

Ecosystems & indigenous biodiversity | Te mauri o te taiao me te rerenga rauropi

Overview

This chapter outlines rules to control the clearance of indigenous vegetation in SNAs (significant natural areas) and provides policy direction for both SNAs and district wide indigenous biodiversity not classified as an SNA.

To locate an SNA, refer to the planning maps and to SCHED6 for the schedule of significant natural areas

The Act requires the plan to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna. The National Policy Statement for Indigenous Biodiversity 2023 provides a framework for strengthening indigenous biodiversity management. The Waikato Regional Policy Statement (WRPS) also requires the plan to protect these areas and to avoid their loss or degradation in the first instance. The WRPS only allows impacts to be remedied, mitigated or offset (in this order) where the adverse effects are unavoidable. In order to meet this high threshold, most councils identify and map these areas as SNAs (Significant Natural Areas).

Approximately 35% of the district located in the Waikato Region has been identified as an SNA, meeting the WRPS criteria used to determine significance. SNAs are any area that meets one or more of the criteria in WRPS APP5 (Criteria for Determining Significance of Indigenous Biodiversity). SNAs are categorised into four significance levels. The table below breaks down the composition of SNAs, indicating the percentage that are permanently protected. SNAs in Waitomo district are particularly precious with 81% being nationally or internationally significant.

Summary of relative significance levels of SNA of the Waitomo District (Waikato Region only) by number and area (hectares)				
Significance Level	Area (Ha)	Percent of total SNA area	Area protected* (Ha)	Percent of SNA area protected
International	26910.6	22%	18212.7	67.68%
National	73084.6	59%	40902.0	55.97%
Regional	13879.5	11%	4294.5	30.94%
local	9021.3	7%	572.7	6.35%

*Means the land parcel is fully or partially in Crown Estate, a Crown or Council reserve, QEII covenant, Nga Whenua Rahui or Native Forest Restoration Trust.

Note: The figures are approximate as some SNAs extend into the coastal marine area.

Subdivision, use and development can contribute to the continued loss and reduction of indigenous biodiversity resulting in:

- Loss of resilience and increased vulnerability of ecosystems and species.
- A decline in extent, connection, health and quality of ecosystems and species.
- Cumulative loss or degradation of ecosystem services or species.
- Loss of amenity and cultural values.
- Loss of economic opportunities.
- Loss of choices for future generations.
- Consequential effects on water quality.

Mana whenua play an important role as kaitiaki of indigenous biodiversity. The obligation of stewardship is important, with a view that indigenous biodiversity should be maintained and enhanced holistically for the wider health of both the environment and all New Zealanders. Accordingly, the National Policy Statement for Indigenous Biodiversity prioritises the mauri and intrinsic value of indigenous biodiversity and recognises people's connections and relationships with indigenous biodiversity. It also recognises that the health and wellbeing of people and communities are dependent on the health and wellbeing of indigenous biodiversity and that in return people have a responsibility to care for and nurture it. It acknowledges the web of interconnectedness between indigenous species, ecosystems, the wider environment, and the community, at both a physical and metaphysical level.

The health and ecological functioning of indigenous ecosystems and habitats is reliant upon management measures and the identification of opportunities for restoration, enhancement and protection - including the creation of ecological buffers, connections and corridors (including mountain to sea corridors and north-south corridors of terrestrial and aquatic ecosystems). As far as possible, the loss of habitat that supports or provides a key life-cycle function for indigenous species listed as 'threatened' or 'at-risk' in the New Zealand Threat Classification System Lists, should be avoided.

This plan must also maintain or enhance indigenous biodiversity that is not identified as an SNA. In order to do this, there are rules in the general rural zone, coastal environment and natural character chapters designed to promote positive indigenous biodiversity outcomes and to maintain the full range of ecosystem types. Areas of indigenous forest, shrublands and wetlands can also contribute to the visual amenity of the district's landscapes. So there are also rules in the natural features and landscapes chapter about how much non-SNA indigenous vegetation can be cleared over the period of a calendar year. In the karst overlay, rules restricting the clearance of indigenous vegetation are designed to protect the underlying hydrological, and associated geomorphological and ecological processes of karst systems.

