

PROPOSED AMENDMENTS TO THE ECO PROVISIONS

Key to the changes:

Black underline or strikethrough – Original ORC Section 42A Report Amendments

Red underline or strikethrough – Supplementary evidence ORC Amendments

Blue underline or strikethrough – OceanaGold Proposed Amendments as at 17 April 2023

Definitions

(Terrestrial) Biodiversity Offset:

means a measurable conservation outcome resulting from actions that are intended to:
(a) redress any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, and remediation, measures have been sequentially applied; and
(b) achieve a net gain, in the quantity and/or condition of indigenous biodiversity,
where **net gain** means that the measurable positive effects of actions exceed the point of no net loss.

(Terrestrial) Biodiversity Compensation:

means a conservation outcome resulting from actions that are intended to compensate for any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, remediation, and biodiversity offset measures have been sequentially applied.

Effects Management Hierarchy

in relation to natural inland wetlands, and rivers, and indigenous biodiversity, means an approach to managing the adverse effects of an activity on the extent or values of a wetland or river, and on indigenous biodiversity values, (including cumulative effects and loss of potential value) that requires that:

- (a) adverse effects are avoided where practicable; then
- (b) where adverse effects cannot be avoided, they are minimised where practicable; then
- (c) where adverse effects cannot be minimised, they are remedied where practicable; then
- (d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting or biodiversity offsetting (whichever is relevant) is provided where practicable; then
- (e) if aquatic offsetting or biodiversity offsetting (whichever is relevant) is not appropriate or practicable, aquatic compensation or biodiversity compensation (whichever is relevant) is provided; then
- (f) if aquatic compensation or biodiversity compensation (whichever is relevant) is not appropriate, the activity itself is avoided.

For the purposes of this definition, if aquatic or biodiversity offsetting or aquatic or biodiversity compensation is applied, the applicant must demonstrate that appropriate regard has been had to the principles in APP3 or APP4.

ECO – Ecosystems and indigenous *biodiversity*

Objectives

ECO-O1 – Indigenous *biodiversity*

Otago's indigenous *biodiversity* is healthy and thriving and any net¹ decline in quality condition,² quantity and diversity is halted.

ECO-O2 – Restoring ~~or~~ and³ enhancing

Restoration ~~or~~ and enhancement activities result in a A net increase in the extent and occupancy⁴ of Otago's indigenous *biodiversity* results from restoration or enhancement.⁵

ECO-O3 – *Kaitiakitaka*⁶ and stewardship

Mana whenua are able to exercise their role ~~recognised~~⁷ as kaitiaki of Otago's indigenous *biodiversity*, and Otago's communities are recognised as stewards, who are responsible for:

- (1) te hauora o te koiora (the health of indigenous *biodiversity*), te hauora o te taoka (the health of species and ecosystems that are taoka), and te hauora o te taiao (the health of the wider *environment*), while
- (2) providing for te hauora o te takata (the health of the people).

ECO-O4 – Social, economic and cultural wellbeing

Manage indigenous biodiversity in such a way that also provides for the social, economic, and cultural wellbeing of people and communities now and in the future.

Policies

ECO-P1 – *Kaitiakitaka*

Recognise the role of Enable⁸ Kāi Tahu to exercise their role⁹ as kaitiaki of Otago's indigenous *biodiversity* by:

- (1) involving Kāi Tahu in the management of indigenous *biodiversity*, ~~and~~

¹ 00024.010 City Forests Limited

² 00306.042 Meridian

³ 00226.215 Kāi Tahu ki Otago

⁴ 00223.099 Ngāi Tahu ki Murihiku, 00226.215 Kāi Tahu ki Otago

⁵ 00322.026 Fulton Hogan

⁶ 00234.031 Te Rūnanga o Ngāi Tahu

⁷ 00226.216 Kāi Tahu ki Otago, 00234.031 Te Rūnanga o Ngāi Tahu

⁸ 00226.217 Kāi Tahu ki Otago

⁹ 00226.217 Kāi Tahu ki Otago

- (1A) working with Kāi Tahu in¹⁰ the identification of indigenous species and ecosystems that are taoka,
- (2) incorporating the use of mātauraka Māori in the management and monitoring of indigenous *biodiversity*, and
- (3) ~~providing for~~ facilitating¹¹ access to and use of indigenous biodiversity by Kāi Tahu, including *mahika kai*,¹² according to tikaka.

