

## ECO - Ecosystems and Indigenous Biodiversity

The Ecosystems and Indigenous Biodiversity chapter comprises provisions for the management of ecosystems and indigenous biodiversity values.

The objectives, policies, rules and methods set a framework for protecting and restoring native habitats in Lower Hutt. These provisions apply district-wide, although provisions controlling vegetation removal apply only within the Natural Open Space Zone and residential zones.

In addition to these provisions, Council will seek to work with Mana Whenua and community partners to restore indigenous biodiversity where practicable.

The rules of the chapter apply in conjunction with the rules in zone chapters and other district-wide chapters.

### Objectives

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| <b>ECO-O1</b> | <b>Ecosystems and indigenous biodiversity</b> |
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Indigenous biodiversity in Lower Hutt is maintained, and where practicable, restored or enhanced.

### Policies

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| <b>ECO-P1</b> | <b>Protecting indigenous biodiversity in rural environments</b> |
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Protect indigenous biodiversity in rural environments by controlling the removal of indigenous vegetation in the Natural Open Space Zone.

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| <b>ECO-P2</b> | <b>Protecting indigenous biodiversity in urban environments</b> |
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Protect indigenous biodiversity in urban environments by controlling the removal of indigenous vegetation in residential zones.

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| <b>ECO-P3</b> | <b>Indigenous vegetation removal in the Natural Open Space Zone and residential zones</b> |
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Allow the removal of indigenous vegetation in the Natural Open Space Zone and residential zones where it is for:

1. Maintenance around existing legally established buildings,
2. The removal of vegetation which was established to provide residential amenity or screening,
3. The removal of trees on Urban Environment Allotments,
4. The protection of people and property from an imminent threat represented by deadwood, diseased or dying vegetation,
5. The control of plant pathogens and diseases,
6. The safe operation and maintenance of roads, tracks and access ways,
7. The reduction of wildfire risk through the removal of highly flammable vegetation near existing residential units,
8. The maintenance, operation, repair and decommissioning of existing infrastructure, and
9. Mana whenua to exercise customary harvesting practices.

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| <b>ECO-P4</b> | <b>Managing the adverse effects from indigenous vegetation removal</b> |
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Where resource consent is required for indigenous vegetation removal, manage the adverse effects on ecosystems and indigenous biodiversity values by:

1. Managing significant adverse effects in accordance with the following effects management hierarchy:
  - a. Avoiding adverse effects where practicable, then
  - b. Where adverse effects cannot be avoided, minimising where practicable, then
  - c. Where adverse cannot be minimised, remedying where practicable, then
  - d. Where more than minor residual adverse effects cannot be avoided, minimised, or remedied, providing biodiversity offsetting where possible, then
  - e. Where biodiversity offsetting of more than minor residual adverse effects is not possible, providing biodiversity compensation, then
  - f. If biodiversity compensation is not appropriate, avoiding the activity itself.
2. Managing all other adverse effects to achieve no overall loss in indigenous biodiversity within Lower Hutt.

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| <b>ECO-P5</b> | <b>Restoring and increasing indigenous biodiversity</b> |
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Encourage the protection, restoration and maintenance of indigenous biodiversity by:

1. Providing for mana whenua to exercise their responsibilities as kaitiaki to protect, restore and maintain areas of indigenous biodiversity, and
2. Supporting initiatives by landowners, community groups and others to protect, restore and maintain areas of indigenous vegetation.

### Rules

The following rules apply to removal of indigenous vegetation within the identified zones.

Resource consent may be required under rules in this chapter as well as the rules of the relevant zone chapters and other district-wide chapters, including those that apply to overlays.

In particular:

- Rules for vegetation removal in coastal margins and riparian margins are in the Natural Character chapter,
- Rules for vegetation removal in Outstanding Natural Features and Outstanding Natural Landscapes are in the Natural Features and Landscapes chapter,
- Rules for vegetation removal in High, Very High and Outstanding Coastal Natural Character Areas are in the Coastal Environment chapter, and
- Rules for the removal of notable trees are in the Notable Trees chapter.

