putrescible, degradable or leachable components; b. hazardous substances and materials; c. products and materials derived from hazardous waste treatment, stabilisation or disposal practices; d. medical and veterinary wastes, asbestos, and radioactive substances; e. contaminated soil and other contaminated materials; and f. liquid wastes.
earthworks	means the alteration or disturbance of <i>land</i> , including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the <i>land</i> including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of <i>land</i> for the installation of fence posts
flood protection works	means works, structures and plantings for the protection of property and people from floods and includes; areas of vegetation maintained or planted in beds and margins of rivers, the clearance of vegetation and debris from river fairways, works to prevent or minimise river bed or bank erosion, and the construction, use, maintenance and removal of defences against water and any access tracks required to undertake these works and activities
indigenous vegetation	means naturally occurring vegetation containing plant species that are indigenous to the area/site
indigenous vegetation clearance / clearance of indigenous vegetation	means the clearing or removal of <i>indigenous vegetation</i> by any means, including grazing, cutting, crushing, cultivation, spraying, irrigation, chemical application, artificial drainage, stop banking,

	overplanting, over sowing, or burning
improved pasture	means an area of pasture where exotic pasture species have been deliberately introduced, where those exotic pasture species form the dominant ground cover, and where the naturally occurring species are largely absent
land	has the same meaning as in section 2 of the RMA (as set out in the box below) <ul style="list-style-type: none"> a. includes land covered by water and the airspace above land; and b. in a national environmental standard dealing with a regional council function under section 30 or a regional rule, does not include the bed of a lake or river; and c. in a national environmental standard dealing with a territorial authority function under section 31 or a district rule, includes the surface of water in a lake or river.
land disturbance	means alteration or disturbance of <i>land</i> , (or any matter constituting the <i>land</i> including, soil, clay, sand and rock), that does not permanently alter the profile, contour or <i>height</i> of the <i>land</i> .
maintenance, repair or replacement [in relation to Ecosystem and Indigenous Biodiversity Section]	means any work or activity necessary to continue the operation and/or functioning of the existing line, building, structure, facility or utility, and shall also provide for the replacement of an existing line, building, structure or other facility with another of the same or similar height, size or scale, within the same or similar position and for the same or similar purpose. It does not include any expansion of the existing line, building, structure, facility or utility
water body	has the same meaning as in section 2 of the RMA (as set out in box below) <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area</p> </div>

Abbreviations table

SNA Significant Natural Area

PART 2 – DISTRICT-WIDE MATTERS

NEV - Natural Environmental Values Chapter

Introduction

The District contains a diverse range of habitats that support indigenous plants and animals. Many of these are endemic, comprising forests, shrubland, herbfields, tussock grasslands, and lake and river margins.

The Council has a responsibility to maintain indigenous 'biodiversity' and to recognise and provide for the protection of significant 'indigenous vegetation' and significant habitats of indigenous fauna, which are collectively referred to as Significant Natural Areas (SNA's).

EIB - Ecosystem and Indigenous Biodiversity Section

Objectives	
EIB-O1	Protection of Indigenous Biodiversity
Areas of significant ' <i>indigenous vegetation</i> ' and significant habitats of indigenous fauna are protected.	
EIB-O2	Maintenance and Enhancement of Indigenous Biodiversity
The ' <i>indigenous biodiversity</i> ' of the Timaru District is maintained and enhanced.	
EIB-O3	Recognition of Ngāi Tahu
The relationship of Ngāi Tahu whānui with ' <i>indigenous biodiversity</i> ' is recognised and provided for.	

Policies	
EIB-P1	Identification of Significant Biodiversity
Identify areas of significant ' <i>indigenous vegetation</i> ' and significant habitats of indigenous fauna by applying the criteria set out in Appendix 1.	
EIB-P2	Protection of Significant Natural Areas
Protect SNA's (identified areas of significant ' <i>indigenous vegetation</i> ' and significant habitats of indigenous fauna, as set out in Appendix 2 and shown on the Planning Maps).	
EIB-P3	Protection of Significant Biodiversity
Protect significant ' <i>indigenous vegetation</i> ' and significant habitats of indigenous fauna in high value areas in wetlands, riparian areas, coastal areas, higher altitude areas, and steep slopes.	
EIB-P4	Protection for Long-tailed Bats
Provide protection for long-tailed bats through identification of a long-tailed bat Protection Area on the Planning Maps, and application of appropriate rules to apply to this area to protect the habitat for long-tailed bats.	
EIB-P5	Avoidance of Pest Spread Risk
Avoid planting of tree and plant species that are a risk for causing pest spread which could impact on ' <i>indigenous biodiversity</i> ' values.	
EIB-P6	Customary Use of Indigenous Vegetation

Enable the removal of *'indigenous vegetation'* for mahinga kai and other customary uses, in accordance with tikanga protocols, and where approved by Te Rūnanga o Arowhenua.