ECO-P2 – Identifying *significant natural areas* and taoka

Identify and map:¹³

- (1) ~~the areas and indigenous biodiversity~~¹⁴ *values of significant natural areas* in accordance with APP2, and
- (2) where appropriate,¹⁵ indigenous species and ecosystems that are taoka in accordance with ECO-M3.

ECO-P3 – Protecting *significant natural areas* and taoka

Except as provided for by ECO-P4 and ECO-P5, protect *significant natural areas* (~~outside the coastal environment~~)¹⁶ and indigenous species and ecosystems that are taoka by:

- (1) first¹⁷ avoiding adverse *effects* that result in:
 - (a) any reduction of the area or indigenous biodiversity¹⁸ *values identified and mapped under ECO-P2(1)*,¹⁹ (even if those values are not themselves significant but contribute to an area being identified as a significant natural area²⁰) ~~identified under ECO-P2(1), or~~²¹ and
 - (b) any loss of ~~Kāi Tahu~~ taoka²² *values identified and mapped under ECO-P2(2)*²³, and
- (2) after (1), applying the ~~biodiversity~~ *effects management hierarchy (in relation to indigenous biodiversity)*²⁴ in ECO-P6, and

¹⁰ 00226.217 Kāi Tahu ki Otago

¹¹ 00239.099 Federated Farmers

¹² 00226.0038 Kāi Tahu ki Otago

¹³ 00020.018 Rayonier Matariki

¹⁴ 00226.218 Kāi Tahu ki Otago, 00230.101 Forest and Bird

¹⁵ 00226.218 Kāi Tahu ki Otago

¹⁶ 00237.007 Beef & Lamb and DINZ, 00137.016 DOC, 00226.035 Kāi Tahu ki Otago, 00120.011 Yellow-eyed Penguin Trust, 00230.016 Forest and Bird

¹⁷ 00223.100 Ngāi Tahu ki Murihiku

¹⁸ 00226.219 Kāi Tahu ki Otago

¹⁹ 00230.102 Forest and Bird

²⁰ 00230.102 Forest and Bird

²¹ 00230.102 Forest and Bird

²² 00139.129 DCC

²³ 00138.033 QLDC

²⁴ 00016.013 Alluvium and Stoney Creek, 0017.011 Danny Walker and Others, 00321.022 Te Waihangā, 00137.009 DOC

- (3) prior to *significant natural areas* and indigenous species and ecosystems that are taoka being identified and mapped²⁵ in accordance with ECO-P2, adopt a precautionary approach towards activities in accordance with ~~IM-P15~~IM-P6(2).²⁶

ECO-P4 – Provision for new activities

Maintain Otago’s indigenous *biodiversity* by following the sequential steps in the *effects management hierarchy (in relation to indigenous biodiversity)*²⁷ set out in ECO-P6 when making decisions on plans, applications for *resource consent* or notices of requirement for the following activities in *significant natural areas (outside the coastal environment)*,²⁸ or where they may adversely affect indigenous species and ecosystems that are taoka:

- (1) the development, operation, maintenance²⁹ or upgrade of *nationally significant infrastructure*³⁰ and *regionally significant infrastructure* that has a *functional need*³¹ or *operational need* to locate within the relevant *significant natural area(s)* or where they may adversely affect indigenous species or ecosystems that are taoka,
- (1A) the new use or development, operation and maintenance of mineral extraction and its ancillary activities that provide a significant national or regional benefit that could not otherwise be achieved within New Zealand and that have a functional need or operational need to locate within the relevant significant natural area(s) or where they may adversely affect indigenous species or ecosystems that are taoka.
- (1B) the new use or development, operation and maintenance of aggregate extraction and its ancillary activities that provide a significant national or regional benefit that could not otherwise be achieved within New Zealand and that have a functional need or operational need to locate within the relevant significant natural area(s) or where they may adversely affect indigenous species or ecosystems that are taoka.
- (2) the development of *papakāika*, marae and ancillary facilities associated with customary activities on Native reserves and Māori land,³²
- (2A) the sustainable use of mahika kai³³ and kaimoana (seafood) by *mana whenua*,³⁴
- (3) the use of Native reserves and Māori land in a way that will make a significant contribution³⁵ to enable mana whenua to maintain their connection to their whenua and enhancing the³⁶ social, cultural or economic well-being of takata whenua,³⁷

²⁵ 00020.018 Rayonier Matariki

²⁶ 00139.040 DCC, 00121.027 Ravensdown

²⁷ 00016.013 Alluvium and Stoney Creek, 0017.011 Danny Walker and Others, 00321.022 Te Waihangā, 00137.009 DOC