Unless specifically stated, resource consent is required under each relevant rule. The steps to determine the relevant rules and activity status for an activity are set out in the General Approach chapter.

| <b>ECO-R1</b> |                                  | <b>Exotic vegetation removal</b>  |
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|               | All Zones                        | 1. <b>Activity status:</b> Permitted  |
| <b>ECO-R2</b> |                                  | <b>Indigenous vegetation removal</b>  |
|               | Commercial and Mixed Use Zones   | 1. <b>Activity status:</b> Permitted  |
|               | Industrial Zones                 |   |
|               | Rural Zones                      |   |
|               | Sport and Active Recreation Zone |   |
|               | Open Space Zone                  |   |
|               | Hospital Zone                    |   |
|               | Tertiary Education Zone          |   |
|               | Marae Zone                       |   |
|               | Quarry Zone                      |   |
|               | Seaview Marina Zone              |   |
|               | Residential Zones                | 2. <b>Activity status:</b> Permitted<br><br>Where:<br>a. The activity is the removal of trees on an Urban Environment Allotment, or<br>b. The indigenous vegetation removal is:<br>i. Removing vegetation which was planted within a domestic garden for amenity purposes and/or the use of amenity or screening, or<br>ii. Addressing an imminent threat to people or property represented by deadwood, diseased or dying vegetation, or<br>iii. Necessary for the control of plant pathogens and diseases including Myrtle rust, or<br>iv. Within 10 metres of a lawfully established residential unit, or<br>v. Within 5 metres of a lawfully established accessory building with a gross floor area greater than 10m <sup>2</sup> , or<br>vi. To maintain existing open areas, tracks, accessways, fences and onsite services, or<br>vii. To maintain, operate, repair or decommission existing infrastructure, or<br>viii. Required in accordance with sections 43 or 64 of the Fire and Emergency New Zealand Act 2017, or<br>ix. For Customary Harvesting. |
|               | Natural Open                     | 3. <b>Activity status:</b> Permitted  |

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| Space Zone                                       | <p>Where:</p> <ol style="list-style-type: none"> <li>The indigenous vegetation removal is: <ol style="list-style-type: none"> <li>Addressing an imminent threat to people or property represented by deadwood, diseased or dying vegetation, or</li> <li>Necessary for the control of plant pathogens and diseases including Myrtle rust, or</li> <li>Necessary to ensure the safe and efficient operation of any formed public road or access, or</li> <li>Within 5m from the external wall of an existing building, or</li> <li>Within 3m width either side of an existing fence or other structure, or</li> <li>No more than 5m in total width for maintenance of public access track, where undertaken by central government or local government, or an agent on their behalf, or</li> <li>To maintain existing open areas, tracks, accessways, fences and onsite services, or</li> <li>To maintain, operate, repair or decommission existing infrastructure, or</li> <li>Required in accordance with sections 43 or 64 of the Fire and Emergency New Zealand Act 2017, or</li> <li>For Customary Harvesting.</li> </ol> </li> </ol>   |
| Residential Zones<br><br>Natural Open Space Zone | <p>4. <b>Activity status:</b> Restricted discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>Compliance is not achieved with ECO-R2.2 or ECO-R2.3.</li> </ol> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>The effects on ecosystems and indigenous biodiversity, including with consideration to: <ol style="list-style-type: none"> <li>The scale of indigenous vegetation removal,</li> <li>The integrity of ecosystems and their sensitivity to disturbance from vegetation removal, and</li> <li>The extent to which site rehabilitation is proposed and will be effective in maintaining or enhancing indigenous habitats.</li> </ol> </li> <li>The matters in ECO-P4: Managing the adverse effects from indigenous vegetation removal.</li> <li>Positive effects which can only be achieved through non-compliance with ECO-R2.2 or ECO-R2.3, including: <ol style="list-style-type: none"> <li>The benefits of infrastructure,</li> <li>Improved health and safety, and</li> <li>Improved public access and connection to natural environments.</li> </ol> </li> </ol> <p><b>Information requirements:</b></p> <p>Applications for activities which will have more than minor adverse effects on indigenous biodiversity, are required to be supported by a report that:</p> <ol style="list-style-type: none"> <li>Is prepared by a suitably qualified ecologist and, as required, any other person with suitable expertise, such as someone with expertise in mātauranga Māori,</li> <li>Includes the detail set in Appendix ECO-App1 — Ecological impact reports, and</li> <li>Is commensurate with the scale and significance (to indigenous biodiversity) of the proposal.</li> </ol> |
| <b>ECO-M1</b>                                    | <b>Restoring indigenous biodiversity</b>   |