In the Manawatū-Whanganui region part of the district it is the Regional Council's function to provide for the protection of indigenous biodiversity and SNAs. This is managed through the regional plan. Waitomo District Council has mapped the SNAs in the Manawatū-Whanganui part of the district, but these are for information purposes only. As such, this chapter only applies to the Waikato region.

Objectives

Refer also to the relevant objectives in Part 2 District - Wide Matters

- ECO-01.** Indigenous biodiversity in Significant Natural Areas identified in SCHED6 is protected or enhanced, where appropriate.^{A2}
- ECO-02.** Ensure that the cultural and spiritual relationships of Māori with significant natural areas are recognised and provided for as part of subdivision, use and development activities.
- ECO-03.** Provide for identified permitted activities which have been assessed as having no more than minor adverse effects on the values of significant natural areas.
- ECO-04.** Maintain or enhance and where practicable restore district-wide indigenous biodiversity outside of significant natural areas.
- ECO-05.** Within the coastal environment overlay protect areas of indigenous biodiversity, including significant natural areas.
- ECO-06.** Ensure that the Waikato River Vision and Strategy is given effect to.

Policies

Refer also to the relevant policies in Part 2 District - Wide Matters

Significant natural areas

- ECO-P1.** Recognise and protect the values, characteristics or extent of significant natural areas identified in SCHED6 by applying the effects management hierarchy: ^{A2}
 1. Adverse effects are avoided where practicable; then
 2. Where adverse effects cannot be avoided, they are minimised where practicable; then
 3. Where adverse effects cannot be minimised, they are remedied where practicable; then
 4. Where more than minor residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting, in accordance with APP 4 (Biodiversity Offsetting Framework), is provided where possible; then
 5. Where biodiversity offsetting of more than minor residual adverse effects is not possible, biodiversity compensation, in accordance with APP4 (Biodiversity Offsetting Framework), is provided; then
 6. If biodiversity compensation is not appropriate, the activity itself is avoided.

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ECO-P2. Recognise, protect, and enhance the ecological sustainability, indigenous biodiversity values and characteristics of significant natural areas by:

1. Only providing for the removal of indigenous vegetation in limited circumstances; and
2. Avoiding indigenous vegetation clearance in locations that are of significance to mana whenua to the maximum extent practicable; and
3. Protecting the health and functioning of significant natural areas that are wetland or include part of a wetland, by avoiding inappropriate land use practices, subdivision and development.
4. Protect and enhance connectivity along and between significant natural areas and other areas of indigenous vegetation and habitat of indigenous fauna; and
5. Recognising the continued operation of lawfully established regionally significant activities.^{A2}

ECO-P3. Provide for the permitted activities and for the continued operation of lawfully established activities as identified in ECO-R1-R12, in and adjacent to significant natural areas by enabling the removal of indigenous vegetation in limited circumstances where:

1. The adverse effects on indigenous biodiversity values and connectivity are appropriately avoided, remedied or mitigated; and
2. Any existing cleared areas on a site that are suitable to accommodate subdivision or new development are used in the first instance; and
3. Any practicable alternative locations that would reduce the need for indigenous vegetation removal are used in the first instance.