²⁸ 00237.007 Beef & Lamb and DINZ, 00137.016 DOC, 00226.035 Kāi Tahu ki Otago, 00120.011 Yellow-eyed Penguin Trust, 00230.016 Forest and Bird

²⁹ 00311.022 Trustpower Limited

³⁰ 00314.001 Transpower

³¹ 00315.046 Aurora Energy, 00138.116 QLDC

³² ‘Māori land’ applies to land in native reserves that are held under Te Ture Whenua Māori act 1993

³³ 00226.0038 Kāi Tahu ki Otago

³⁴ 00226.220 Kāi Tahu ki Otago

³⁵ 00234.032 Te Rūnanga o Ngāi Tahu

³⁶ 00234.032 Te Rūnanga o Ngāi Tahu

³⁷ 00234.032 Te Rūnanga o Ngāi Tahu

- (4) activities that are for the purpose of protecting, restoring or enhancing a *significant natural area* or indigenous species or ecosystems that are taoka, or
- (5) activities that are for the purpose of addressing a severe ~~and~~ ^{or}³⁸ immediate *risk* to public health or safety.

ECO-P5 – Existing activities in *significant natural areas*

Except as provided for by ECO-P4, provide³⁹ for existing activities that are lawfully established⁴⁰ within *significant natural areas* (outside the coastal environment)⁴¹ and that may adversely affect indigenous species and ecosystems that are taoka, if:

- (1) the continuation, maintenance and minor upgrades of an existing activity that is lawfully established⁴² will not lead to the loss (including through cumulative loss) of extent or degradation⁴³ of the ecological integrity of any *significant natural area* or indigenous species or ecosystems that are taoka, and
- (2) the adverse *effects* from the continuation, maintenance and minor upgrades of an existing activity that is lawfully established⁴⁴ are no greater in character, spatial extent, intensity or scale than they were before this RPS became operative.

ECO-P6 – Maintaining indigenous *biodiversity*

Maintain Otago’s indigenous *biodiversity* (~~excluding the coastal environment and~~ areas managed protected⁴⁵ under ECO-P3) by applying the following *biodiversity effects management hierarchy (in relation to indigenous biodiversity)*⁴⁶ in decision-making on applications for *resource consent* and notices of requirement.:

For the purposes of this policy, if indigenous biodiversity offsetting or indigenous biodiversity compensation is applied, the applicant must demonstrate that appropriate regard has been had to the principles in APP3 or APP4.

- ~~(1) — avoid adverse effects as the first priority,~~
- ~~(2) — where adverse effects demonstrably cannot be completely avoided, they are remedied,~~
- ~~(3) — where adverse effects demonstrably cannot be completely avoided or remedied, they are mitigated,~~
- ~~(4) — where there are residual adverse effects after avoidance, remediation, and mitigation, then the residual adverse effects are offset in accordance with APP3, and~~
- ~~(5) — if *biodiversity* offsetting of residual adverse effects is not possible, then:~~

³⁸ 00139.130 DCC

³⁹ Under RMA Schedule 1, Clause 16(2) of the RMA amend the cross-referencing error

⁴⁰ 00230.104 Forest and Bird

⁴¹ 00237.007 Beef & Lamb and DINZ, 00137.016 DOC, 00226.035 Kāi Tahu ki Otago, 00120.011 Yellow-eyed Penguin Trust, 00230.016 Forest and Bird

⁴² 00230.104 Forest and Bird

⁴³ Clause 16(2), Schedule 1, RMA (remove the italics from ‘degradation’ as this term is not defined in the pORPS)

⁴⁴ 00230.104 Forest and Bird

⁴⁵ 00230.105 Forest and Bird

⁴⁶ 00016.013 Alluvium and Stoney Creek, 0017.011 Danny Walker and Others, 00321.022 Te Waihangā

- (a) ~~the residual adverse effects are compensated in accordance with APP4, and~~
- (b) ~~if the residual adverse effects cannot be compensated for in accordance with APP4, the activity is avoided.~~

ECO-P7 – Coastal indigenous biodiversity

Coastal indigenous biodiversity is managed by CE-P5, and implementation of CE-P5 also contributes to achieving ECO-O1.