EIB-P7 Provision for River Protection Infrastructure

Enable the management of indigenous vegetation by appropriate authorities where that is necessary to provide river protection infrastructure, that is required to protect people and communities from the effects of flooding.

EIB – Rules

EIB - R1	Clearance of Indigenous Vegetation	
<p>All zones</p>	<p><i>Activity Status: Permitted</i></p> <p>Where the activity meets the following Rule Descriptor:</p> <ol style="list-style-type: none"> 1 <i>'Clearance of indigenous vegetation'</i> where it is not located in a SNA identified in Appendix 2 and on the Planning Maps and is not subject to rule EIB-R3 2 <i>'Clearance of indigenous vegetation'</i> where trees cause an imminent danger to human life, structures or utilities 3 <i>'Clearance of indigenous vegetation'</i> by Ngāi Tahu whānui for the purposes of mahinga kai or other customary uses, where the clearance is in accordance with tikanga protocols, and where it is approved by Te Rūnanga o Arowhenua <p>Note: Te Rūnanga o Arowhenua shall notify the Timaru District Council prior to such activities occurring</p> <ol style="list-style-type: none"> 4 <i>'Clearance of indigenous vegetation'</i> where it is carried out solely by the Regional Council, Timaru District Council, or an agent authorised by one of these parties, for the purpose of flood protection works, and where the indigenous vegetation removed is only of the <i>muehlenbeckia</i> species 	<p><i>Activity status when activity does not comply with any of the Rule Descriptor:</i></p> <p><i>Non-complying</i></p>
EIB – R2	Clearance of Indigenous Vegetation for River Protection Works	
<p>All zones</p>	<p><i>Activity Status: Controlled</i></p> <p>Where the activity meets all of the following Rule Descriptor:</p> <ol style="list-style-type: none"> 1 it is located within an area covered by rules EIB–R3 or EIB–R5, including land within the riverbed; and 	<p><i>Activity status when activity does not comply with any of the Rule Descriptor:</i></p> <p>n/a</p>

	<p>2 is carried out solely for the purpose of flood protection infrastructure; and</p> <p>3 Is carried out by the Regional Council, Timaru District Council, or an agent authorised by the Regional Council or Timaru District Council.</p> <p>Matters over which control is reserved:</p> <p>1 whether the ‘indigenous vegetation’ subject to the application is significant (as assessed against the criteria in Appendix 1)</p> <p>2 the extent of any adverse effects on ‘indigenous vegetation’ and habitats of indigenous fauna</p> <p>3 whether the ‘indigenous vegetation’ provides habitat for indigenous species</p> <p>4 any adverse effects on the mauri of the site, mahinga kai, wāhi tapu or wāhi taonga</p> <p>5 opportunities for enhancement of indigenous vegetation or habitats of indigenous species</p> <p>6 the methods proposed to monitor or inspect the works undertaken and the enhancement opportunities</p> <p>7 the ability to apply a management plan approach to the works and the content of any management plan</p> <p>8 the timing of works to minimise adverse effects on significant indigenous species</p>	
EIB – R3	Clearance of Indigenous Vegetation in Sensitive Areas	
All zones	<p><i>Activity Status: Restricted Discretionary</i></p> <p>Where the activity meets all of the following Rule Descriptor:</p> <p>1 within 50m of any wetland</p> <p>2 within 20m of mean high water springs</p> <p>3 within 20m of the bank of any water body</p> <p>4 within 20m of any waipuna (spring)</p> <p>5 at an altitude of 900m or higher</p> <p>6 on land with an average slope of 30° or greater</p>	<p>Activity status when activity does not comply with any of the Rule Descriptor:</p> <p>n/a</p>