ECO-P4. Where removal of indigenous vegetation, or habitats of indigenous fauna, or disturbance of wetland areas are being considered, regard must be given to the following matters:

1. Whether the area contains indigenous community types and indigenous ecosystems and/or vegetation types that are threatened or are naturally rare; and
2. Effects on the required range of habitats, including roosting, nesting, foraging and migratory pathways of fauna; and
3. Effects on the habitats of threatened and at risk species including migratory pathways; and
4. Effects on the maintenance of ecological corridors, processes and sequences; and
5. Whether sensitive sites remain buffered from intensive land use, development and subdivision; and
6. The outcome of consultation where indigenous vegetation clearance is proposed in locations that are of significance to mana whenua; and
7. Effects on natural waterway and wetland habitats and hydrology; and
8. The legal and physical protection of existing habitat; and
9. Whether any practicable alternative locations that would avoid or reduce the need for removal of indigenous vegetation or habitats of

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indigenous fauna or disturbance of wetland areas, are used in the first instance.

ECO-P5. Where considering any application for activities in a significant natural area, protect the long-term ecological functioning and indigenous biodiversity value of significant natural areas by encouraging:

1. Landowners to manage the adverse effects of stock grazing or plant and animal pests through fencing and/or voluntary covenants; and
2. The establishment of both mountain to sea corridors and north-south corridors of terrestrial and aquatic ecosystems; and
3. The reconnection of fragmented ecosystems on land and via waterways; and
4. The establishment of buffers around underrepresented and/or threatened indigenous ecosystems; and
5. The creation of ecological stepping stones or corridors to link indigenous vegetation; and
6. The enhancement of habitat of nationally threatened or at risk indigenous species; and
7. The enhancement or restoration of indigenous habitats adjoining wetlands, rivers, springs, karst ecosystems, coastal cliffs, dunes, estuaries and fragmented forests; and
8. The establishment and on-going management of pest free areas; and
9. The enhancement or restoration of rare ecosystems; and
10. The retention and enhancement of indigenous vegetation cover; and
11. The restoration, maintenance and enhancement of natural wetland and karst hydrology; and
12. The avoidance of physical and legal fragmentation; and
13. The role of mana whenua as kaitiaki and for the practical exercise of kaitiakitanga in restoring, protecting and enhancing significant natural areas.

ECO-P6. Provide flexibility when considering the development of land returned under Te Tiriti o Waitangi settlements and multiple owned Māori land located within a scheduled site by:

1. Evaluating the extent to which the development enables and actively sustains the relationship of mana whenua with their ancestral lands and the exercise of kaitiakitanga; and
2. Evaluating the extent to which the development enables mana whenua to manage their own lands and resources for the benefit of their people; and
3. Evaluating the extent to which the development achieves positive economic, social and cultural benefits for mana whenua now and into the future; and
4. Taking into account the requirement to mitigate or remedy, through restoration and enhancement, any adverse effects on the values and character of significant natural areas.

- ECO-P7.** Provide for continuous cover forestry and/or sustainable forest management/sustainable harvesting only where the indigenous biodiversity values and ecological characteristics of the area are maintained or enhanced. Avoid this activity where the site is vegetation or habitat that is currently a naturally uncommon or significantly underrepresented ecosystem or habitat for indigenous species or has associations of indigenous species that are classified as threatened or at risk, endemic to the Waikato region or at the limit of their natural range.
- ECO-P8.** Avoid commercial forestry afforestation and harvesting in significant natural areas.
- ECO-P9.** Recognise the educational and health benefits gained by people experiencing the district's biodiversity values through outdoor education activities and/or adventure tourism activities.

Indigenous biodiversity in the coastal environment overlay

- ECO-P10.** Protect indigenous biodiversity, including significant natural areas, located in the coastal environment overlay by:

1. Avoiding adverse effects on:
 - (i) Areas containing nationally significant examples of indigenous community types; and
 - (ii) Areas set aside for full or partial protection of indigenous biological diversity under other legislation; and
 - (iii) Indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare; and
 - (iv) Habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
 - (v) *Add new clause^{A2}*
2. Avoiding significant adverse effects and avoiding, remedying or mitigating the other adverse effects of activities on:
 - (i) Indigenous taxa listed as 'Threatened' or 'At Risk' in the New Zealand Threat Classification System lists or taxa listed as threatened by the international Union of Nature and Natural Resources; and^{A2}
 - (ii) Areas of predominately indigenous vegetation in the coastal environment; and
 - (iii) Habitats in the coastal environment that are important during the vulnerable life stages of indigenous species; and
 - (iv) Indigenous habitats and ecosystems that are unique to the coastal environment and vulnerable to modification and the impacts of climate change, including estuaries, lagoons, coastal wetlands, dunelands and dune lakes, intertidal zones, rocky reef systems, seagrass and saltmarsh; and

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- (v) Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes; and
 - (vi) Ecological corridors, areas and routes important to indigenous and migratory species;
3. Maintaining or enhancing:
 - (i) The habitats of wading/coastal birds including breeding, feeding, roosting sites; and
 - (ii) Whitebait spawning areas;
 4. Recognising that adverse effects on indigenous biodiversity within the coastal environment are cumulative and controlling these adverse effects to protect and enhance indigenous biodiversity; and
 5. Recognising the potential effects of sea level rise in the consideration of any resource consent application by ensuring sufficient coastal habitat inland migration opportunities are retained.

District wide biodiversity outside the coastal environment overlay

ECO-P11. Outside of significant natural areas, enable activities that maintain or enhance indigenous biodiversity including planting of indigenous species, removal or management of pest plant and animal species and other biosecurity works.

ECO-P12. When considering removal of indigenous vegetation, or adverse effects on habitats of indigenous fauna, or disturbance of wetland areas outside of significant natural areas, ensure the following matters are considered when avoiding, remedying or mitigating adverse effects on indigenous biodiversity:

1. Whether any existing cleared areas on a site that are suitable to accommodate subdivision or new development, are used in the first instance; and
2. Any practicable alternative locations that would reduce the need for removal of indigenous vegetation, or habitats of indigenous fauna, or disturbance of wetland areas are used in the first instance; and
3. Whether consideration has been given to opportunities that contribute to no net loss of indigenous biodiversity at a regional scale; and
4. The maintenance of indigenous habitats adjoining wetlands, rivers, springs, karst ecosystems and fragmented forests; and
5. The maintenance of buffers around underrepresented or naturally uncommon indigenous ecosystems; and
6. The maintenance or creation of ecological stepping stones or corridors to link indigenous vegetation and/or fragmented ecosystems on land and via waterways; and
7. The maintenance and protection of habitat of nationally threatened or at risk indigenous species.

Rules

The rules that apply to activities in significant natural areas are contained in the table listed below. To undertake any activity, it must comply with the rules listed in:

- ECO - Table 1 – Activities Rules; and
- Any relevant provision in Part 2 District-Wide Matters; and
- Any relevant provision in Part 3 Area Specific Matters.

Where an activity breaches more than one rule, the most restrictive status shall apply to the activity.

Refer to Part 1 - How the Plan Works for an explanation of how to use this plan, including activity status abbreviations.

Note: Rules ECO-R1 to ECO-R17 do not apply to the part of Waitomo district which is within the Manawatū-Whanganui Region. In this part of the district, clearance or removal of indigenous vegetation is controlled by the provisions of the Manawatū-Whanganui Regional Plan.

ECO - Table 1 – Activities rules

The rules in this table apply to significant natural areas in all zones, precincts and on the surface of water unless specified otherwise. It does not apply to roads.^{A2}	
Trimming, pruning or removal of indigenous vegetation is permitted where undertaken in the following circumstances:	
ECO-R1.	Under the direction or control of the Department of Conservation on public conservation estate or Waitomo District Council on Council land
ECO-R2.	In accordance with the terms of a Queen Elizabeth II Covenant, Nga Whenua Rahui Kawenata, Heritage Protection Order or covenant under the Reserves Act 1977 or Conservation Act 1987 or other relevant order, covenant, consent notice or encumbrance where the works are for the purpose of conservation activities only^{A2}
ECO-R3.	To remove, dead, diseased or damaged indigenous vegetation presenting an imminent threat to human life
ECO-R4.	In the general rural, natural open space, open space and rural lifestyle zones to maintain, relocate or construct (outside of natural wetland SNAs) perimeter fences where any trimming, pruning or removal is within 2 m of the fence^{A2}