~~Indigenous biodiversity in the coastal environment is managed by the relevant provisions of this chapter, except that:~~

~~(1) significant natural areas in the coastal environment are managed by CE-P5(1) instead of ECO-P3 to ECO-P5, and~~

~~(2) other indigenous biodiversity in the coastal environment that is not part of a significant natural area are also managed by CE-P5(2).⁴⁷~~

Indigenous biodiversity and taoka species and ecosystems in the coastal environment are managed by CE-P5 in addition to all objectives and policies of the ECO chapter except ECO-P3, ECO-P4, ECO-P5 and ECO-P6.1

ECO-P8 – Restoration and eEnhancement⁴⁸

The extent, *occupancy*⁴⁹ and condition of Otago's indigenous biodiversity is increased by:

- (1) restoring and enhancing habitat for indigenous species, including taoka and *mahika kai*⁵⁰ species,
- (2) improving the health and *resilience* of indigenous biodiversity, including ecosystems, species, ~~important~~⁵¹ ecosystem function, and *intrinsic values*, and
- (3) buffering or linking ecosystems, habitats and ecological corridors, ki uta ki tai.⁵²

ECO-P9 – Wilding conifers

Reduce the impact of *wilding conifers* on indigenous biodiversity by:

- (1) avoiding ~~afforestation~~ the planting⁵³ and *replanting* of *plantation forests* and permanent forests⁵⁴ with *wilding conifer* species listed in APP5 within:
 - (a) areas identified as *significant natural areas*, and
 - (b) buffer zones adjacent to *significant natural areas* where it is necessary to protect the *significant natural area*, and

⁴⁷ 00226.223 Kāi Tahu ki Otago, 00230.106 Forest and Bird

⁴⁸ 00226.224 Kāi Tahu ki Otago

⁴⁹ 00223.099 Ngāi Tahu ki Murihiku, 00226.215 Kāi Tahu ki Otago

⁵⁰ 00226.0038 Kāi Tahu ki Otago

⁵¹ 00137.091 DOC

⁵² 00138.037 QLDC

⁵³ 00137.092 DOC

⁵⁴ 00137.092 DOC

- (2) supporting initiatives to control existing *wilding conifers* and limit their further spread.

ECO-P10 – ~~Integrated management~~ Co-ordinated approach

Implement an integrated and co-ordinated approach to managing Otago’s ecosystems and indigenous *biodiversity* that:

- (1) ensures any permitted or controlled activity in a *regional plan*⁵⁵ or *district plan* rule does not compromise the achievement of ECO-O1,
- (2) recognises the interactions *ki uta ki tai* (from the mountains to the sea) between the terrestrial *environment, fresh water, and the coastal marine area*, including:
 - (a) the migration of fish species between *fresh* and *coastal waters*, and⁵⁶
 - (b) the effects of land-use activities on the coastal environment.⁵⁷
- (2A) acknowledges that *climate change* will affect indigenous *biodiversity*, and manages activities which exacerbate the effects of *climate change*.⁵⁸
- (3) promotes collaboration between individuals and agencies with *biodiversity* responsibilities,
- (4) supports the various statutory and non-statutory approaches adopted to manage indigenous *biodiversity*,
- (5) recognises the critical role of people and communities in actively managing the remaining indigenous *biodiversity* occurring on private *land*, and
- (6) adopts regulatory and non-regulatory regional pest management programmes.

Methods

ECO-M1 – Statement of responsibilities

In accordance with section 62(1)(i)(iii) of the RMA 1991, the *local authorities* responsible for the control of *land* use to maintain indigenous *biological diversity* are:

- (1) the Regional Council and *territorial authorities* are responsible for specifying objectives, policies and methods in *regional* and *district plans* for managing the margins of *wetlands, rivers and lakes*,
- (2) the Regional Council is responsible for specifying objectives, policies and methods in *regional plans*:
 - (a) in the *coastal marine area*,
 - (b) in *wetlands, lakes and rivers*, and
 - (c) in, on or under the *beds of rivers and lakes*,

⁵⁵ Clause 16(2), Schedule 1, RMA

⁵⁶ 00226.226 Kāi Tahu ki Otago

⁵⁷ 00226.226 Kāi Tahu ki Otago

⁵⁸ 00234.033 Te Rūnanga o Ngāi Tahu

- (3) in addition to (1), *territorial authorities* are responsible for specifying objectives, policies and methods in *district plans* outside of the areas listed in (2) above if they are not managed by the Regional Council under (4), and
- (4) the Regional Council may be responsible for specifying objectives, policies and methods in *regional plans* outside of the areas listed (1) above if:
 - (a) the Regional Council reaches agreement with the relevant *territorial authority* or *territorial authorities*, and
 - (b) if applicable, a transfer of powers in accordance with section 33 of the RMA 1991 occurs from the relevant *territorial authority* or *territorial authorities* to the Regional Council.

