

Section 2.2 Biodiversity

The District has a wealth of ecosystems which support indigenous vegetation and habitats of indigenous fauna. Many of these ecosystems are the remnants of the forest and wetland areas which once largely covered the District, but over time have been modified by human settlement and activity. The largest contiguous areas which remain are located within Fiordland and Rakiura National Parks. The remnants also include internationally significant areas such as the Awarua Wetland Ramsar site. Fiordland National Park and some adjacent areas are all part of Te Wahipounamu South West New Zealand World Heritage Area. Inappropriate land use, subdivision and development can result in the loss and degradation of indigenous ecosystems and habitats, fragmentation and isolation of habitats and a reduction of species abundance and biodiversity. Freshwater habitats and indigenous aquatic life can be affected by the development and use of land. Areas of indigenous vegetation can also provide important ecosystem services. For example, at times of intense rainfall, areas of vegetation can protect soils from erosion and reduce flood flow peaks.

Land use, subdivision and development activities that have adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna, should be managed in a manner that ensures biodiversity is safeguarded. The District Plan approach to biodiversity recognises that the clearance and modification of indigenous vegetation may be appropriate in some circumstances. Council has taken a practical approach to managing biodiversity in the interim, until the completion of a project identifying areas of significant indigenous vegetation and habitats of significant indigenous fauna. This is reflected in specific District Plan rules contained within Permitted Activities in the Infrastructure, Energy and Minerals, Fiordland/Rakiura Zone and Biodiversity sections of the District Plan.

Council has adopted an approach to biodiversity which incorporates a mix of regulatory and non-regulatory methods. This approach recognises that working with landowners on biodiversity related issues is a key requirement for the maintenance and enhancement of biodiversity. A significant non-regulatory method is Council's support for the High Value Area Programme (HVAP). This provides an opportunity for landowners on a voluntary basis to request an ecological assessment of indigenous vegetation and habitats of indigenous fauna located on their properties. The District Plan also provides for a regulatory approach with district-wide rules that ensure the significance of indigenous vegetation and habitats of indigenous fauna is assessed where clearance and modification is proposed through the resource consent process. Council has yet to assess the significance of all remaining areas of indigenous vegetation and habitats of indigenous fauna within the Southland District.

Objective BIO.1

Significant indigenous vegetation and significant habitats of indigenous fauna are identified and protected and other indigenous vegetation and habitats of indigenous fauna are maintained so that the overall life supporting capacity of ecosystems are safeguarded.

Policy BIO.1

Protect ecosystems which support significant indigenous vegetation and significant habitats of indigenous fauna.

Explanation: Indigenous flora and habitats of indigenous fauna considered significant are those identified using the criteria in the Regional Policy Statement being representativeness, rarity and distinctiveness, diversity and pattern, and ecological context.

Careful consideration must be given to activities where adverse effects on biodiversity cannot be avoided or appropriately remedied or mitigated. In some cases it may be appropriate to decline an activity. Particular scrutiny should be given to activities which involve earthworks, vegetation clearance, wetland drainage, significant stormwater run-off, waste management and disposal, stock grazing and the introduction of plant or animal pests, including wilding trees.

Policy BIO.2

Maintain areas of indigenous vegetation and habitats of indigenous fauna including indigenous ecosystem connections.

Explanation: Indigenous vegetation and habitats of indigenous fauna provide wide-ranging benefits to individuals and communities but are vulnerable to loss, degradation, fragmentation and isolation. Where possible, biodiversity should be maintained, to ensure ecological integrity, form, function and resilience are sustained noting that ecosystems operate irrespective of land tenure and property boundaries. Particular consideration should be given to ecological buffers and corridors including the potential for restoration or enhancement activities.

Policy BIO.3

Avoid, remedy or mitigate the adverse effects of subdivision, land use and development on indigenous vegetation and habitats of indigenous fauna.

Explanation: Activities should be undertaken in a manner that maintains biodiversity and consideration should be given to whether the adverse effects can be adequately avoided, remedied or mitigated. It is recognised that in order to provide for some activities, indigenous vegetation may need to be modified, however, careful consideration should be given to how that vegetation contributes to ecosystem buffers and corridors.