	<p>Except: The following activities are exempt from this rule</p> <ol style="list-style-type: none"> 1 <i>'Clearance of indigenous vegetation'</i> for the purpose of <i>'maintenance, repair or replacement'</i> of existing lawfully established fences, vehicle tracks, roads, walkways, firebreaks, drains, ponds, dams, waterlines, waterway crossings, or utilities 2 <i>'Clearance of indigenous vegetation'</i> where it has been planted and managed specifically for the purpose of harvesting, or where it has grown up under an area of lawfully established plantation forestry 3 <i>'Clearance of indigenous vegetation'</i> where it has been planted and/or managed as part of a domestic or public garden or has been planted for amenity purposes or as a shelterbelt 4 <i>'Clearance of indigenous vegetation'</i> where it cannot be reasonably avoided 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 <i>'indigenous biodiversity'</i> restoration or enhancement 5 <i>'Clearance of indigenous vegetation'</i> where it is within an area of <i>'improved pasture'</i> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1 whether the <i>'indigenous vegetation'</i> subject to the application is significant (as assessed against the criteria in Appendix 1) 2 the condition and character of the <i>'indigenous vegetation'</i> 3 the extent to which the <i>'indigenous vegetation'</i> provides habitat for threatened, at risk or locally uncommon species 4 the extent of any adverse effects on <i>'indigenous vegetation'</i> and habitats of indigenous fauna 5 whether the <i>'indigenous vegetation'</i> provides habitat for indigenous species 	
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	<p>6 any adverse effects on the mauri of the site</p> <p>7 any adverse effects on mahinga kai</p> <p>8 any adverse effects on wāhi tapu or wāhi taonga</p> <p>9 the extent to which species diversity or habitat availability could be adversely impacted by the proposal</p> <p>10 the role the <i>'indigenous vegetation'</i> plays in providing a buffer or corridor</p> <p>11 any potential for mitigation or compensation of adverse effects on <i>'biodiversity'</i> values</p> <p>12 the economic effects on the landholder and the resources required to implement protection</p> <p>13 any site specific management factors to promote the restoration and enhancement of <i>'indigenous vegetation'</i> and habitats</p> <p>14 any provision of mechanisms that assist in protection or enhancement of significant <i>'indigenous vegetation'</i> such as QE II covenants and the use of <i>'Biodiversity Management Plans'</i></p> <p>15 the benefits that the activity provides to the local community and beyond</p>	
EIB – R4 Clearance of Vegetation in the Long-tailed Bat Protection Area		
<p>All zones</p>	<p><i>Activity Status: Restricted Discretionary</i></p> <p>Where the activity meets all of the following Rule Descriptor:</p> <p>1 Removal of any tree within the long-tailed bat protection area, including the river bed, shown on the planning maps, is</p> <p>A. a native tree with a trunk circumference at breast height greater than 31.5cm</p> <p>B. an exotic tree, excluding willow, with a trunk circumference at breast height greater than 70cm</p> <p>C. any willow tree with a trunk circumference at breast height greater than 120cm</p> <p>Except: The following activities are exempt from this rule</p> <p>1 removal of trees planted for timber production (plantation forest and</p>	<p>Activity status when activity does not comply with any of the Rule Descriptor::</p> <p>n/a</p>

	<p>woodlots) or trees planted within domestic gardens</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1 whether, upon specialist assessment (which may only be carried out during October to April when bats are not hibernating), the tree/s proposed to be removed are currently providing roost site for long-tailed bats 2 the extent to which the removal of tree/s would impact on the ability of the long-tailed bat protection area to provide for the needs of the bats 3 the extent to which the long-tailed bat protection area has been previously modified by the removal of bat habitat 	
EIB – R5	Clearance of Indigenous Vegetation in a Significant Natural Area	
All zones	<i>Activity Status: Non-Complying</i>	
	<p>Where:</p> <ol style="list-style-type: none"> 1 Any ‘clearance of indigenous vegetation’ within a Significant Natural Area identified in Appendix 2 and on the Planning Maps 	
EIB – R6	Earthworks in a Significant Natural Area	
All zones	<i>Activity Status: Non-Complying</i>	
	<p>Where:</p> <ol style="list-style-type: none"> 1 ‘Earthworks’ within a Significant Natural Area identified in Appendix 2 and on the Planning Maps 	
EIB – R7	Planting of Potential Pest Species	
All zones	<i>Activity Status: Non-Complying</i>	
	<p>Where:</p> <p>The planting of any of the following species:</p> <ul style="list-style-type: none"> • <i>Acer pseudoplatanus</i> sycamore • <i>Ammophila arenaria</i> marram • <i>Berberis darwinii</i> Darwin’s barberry • <i>Berberis glaucocarpa</i> barberry • <i>Buddleja davidii</i> buddleia • <i>Clematis vitalba</i> old man’s beard • <i>Cotoneaster simonsii</i> Khasia berry • <i>Crataegus monogyna</i> hawthorn • <i>Erica lusitanica</i> Spanish heath • <i>Glechoma hederacea</i> ground ivy • <i>Ilex aquifolium</i> holly • <i>Larix decidua</i> larch <p style="text-align: right;">above 300m asl¹</p>	