ECO-M2 – Identification of *significant natural areas*

Local authorities must:

- (1) in accordance with the statement of responsibilities in ECO-M1, identify the areas and indigenous biodiversity⁵⁹ values of *significant natural areas* as required by ECO-P2, and
- (2) map and verify⁶⁰ the areas and include the indigenous biodiversity⁶¹ values identified under (1) in the relevant *regional plans*⁶² and *district plans*, no later than 31 December 2030,⁶³
- (3) recognise that indigenous *biodiversity* spans jurisdictional boundaries by:
 - (a) working collaboratively to ensure the areas identified by different *local authorities* are not artificially fragmented when identifying *significant natural areas* that span jurisdictional boundaries, and
 - (b) ensuring that indigenous *biodiversity* is managed in accordance with this RPS,
- (4) until *significant natural areas* are identified and mapped in accordance with (1) and (2),⁶⁴ require ecological assessments to be provided with applications for resource consent and notices of requirement ~~that requirement~~ that identify whether affected areas are *significant natural areas* in accordance with APP2, and⁶⁵
- (5) in the following areas, prioritise identification under (1) no later than 31 December 2025:
 - (a) intermontane basins that contain indigenous vegetation and habitats,
 - (b) areas of dryland shrubs,
 - (c) braided *rivers*, including the Makarora, Mātukituki and Lower Waitaki Rivers,
 - (d) areas of montane tall tussock grasslands, and
 - (e) limestone habitats.

⁵⁹ 00226.228 Kāi Tahu ki Otago

⁶⁰ 00020.018 Rayonier Matariki

⁶¹ 00226.228 Kāi Tahu ki Otago

⁶² Clause 16(2), Schedule 1, RMA

⁶³ 00139.036 DCC

⁶⁴ 00311.014 Queenstown Airport

⁶⁵ Clause 16(2), Schedule 1, RMA

ECO-M3 – Identification of taoka

Local authorities must:

- (1) work together with *mana whenua* to agree a process for:
 - (a) identifying indigenous species and ecosystems that are taoka,
 - (b) describing the taoka identified in (1)(a),
 - (c) mapping or describing the location of the taoka identified in (1)(a), and
 - (d) describing the values of each taoka identified in (1)(a), and
- (2) notwithstanding (1), recognise that *mana whenua* have the right to choose not to identify taoka and to choose the level of detail at which identified taoka, or their location or values, are described, and
- (3) to the extent agreed by *mana whenua*, amend their *regional* and *district plans* to include matters (1)(b) to (1)(d) above.

ECO-M4 – Regional plans

Otago Regional Council must prepare or amend and maintain its *regional plans* to:

- (1) if the requirements of ECO-P3 and ECO-P6 can be met, provide for the use of *lakes* and *rivers* and their *beds*, including:
 - (a) activities undertaken for the purposes of pest control or maintaining or enhancing the habitats of indigenous fauna, and
 - (b) the maintenance and use of existing structures that are lawfully established⁶⁶ (including *infrastructure*), and
 - (c) infrastructure, mineral extraction and/or aggregate extraction that have a *functional need*⁶⁷ or *operational need* to be sited or operated in a particular location,
- (1A) ~~control~~ manage the clearance or modification of *indigenous vegetation*, while allowing for *mahika kai*⁶⁸ and kaimoana (seafood) activities,⁶⁹
- (2) require:
 - (a) resource consent applications to include information that demonstrates that the sequential steps in the *effects management hierarchy (in relation to indigenous biodiversity)*⁷⁰ in ECO-P6 have been followed, and
 - (b) that consents are not granted if the sequential steps in the effects management hierarchy (in relation to indigenous biodiversity)⁷¹ in ECO-P6 have not been followed, and

⁶⁶ 00230.113 Forest and Bird

⁶⁷ 00315.046 Aurora Energy, 00138.116 QLDC

⁶⁸ 00226.0038 Kāi Tahu ki Otago

⁶⁹ 00226.230 Kāi Tahu ki Otago / Aukaha

⁷⁰ 00016.013 Alluvium and Stoney Creek, 0017.011 Danny Walker and Others, 00321.022 Te Waihanga, 00137.009 DOC

⁷¹ 00016.013 Alluvium and Stoney Creek, 0017.011 Danny Walker and Others, 00321.022 Te Waihanga, 00137.009 DOC

- (3) provide for activities undertaken for the purpose of restoring or enhancing the habitats of indigenous fauna.