The Hutt City Council and Wellington Regional Council will work in partnership with Mana Whenua and in collaboration with landowners, communities and other stakeholders to restore indigenous biodiversity. Restoration will be prioritised in the following areas:

- Natural areas where significant indigenous biodiversity values have been degraded,
- Threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems,
- Areas that provide important connectivity or buffering functions,
- Natural inland wetlands whose ecological integrity is degraded or that no longer retain their indigenous vegetation or habitat for indigenous fauna,
- Areas of indigenous biodiversity on specified Māori land where restoration is advanced by the Māori landowners, and
- Any other priorities specified in regional biodiversity strategies or any national priorities for indigenous biodiversity restoration.

## Appendix ECO-App1 — Ecological impact reports

Where an Ecological impact report is required to be in accordance with this appendix, the report must:

- a. include a description of the existing ecological features and values of the site; and
- b. include a description of the adverse effects of the proposal on indigenous biodiversity and how those effects will be managed; and
- c. identify any effects on identified taonga; and
- d. identify the ecosystem services associated with indigenous biodiversity at the site; and
- e. include an assessment of the ecological integrity and connectivity within and beyond the site; and
- f. include mātauranga Māori and tikanga Māori assessment methodology, where relevant;
- g. where a proposal may involve significant adverse effects on indigenous biodiversity; an assessment of these effects following the effects management hierarchy set out in ECO-P4: Managing adverse effects from indigenous vegetation removal, and
- h. if biodiversity offsetting is proposed, set out:
  - i. a detailed plan of what is proposed, including a quantified loss and gain calculation, the currency used in the calculation, and the data that informs the calculation and plan; and
  - ii. a description of how the relevant principles in Appendix ECO-App2 — Principles for biodiversity offsetting have been addressed; and
  - iii. an assessment of the likely success of the plan in achieving a net gain in biodiversity values; and
- i. if biodiversity compensation is proposed, set out:
  - i. a detailed plan of what is proposed; and
  - ii. a description of how the relevant principles in Appendix ECO-App3 — Principles for biodiversity compensation have been addressed; and
  - iii. an assessment of the likely success of the plan in achieving its outcomes.

## Appendix ECO-App2 — Principles for biodiversity offsetting

These principles apply to the use of biodiversity offsets for adverse effects on indigenous biodiversity.

1. Adherence to effects management hierarchy: A biodiversity offset is a commitment to redress more than minor residual adverse effects and should be contemplated only after steps to avoid, minimise, and remedy adverse effects are demonstrated to have been sequentially exhausted.
2. When biodiversity offsetting is not appropriate: Biodiversity offsets are not appropriate in situations where indigenous biodiversity values cannot be offset to achieve a net gain. Examples of an offset not being appropriate include where:
  - a. residual adverse effects cannot be offset because of the irreplaceability or vulnerability of the indigenous biodiversity affected;
  - b. effects on indigenous biodiversity are uncertain, unknown, or little understood, but potential effects are significantly adverse or irreversible;
  - c. there are no technically feasible options by which to secure gains within an acceptable timeframe.
3. Net gain: This principle reflects a standard of acceptability for demonstrating, and then achieving, a net gain in indigenous biodiversity values. Net gain is demonstrated by a like-for-like quantitative loss/gain calculation of the following, and is achieved when the indigenous biodiversity values at the offset site are equivalent to or exceed those being lost at the impact site:
  - a. types of indigenous biodiversity, including when indigenous species depend on introduced species for their persistence; and
  - b. amount; and
  - c. condition (structure and quality).
4. Additionality: A biodiversity offset achieves gains in indigenous biodiversity above and beyond gains that would have occurred in the absence of the offset, such as gains that are additional to any minimisation and remediation undertaken in relation to the adverse effects of the activity.
5. Leakage: Biodiversity offset design and implementation avoids displacing harm to other indigenous biodiversity in the same or any other location.
6. Long-term outcomes: A biodiversity offset is managed to secure outcomes of the activity that last at least as long as the impacts, and preferably in perpetuity. Consideration must be given to long-term issues around funding, location, management and monitoring.
7. Landscape context: Biodiversity offsetting is undertaken where this will result in the best ecological outcome, preferably close to the impact site or within the same ecological district. The action considers the landscape context of both the impact site and the offset site, taking into account interactions between species, habitats and

ecosystems, spatial connections, and ecosystem function.