¹ Above mean sea level.

<ul style="list-style-type: none"> • <i>Lupinus arboreus</i> • <i>Lupinus polyphyllus</i> • <i>Myricaria germanica</i> • <i>Passiflora species</i> • <i>Pinus contorta</i> • <i>Pinus mugo</i> • <i>Pinus muricata</i> • <i>Pinus nigra subsp. laricio</i> • <i>Pinus sylvestris</i> • <i>Pseudotsuga menziesii</i> • <i>Salix cinerea</i> • <i>Salix fragilis</i> • <i>Sorbus aucuparia</i> 	<ul style="list-style-type: none"> tree lupin Russell lupin false tamarisk banana passionfruit contorta pine mountain pine bishop pine Corsican pine Scots pine Douglas fir grey willow crack willow rowan 	<ul style="list-style-type: none"> above 300m asl above 300m asl above 300m asl above 300m asl above 300m asl above 300m asl above 300m asl above 300m asl above 300m asl above 300m asl
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PART 6 – SCHEDULES, APPENDICES AND MAPS

SCHED - Schedules

SCHED-1 Significant Natural Areas			
Unique identifier	Site identifier	Site type	Material used for identification
insert Significant Natural Area number	insert Location	insert description	insert link to Survey Report

APP - Appendices

APP-1 Criteria for Determining Significant Indigenous Vegetation and Significant Habitat of Indigenous Fauna

Representativeness

- 1 'Indigenous vegetation' or habitat of indigenous fauna that is representative, typical or characteristic of the natural diversity of the relevant ecological district. This can include degraded examples where they are some of the best remaining examples of their type, or represent all that remains of 'indigenous biodiversity' in some areas.
- 2 'Indigenous vegetation' or habitat of indigenous fauna that is a relatively large example of its type within the relevant ecological district.

Rarity/Distinctiveness

- 3 'Indigenous vegetation' or habitat of indigenous fauna that has been reduced to less than 20% of its former extent in the region, or relevant land environment, ecological district, or freshwater environment.
- 4 'Indigenous vegetation' or habitat of indigenous fauna that supports an indigenous species that is threatened, at risk, or uncommon, nationally or within the relevant ecological district.
- 5 The site contains 'indigenous vegetation' or an indigenous species at its distribution limit within Canterbury Region or nationally.

- 6 *'Indigenous vegetation'* or an association of indigenous species that is distinctive, of restricted occurrence, occurs within an originally rare ecosystem, or has developed as a result of an unusual environmental factor or combinations of factors.

Diversity and Pattern

- 7 *'Indigenous vegetation'* or habitat of indigenous fauna that contains a high diversity of indigenous ecosystem or habitat types, indigenous taxa, or has changes in species composition reflecting the existence of diverse natural features or ecological gradients.

Ecological Context

- 8 Vegetation or habitat of indigenous fauna that provides or contributes to an important ecological linkage or network, or provides an important buffering function.
- 9 A wetland which plays an important hydrological, biological or ecological role in the natural functioning of a river or coastal system.
- 10 *'Indigenous vegetation'* or habitat of indigenous fauna that provides important habitat (including refuges from predation, or key habitat for feeding, breeding, or resting) for indigenous species, either seasonally or permanently.