ECO-M5 – District plans

Territorial authorities must prepare or amend and maintain their *district plans* to:

- (1) if the requirements of ECO-P3 and ECO-P6 are met, provide for the use of *land* and the surface of *water bodies* including:
 - (a) activities undertaken for the purposes of pest control or maintaining or enhancing the habitats of indigenous fauna, and
 - (b) the maintenance and use of existing *structures* (including *infrastructure*), and
 - (c) *infrastructure*, [mineral and/or aggregate extraction](#) that have a *functional* or *operational need* to be sited or operated in a particular location,
- (2) ~~control~~ **manage** the clearance or modification of indigenous vegetation, while allowing for *mahika kai*⁷² activities,⁷³
- (3) promote the establishment of *esplanade reserves* and *esplanade strips*, particularly where they would support ecological corridors, buffering or connectivity between *significant natural areas*, or access to *mahika kai*,⁷⁴
- (4) require:
 - (a) resource consent applications to include information that demonstrates that the sequential steps in the *effects management hierarchy (in relation to indigenous biodiversity)*⁷⁵ in ECO-P6 have been followed, and
 - (b) that consents are not granted if the sequential steps in the *effects management hierarchy (in relation to indigenous biodiversity)*⁷⁶ in ECO-P6 have not been followed, and
- (5) provide for activities undertaken for the purpose of restoring or enhancing the habitats of indigenous fauna, ~~and~~⁷⁷
- (6) prohibit the planting of *wilding conifer* species listed in APP5 within areas identified as *significant natural areas* and buffer zones adjacent to *significant natural areas*, and⁷⁸
- (7) require buffer zones adjacent to *significant natural areas* where it is necessary to protect the *significant natural area*.⁷⁹

ECO-M6 – Engagement

Local authorities, when implementing the policies in this chapter, will:

⁷² 00226.0038 Kāi Tahu ki Otago

⁷³ 00226.231 Kāi Tahu ki Otago

⁷⁴ 00226.231 Kāi Tahu ki Otago, 00226.0038 Kāi Tahu ki Otago

⁷⁵ 00016.013 Alluvium and Stoney Creek, 0017.011 Danny Walker and Others, 00321.022 Te Waihanga, 00137.009 DOC

⁷⁶ 00016.013 Alluvium and Stoney Creek, 0017.011 Danny Walker and Others, 00321.022 Te Waihanga, 00137.009 DOC

⁷⁷ 00140.026 Waitaki DC

⁷⁸ 00226.231 Kāi Tahu ki Otago

⁷⁹ 00140.026 Waitaki DC

- (1) work collaboratively with other *local authorities* to adopt an integrated approach to managing Otago's *biodiversity* across administrative boundaries,
- (2) engage with individuals (including landowners and *land* occupiers), community groups, government agencies and other organisations with a role or an interest in *biodiversity* management, and
- (3) consult directly with landowners and *land* occupiers whose properties potentially contain or are part of *significant natural areas*.

ECO-M7 – Monitoring

Local authorities will:

- (1) establish long-term monitoring programmes for areas identified under ~~ECO-P1~~ECO-P2⁸⁰ that measure the net loss and gain of indigenous *biodiversity*,
- (2) record information (including data) over time⁸¹ about the state of species, vegetation types and ecosystems, including *mahika kai*⁸² species and ecosystems,⁸³
- (3) to the extent possible, use mātauraka Māori and tikaka Māori monitoring methods, as well as scientific monitoring methods, and
- (4) regularly report on matters in (1) and (2) and publish these reports.

ECO-M8 – Other incentives and mechanisms

Local authorities are encouraged to consider the use of other mechanisms or incentives to assist in achieving Policies ECO-P1 to ECO-P10, including:

- (1) providing information and guidance on the maintenance, restoration and enhancement of indigenous ecosystems ~~and~~,⁸⁴ habitats, taoka and *mahika kai*⁸⁵ species and ecosystems,⁸⁶
- (2) funding assistance for restoration projects (for example, through Otago Regional Council's ECO Fund),
- (3) supporting the control of pest plants and animals, including through the provision of advice and education and implementing regulatory programmes such as the Regional Pest Management Plan,
- (4) financial incentives,
- (5) covenants to protect areas of indigenous *biodiversity land*⁸⁷, including through the QEII National Trust,

⁸⁰ 00137.095 DOC, 00226.233 Kāi Tahu ki Otago

⁸¹ 00226.233 Kāi Tahu ki Otago

⁸² 00226.038 Kāi Tahu ki Otago

⁸³ 00226.233 Kāi Tahu ki Otago

⁸⁴ 00226.234 Kāi Tahu ki Otago

⁸⁵ 00226.038 Kāi Tahu ki Otago

⁸⁶ 00226.234 Kāi Tahu ki Otago

⁸⁷ 00230.117 Forest and Bird

- (6) advocating for a collaborative approach between central and local government to fund indigenous *biodiversity* maintenance and enhancement, and
- (7) gathering information on indigenous ecosystems, ~~and~~⁸⁸ habitats, and taoka and *mahika kai*⁸⁹ species and ecosystems,⁹⁰ including outside *significant natural areas*.