Policy BIO.4

Recognise that the removal of existing indigenous vegetation on private land within the Fiordland/Rakiura Zone may be necessary in order to establish a building platform on a property.

Explanation: The Fiordland/Rakiura Zone is characterised by large areas of indigenous vegetation. The location and nature of activities on private land within the Zone should take account of the indigenous vegetation and safeguard this wherever possible.

However, there are circumstances associated with development where removal of some indigenous vegetation is warranted. This policy seeks to enable a limited amount of clearance and modification whilst retaining as much indigenous vegetation as practicable. Removal of indigenous vegetation in these circumstances is a controlled activity under Rule FRZ.2.

Policy BIO.5

Recognise that the removal of existing indigenous vegetation within the Urban Zone on Stewart Island/Rakiura may be necessary in order to establish a building platform, outdoor living area and vehicle access on a property.

Explanation: On Stewart Island/Rakiura most subdivision, land use and development occurs within the Island's Urban Zone. This Urban Zone is characterised by large areas of indigenous vegetation which is important from both an ecological perspective and also as a contributor to the natural and village-like

character of the township. The location and nature of activities within the Urban Zone on the Island should take account of the indigenous vegetation and safeguard this wherever possible. However, there are circumstances such as those associated with urban development where removal of some indigenous vegetation is warranted. This policy seeks to enable a limited amount of clearance and modification whilst retaining as much indigenous vegetation as practicable within the township.

Policy BIO.6

Recognise the benefits of sustainable forest management of indigenous vegetation except in areas of significant indigenous vegetation and significant habitats of indigenous fauna.

Explanation: There is a history of indigenous forestry harvesting in the District and more recently this has been undertaken by way of Sustainable Forest Management Plans and Sustainable Forest Management Permits. Indigenous forestry harvesting, undertaken in a sustainable manner, under both the Forests Act 1949 and the Resource Management Act 1991 can support the District's socio-economic wellbeing.

Policy BIO.7

Recognise the purpose of land granted under Te Ture Whenua Māori Act 1993, including the South Island Landless Natives Act 1906 (SILNA) land when considering indigenous forestry proposals that relate to Māori land.

Explanation: Areas of the District contain land held by Māori under Te Ture Whenua Māori Act 1993, including SILNA land, most of which is under indigenous forest cover. SILNA land was transferred to South Island Māori as economic redress after land purchase agreements left some sections of the South Island Māori population with insufficient land to support themselves.

Policy BIO.8

Identify the ecological value of indigenous vegetation and habitats of indigenous fauna to determine significance.

Explanation: Often the ecological significance or value of indigenous vegetation or habitats of indigenous fauna have not been identified or documented. Ecosystems which support this biodiversity can give rise to wide-ranging benefits for individuals and communities, including 'ecosystem services' such as flood and erosion control, climate regulation, waste decomposition, nutrient filtering, as well as other benefits including provision of food, resources for medicinal use, opportunities for recreational activities, natural character, aesthetic values and sense of place or identity. An ecological assessment should be undertaken to identify key species, habitats, communities and ecological processes and to evaluate their significance. Identification and documentation provide a baseline for assessing whether activities and measures to avoid, remedy or mitigate adverse effects, will appropriately maintain biodiversity. Ecological assessments should be commensurate to the scale of the activity and in particular will be required where an activity relates to a habitat identified in Appendix 2 (Schedule of Threatened, At Risk and Rare Habitat Types) in the Regional Policy Statement.

Policy BIO.9

Encourage biodiversity initiatives that promote the retention, maintenance and enhancement of indigenous biodiversity.

Explanation: This policy recognises the importance of community initiatives in achieving the sustainable management of indigenous biodiversity. Initiatives could include working with landowners and partnership with other relevant agencies.