MAPS - Planning Maps

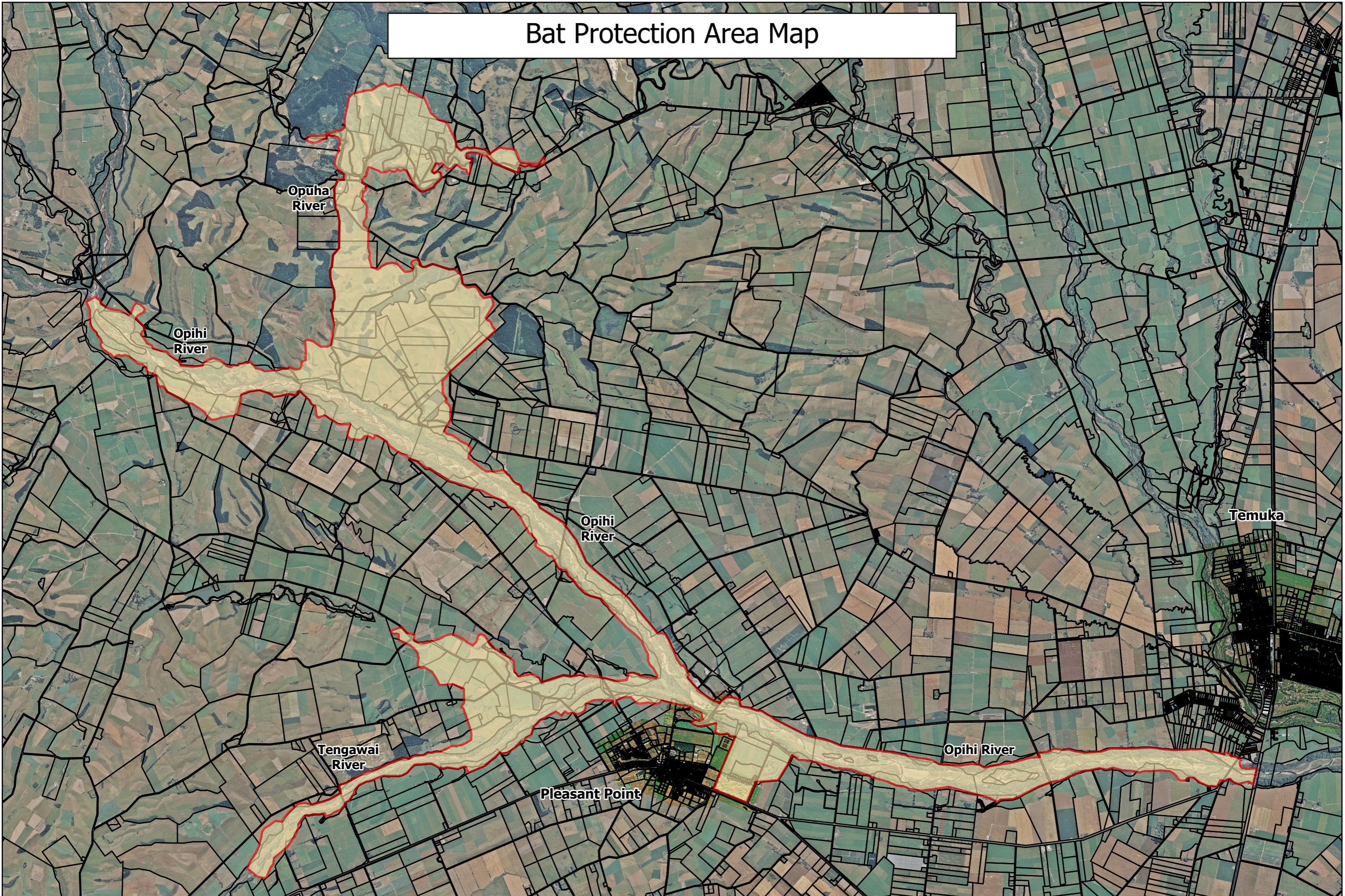
Show on planning maps:

- Significant Natural Areas (SNA's) overlay – geometry polygon
- Long-tailed bat Protection Area – geometry polygon

RULES TO BE INCLUDED IN OTHER CHAPTERS OF THE DISTRICT PLAN:

- Utilities chapter – permitted activity status for indigenous vegetation clearance for the purpose of maintenance, repair, replacement or minor upgrading of existing utilities or energy activities.
- Subdivision chapter - Need to ensure that there are appropriate provisions in the Subdivision chapter of the plan:
 1. Subdivision of land containing a SNA where the SNA would be affected by the subdivision to be a restricted discretionary activity – the trigger rule wording yet to be confirmed.
 2. Subdivision of land as a controlled activity to generally include consideration of indigenous biodiversity values.

Bat Protection Area Map



0 1,000 2,000 4,000 Meters