Explanation

ECO-E1 – Explanation

The first policy in this chapter outlines how the kaitiaki role of Kāi Tahu will be recognised in Otago. The policies which follow then set out a management regime for identifying *significant natural areas* and indigenous species and ecosystems that are taoka and protecting them by avoiding particular adverse *effects* on them. The policies recognise that these restrictions may be unduly restrictive for some activities within *significant natural areas*, including existing activities already established. To maintain ecosystems and indigenous *biodiversity*, the policies set out mandatory and sequential steps in an effects management hierarchy to be implemented through decision making, including providing for *biodiversity* offsetting and compensation if certain criteria are met.

Although the objectives of this chapter apply within the coastal environment, the specific management approach for *biodiversity* is contained in the CE – Coastal environment chapter. Given the *biodiversity* loss that has occurred in Otago historically, restoration or enhancement will play a part in achieving the objectives of this chapter and these activities are promoted.

Wilding conifers are a particular issue for *biodiversity* in Otago. Although *plantation forestry* is managed under the NESPF, the NESPF allows plan rules to be more stringent if they recognise and provide for the protection of *significant natural areas*. The policies adopt this direction by requiring *district plans*⁹¹ and *regional plans* to prevent ~~afforestation~~ planting of conifer species⁹² within *significant natural areas* and establish buffer zones where they are necessary to protect *significant natural areas*.

The policies recognise that managing ecosystems and indigenous *biodiversity* requires co-ordination across different areas and types of resources, as well as across organisations, communities and individual landowners. This articulates the stewardship role of all people and communities in Otago in respect of indigenous *biodiversity*.

Principal reasons

ECO-PR1 – Principal reasons

The health of New Zealand's *biodiversity* has declined significantly since the arrival of humans and remains under significant pressure. ~~Mahika kai~~ *Mahika kai*⁹³ and taoka species, including their

⁸⁸ 00226.234 Kāi Tahu ki Otago

⁸⁹ 00226.038 Kāi Tahu ki Otago

⁹⁰ 00226.234 Kāi Tahu ki Otago

⁹¹ Clause 16(2), Schedule 1, RMA

⁹² 00239.111 Federated Farmers

⁹³ 00226.0038 Kāi Tahu ki Otago

abundance, have been damaged or lost through resource use, *land* use change and development in Otago. The provisions in this chapter seek to address this loss and pressure through providing direction on how indigenous *biodiversity* is to be managed.

The provisions in this chapter assist in maintaining, protecting and restoring indigenous *biodiversity* by:

- stating the outcomes sought for ecosystems and indigenous *biodiversity* in Otago,
- requiring identification and protection of *significant natural areas* and indigenous species and ecosystems that are taoka, and
- directing how indigenous *biodiversity* is to be maintained.

This chapter will assist with achieving the outcomes sought by *Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020*. Implementation of the provisions in this chapter will occur primarily through *regional* and *district plan* provisions, however *local authorities* may also choose to adopt additional non-regulatory methods to support the achievement of the objectives.

Anticipated environmental results

ECO-AER1	There is no further decline in the quality, quantity or diversity of Otago’s indigenous <i>biodiversity</i> .
ECO-AER2	The quality, quantity and diversity of indigenous <i>biodiversity</i> within Otago improves over the life of this Regional Policy Statement.
ECO-AER3	Kāi Tahu are involved in the management of indigenous <i>biodiversity</i> and able to effectively exercise their <i>kaitiakitaka</i> .
ECO-AER4	Within <i>significant natural areas</i> , the area of <i>land</i> vegetated by <i>wilding conifers</i> is reduced.