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ECO-R5.	For maintenance purposes on or within 2 m of existing roads, railways, driveways, tracks, fences or water intake/discharge structures	
ECO-R6.	In the event of a track being destroyed by flooding or landslip or other natural hazard and there are no alternative options to obtain access to undertake existing farming activities, commercial forestry activities or to access an existing residential unit. Vegetation removal is limited to the area necessary to obtain safe access. ^{A2}	
ECO-R7.	In all zones to manage fire risk	
ECO-R8.	For Māori cultural and customary uses or for scientific purposes	
ECO-R9.	For pest species management and any other activities identified in the Waikato Regional Pest Management Plan and for the removal of material infected by unwanted organisms under the Biosecurity Act 1993. ^{A2}	
ECO-R10.	For conservation activities ^{A2}	
Activity Status: PER Where: - From 20 October 2022 to 20 October 2032 any clearance must be no more than either: - a maximum of 500 m² or less of indigenous vegetation either at any one time or in total cumulatively per holding; - OR - less than 1% of the SNA size either at any one time or in total cumulatively per holding – whichever is the lesser. - For the avoidance of doubt, should this rule remain operative past 20 October 2032, the rule applies to subsequent 10-year periods. - Add new clause. ^{A2} <i>NOTE: The area of each SNA is provided on the electronic version of the district plan maps.</i>		Activity status where compliance is not achieved: The activity is subject to the provisions of ECO-R16.
ECO-R11.	Removal of indigenous vegetation for a building platform	
Activity Status: PER Where:		Activity status where compliance is not achieved: The activity is subject to the provisions of ECO- R16.

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1. The removal of indigenous vegetation is for a maimai no greater than 10 m², or 2. The removal of indigenous vegetation is for the construction of a building that is sited on a building platform approved as part of a subdivision consent issued before 20 October 2022; or 3. The removal of indigenous vegetation is for the construction or relocation of one building per holding, where the new or relocated building is for the purpose of a tourism facility, tramping/hunting hut, visitor accommodation or honey production; AND in all cases: 4. The removal of indigenous vegetation must not exceed 150 m²; and 5. The activity is located in a significant natural area - local category.^{A2} <i>Note: Where the building meets the definition of a conservation activity it is a permitted activity. See rule ECO-R10</i>	
ECO-R12.	Small scale renewable energy generation
Activity Status: PER Where: 1. The removal of indigenous vegetation is for the construction of one wind turbine per holding compliant with output, height and diameter requirements of ENGY-R9; or 2. The removal of indigenous vegetation is to install one group of freestanding solar panels up to 6 m² in area per holding (see ENGY-R5); or 3. The removal of indigenous vegetation is for the construction of hydro-electricity generation of up to and including 5 kW of electricity per holding (see ENGY-R7); AND in all cases:^{A2} 4. The removal of indigenous vegetation does not exceed 100 m²; and 5. There are no other suitable sites for the proposed activity.	Activity status where compliance is not achieved: The activity is subject to the provisions of ECO- R16.
ECO-R13.	Removal of manuka or kanuka on a sustainable basis
Activity Status: RDIS Where:	

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1. The removal of manuka or kanuka is no more than 250 m², per holding per five-year period; and
2. The area from which manuka or kanuka is removed shall be replanted within 6 months or allowed to regenerate; and
3. No removal of manuka or kanuka occurs within 5 m of a water body.