Biodiversity Rules

Rule BIO.1 - Permitted Activities

The following activities are **Permitted Activities**:

1. The clearance, modification or harvesting of indigenous vegetation which:
 - (a) Has been planted and managed specifically for the purpose of harvesting.
 - (b) Is amenity planting.
 - (c) Is required for the purposes of fencing areas of indigenous vegetation formally protected by QE II Covenants and covenants registered under the Reserves Act 1977, Conservation Act 1987 and with local authorities.
 - (d) Is proposed within a Council reserve and the activity specifically complies with an approved management plan.
 - (e) Is required for the construction maintenance or replacement of a fence or the maintenance of vehicle crossings and tracks with the maximum width of clearance of indigenous vegetation for the purposes of fencing limited to 8 metres.
2. The clearance, modification or removal of indigenous vegetation for the purposes of providing for the safe operation of an existing network utility or to prevent damage to an existing network utility where the work is undertaken by or on behalf of the authority responsible for the network utility.
3. The clearance, modification or removal of indigenous vegetation where it is associated with the operation, maintenance, minor upgrading, repair or removal of any existing regionally significant infrastructure or existing renewable electricity facilities.
4. The removal of wind thrown trees or dead standing trees which have died as a result of natural causes where this is necessary to avoid adverse effects on remaining trees or vegetation or to avoid risks to human life or property.
5. Within the Stewart Island/Rakiura Urban Zone and Stewart Island/Rakiura Transitional Overlay the removal of existing indigenous vegetation up to a maximum of 400 m² in area or 40% of the land area contained within each certificate of title (whichever is the lesser), provided that where any of the land, contained within each individual certificate of title, is already partially cleared, any further clearance of indigenous vegetation shall not increase the total area of cleared land beyond 400 m² or 40% (whichever is the lesser).
6. The clearance, modification or removal of indigenous vegetation which has grown naturally on land lawfully cleared of vegetation since 2000, provided that:
 - (a) Clearance, modification or removal within 10 metres of a water body is limited to 20 linear metres in any 200 metre length of water body per property.
 - (b) Associated earthworks within the riparian margin do not exceed the volume provided for within Rule RURAL.1(7).

Note: For the avoidance of doubt this rule can be used to undertake 20 metres of work on each side of the water body.

7. Indigenous vegetation silviculture or harvesting where the Sustainable Forest Management Plan or Sustainable Forest Management Permit has already been granted at the date of this plan notification.
8. Indigenous vegetation harvesting for personal use that has been lawfully authorised under the Forests Act 1949, subject to the following conditions:
 - (a) Clearance is limited to not more than 50 m³ of indigenous timber in any 10 year period per certificate of title.
 - (b) It is not otherwise protected by a covenant.
 - (c) It is not in an area of significant indigenous vegetation or habitat of indigenous fauna.

Rule BIO.2 - Controlled Activities

The following activity is a **Controlled Activity**:

1. Indigenous vegetation silviculture and harvesting except in areas of significant vegetation or significant habitats of indigenous fauna that has been lawfully authorised by way of a Sustainable Forest Management Plan or Sustainable Forest Management Permit after 30 November 2012.

The matters over which Council reserves its control are:

1. Effects on Outstanding Natural Features and Landscapes or Visual Amenity Landscapes.
2. Effects on items of Historic Heritage including archaeological sites.
3. Effects on the roading network.
4. Pest management.
5. Cultural values including effects on wāhi tapu sites and other culturally significant land.
6. Financial contributions and bonds.
7. Effects on indigenous biodiversity particularly on rare or endangered species.
8. Effects on soil and water.

Rule BIO.3 - Discretionary Activities

The clearance, modification or removal of indigenous vegetation which is not provided for under Rule BIO.1 or Rule BIO.2 is a **Discretionary Activity**.

Non-Regulatory Methods

Method BIO.1

Increase awareness and provide education on maintaining biodiversity.

Method BIO.2

Encourage landowners to identify, protect, maintain, restore and enhance significant indigenous vegetation and habitats of indigenous fauna.

Method BIO.3

In collaboration with other relevant agencies including the Southland Regional Council, identify and document ecosystems which support significant indigenous vegetation and habitats of indigenous fauna.

Method BIO.4

Council shall, in partnership with landowners and where appropriate in conjunction with community groups, protect and rehabilitate areas of significant indigenous vegetation and significant habitats of indigenous fauna.