Replace APP3 with the following:

APP3 – Principles of offsetting

APP3 sets out the principles for the consideration of the appropriateness of biodiversity or aquatic offsetting. In considering whether a proposed offset is appropriate the decision maker shall have regard to such matters as they consider necessary, but shall have regard in particular to whether, and the extent to which:

1. Adherence to effects management hierarchy: An 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 offsetting is not appropriate: Offsets are not appropriate in situations where, in terms of conservation outcomes, the values cannot be offset to achieve a net gain. While each application must be considered on its merits, examples of an offset not being appropriate because a net gain cannot be achieved might include where:
(a) residual adverse effects cannot be offset to achieve a net gain because of the irreplaceability or vulnerability of the value affected, and the risk that the proposed offset will not be successfully implemented;
(b) the likelihood of achieving net gain is highly uncertain, but potential effects are significantly adverse;
(c) there are no technically feasible options by which to secure gains within an acceptable timeframe.

3A. For aquatic offsets: No net loss and preferably a net gain: This is demonstrated by a like-for-like quantitative loss/gain calculation, and is achieved when the extent or values gained at the offset site (measured by type, amount and condition) are equivalent to or exceed those being lost at the impact site.

3B For terrestrial biodiversity offsets: Net gain: The biodiversity values to be lost through the activity to which the offset applies are counterbalanced and exceeded by the proposed offsetting activity, so that the result is a net gain when compared to that lost. This is demonstrated where the offset achieves a measurable net gain in indigenous biodiversity, (having regard to type, amount and condition) at the offset site using an explicit loss and gain calculation evaluation.

4. Additionality: An offset achieves gains in extent or values 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: Offset design and implementation avoids displacing harm to other locations (including harm to existing biodiversity at the offset site).

6. Long-term outcomes: An 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: An offset action 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 and hydrological connections, and ecosystem function.

8. Time lags: The delay between loss of extent or values at the impact site and the gain or maturity of extent or values at the offset site is minimised so that the calculated gains are achieved within the consent period or, as appropriate, a longer period (but for aquatic offsets not more than 35 years).

9. Science and mātauranga Māori: The design and implementation of an offset is a documented process informed by science where available, and mātauranga Māori at place.

10. Tangata whenua or stakeholder participation: Opportunity for the effective and early participation of tangata whenua or stakeholders is demonstrated when planning offsets, including their evaluation, selection, design, implementation, and monitoring.

11. Transparency: The design and implementation of an offset, and communication of its results to the public, is undertaken in a transparent and timely manner.

Replace APP4 with the following:

APP4: Principles of Compensation

APP4 sets out the principles for the consideration of the appropriateness of biodiversity or aquatic compensation. In considering whether the proposed compensation is appropriate the decision maker shall have regard to such matters as they consider necessary, but shall have regard in particular to whether, and the extent to which:

1. Adherence to effects management hierarchy: 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.

2A. When aquatic compensation is not appropriate: Compensation is not appropriate where, in terms of conservation outcomes, the extent or values are not able to be compensated for. Examples of compensation not being appropriate would include where:

(a) the affected part of the habitat, or its values, including species, are irreplaceable or vulnerable:

(b) effects on the extent or values are uncertain, unknown, or little understood, but potential effects are significantly adverse:

(c) there are no technically feasible options by which to secure gains within an acceptable timeframe.

2B: When terrestrial biodiversity compensation is not appropriate: While each application must be considered on its merits, examples of compensation not being appropriate might include where:

(a) the value affected is highly irreplaceable or vulnerable, and there is a high risk that the proposed compensation will not be successfully implemented:

(b) there are no technically feasible options by which to secure gains within an acceptable Timeframe.

3. Scale of compensation: The extent or values to be lost through the activity to which the compensation applies are addressed by positive effects that outweigh the adverse effects.

4. Additionality: Compensation achieves gains in extent or values 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: Compensation design and implementation avoids displacing harm to other locations (including harm to existing biodiversity at the compensation site).

6. Long-term outcomes: 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: A compensation action 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 and hydrological connections, and ecosystem function.

8. Time lags: The delay between loss of extent or values at the impact site and the gain or maturity of extent or values at the compensation site is minimised so that the calculated gains are achieved within the consent period or, as appropriate, a longer period (but for aquatic compensation not more than 35 years).

9. Trading up: When trading up forms part of compensation, the proposal demonstrates that the extent or values gained are demonstrably of greater or higher value 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 contribution: A financial contribution is only considered if it directly funds an intended gain or benefit that complies with the rest of these principles.

11. Science and mātauranga Māori: The design and implementation of compensation is a documented process informed by science where available, and mātauranga Māori at place.

12. Tangata whenua or stakeholder participation: Opportunity for the effective and early participation of tangata whenua or stakeholders is demonstrated when planning compensation, including its evaluation, selection, design, implementation, and monitoring.

13. Transparency: The design and implementation of compensation, and communication of its results to the public, is undertaken in a transparent and timely manner.