Matters over which discretion is restricted:

- (a) The location, extent and area of manuka/kanuka proposed to be removed on an annual basis or in a single event; and
- (b) Effects on indigenous biodiversity, connectivity, values and characteristics of the significant natural area, including impacts on the coastal environment where applicable; and
- (c) The extent to which existing vegetation is retained in order to mitigate the effects of streambank, coastal and slope erosion, sedimentation, water quality degradation and loss of indigenous species habitat; and
- (d) Methods proposed to avoid or minimise potential adverse effects on indigenous biodiversity during harvesting, including consideration of the no net loss principle and rehabilitation measures; and

Alternatives to removing manuka/kanuka from a significant natural area.

Activity status where compliance is not achieved: The activity is subject to the provisions of ECO-R16.

Note: For setbacks from natural wetlands see the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

ECO-R14.

Removal of indigenous vegetation for outdoor education activities or adventure tourism activities

Activity Status: RDIS

Where:

1. Over the lifetime of this plan, ~~the~~ any clearance ~~is~~ must be no more than either:
 - (i) a maximum of 500 m² or less of indigenous vegetation per holding
 - OR
 - (ii) less than 1% of the SNA size – whichever is the lesser;
 to provide for outdoor education activities or adventure tourism activities comprising ziplining, canyon swinging, high ropes, rock climbing, abseiling or caving activities only; and
2. A report from an experienced ecologist is submitted at the time of application which demonstrates that the site is not vegetation or habitat that is currently a naturally uncommon or significantly underrepresented ecosystem or habitat for indigenous species or associations of indigenous species that are classified as threatened or at risk, endemic to the Waikato region or at the limit of their natural range.

Matters over which discretion is restricted:

- (a) The location, extent and area of indigenous vegetation proposed to be removed; and
- (b) Effects on indigenous biodiversity, connectivity, values and characteristics of the significant natural area; and
- (c) Outcomes of the ecological assessment report; and
- (d) Outcomes of consultation with mana whenua where the site has identified cultural or archaeological values; and
- (e) Positive effects on the ecological values of the site; and

- (f) The extent to which existing vegetation is retained in order to mitigate the effects of streambank, coastal and slope erosion, sedimentation, water quality degradation and loss of indigenous species habitat; and
- (g) Methods proposed to avoid or minimise potential adverse effects on indigenous biodiversity including consideration of the no net loss principle and rehabilitation measures; and
- (h) Alternatives to removing indigenous vegetation from a significant natural area.

Activity status where compliance is not achieved: DIS

ECO-R15.	Continuous cover forestry and/or sustainable forest management/sustainable harvesting
Activity Status: DIS Where: 1. The activity is located in a significant natural area – local category; and 2. A report from an experienced ecologist is submitted at the time of application which demonstrates that the site is not vegetation or habitat that is currently a naturally uncommon or significantly underrepresented ecosystem or habitat for indigenous species or associations of indigenous species that are classified as threatened or at risk, endemic to the Waikato region or at the limit of their natural range. <i>Note: This rule prevails over the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017.</i>	Activity status where compliance is not achieved: NC
ECO-R16.	Removal of indigenous vegetation for any other purpose (and where not compliant with ECO-R1 to ECO-R13)
Activity Status: DIS^{A2} Where: 1. The activity is located in a significant natural area – local category; or 2. The activity is located in a significant natural area – local or regional category and the land has been returned under Te Tiriti o Waitangi settlements; AND 3. A report from an experienced ecologist is submitted at the time of application which demonstrates that the site is not vegetation or habitat that is currently a naturally uncommon or significantly underrepresented ecosystem or habitat for indigenous species or associations of	Activity status where compliance is not achieved: NC

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indigenous species that are classified as threatened or at risk, endemic to the Waikato region or at the limit of their natural range.	
ECO-R17.	Commercial forestry afforestation and harvesting
Activity Status: NC <i>Note: This rule prevails over the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017.</i>	Activity status where compliance is not achieved: N/A

ECO - Table 2 - Performance Standards

There are no Performance Standards