8. Time lags: The delay between loss of, or effects on, indigenous biodiversity values at the impact site and the gain or maturity of indigenous biodiversity at the offset site is minimised so that the calculated gains are achieved within the consent period or, as appropriate, a longer period (but not more than 35 years).
9. Science and mātauranga Māori: The design and implementation of a biodiversity offset is a documented process informed by science and mātauranga Māori.
10. Tangata whenua and stakeholder participation: Opportunity for the effective and early participation of tangata whenua and stakeholders is demonstrated when planning biodiversity offsets, including their evaluation, selection, design, implementation, and monitoring.
11. Transparency: The design and implementation of a biodiversity offset, and communication of its results to the public, is undertaken in a transparent and timely manner.

## Appendix ECO-App3 — Principles for biodiversity compensation

These principles apply to the use of biodiversity compensation for adverse effects on indigenous biodiversity:

1. Adherence to effects management hierarchy: Biodiversity compensation is a commitment to redress more than minor residual adverse effects, and should be contemplated only after steps to avoid, minimise, remedy, and offset adverse effects are demonstrated to have been sequentially exhausted.
2. When biodiversity compensation is not appropriate: Biodiversity compensation is not appropriate where indigenous biodiversity values are not able to be compensated for. Examples of biodiversity compensation not being appropriate include where:
  - a. the indigenous biodiversity affected is irreplaceable or vulnerable;
  - b. effects on indigenous biodiversity are uncertain, unknown, or little understood, but potential effects are significantly adverse or irreversible;
  - c. there are no technically feasible options by which to secure a proposed net gain within acceptable timeframes.
3. Scale of biodiversity compensation: The indigenous biodiversity values lost through the activity to which the biodiversity compensation applies are addressed by positive effects to indigenous biodiversity (including when indigenous species depend on introduced species for their persistence), that outweigh the adverse effects.
4. Additionality: Biodiversity compensation achieves gains in indigenous biodiversity above and beyond gains that would have occurred in the absence of the compensation, such as gains that are additional to any minimisation and remediation or offsetting undertaken in relation to the adverse effects of the activity.
5. Leakage: Biodiversity compensation design and implementation avoids displacing harm to other indigenous biodiversity in the same or any other location.
6. Long-term outcomes: Biodiversity compensation is managed to secure outcomes of the activity that last as long as the impacts, and preferably in perpetuity. Consideration must be given to long-term issues around funding, location, management, and monitoring.
7. Landscape context: Biodiversity compensation is undertaken where this will result in the best ecological outcome, preferably close to the impact site or within the same ecological district. The action considers the landscape context of both the impact site and the compensation site, taking into account interactions between species, habitats and ecosystems, spatial connections, and ecosystem function.
8. Time lags: The delay between loss of, or effects on, indigenous biodiversity values at the impact site and the gain or maturity of indigenous biodiversity at the compensation site is minimised so that the calculated gains are achieved within the consent period or, as appropriate, a longer period (but not more than 35 years).
9. Trading up: When trading up forms part of biodiversity compensation, the proposal demonstrates that the indigenous biodiversity gains are demonstrably greater or higher than those lost. The proposal also shows the values lost are not to Threatened or At Risk (declining) species or to species considered vulnerable or irreplaceable.
10. Financial contributions: A financial contribution is only considered if:

- a. there is no effective option available for delivering biodiversity gains on the ground; and
  - b. it directly funds an intended biodiversity gain or benefit that complies with the rest of these principles.
- 11. Science and mātauranga Māori: The design and implementation of biodiversity compensation is a documented process informed by science, and mātauranga Māori.
- 12. Tangata whenua and stakeholder participation: Opportunity for the effective and early participation of tangata whenua and stakeholders is demonstrated when planning for biodiversity compensation, including its evaluation, selection, design, implementation, and monitoring.
- 13. Transparency: The design and implementation of biodiversity compensation, and communication of its results to the public, is undertaken in a transparent and timely manner.