

**Practice Note  
For Significant Indigenous Flora and Fauna**

**1. PURPOSE**

To provide guidance on when to apply conditions on resource consents restricting dogs and cats for the purposes of protecting Northland brown kiwi and other indigenous fauna.

To provide guidance on when to apply conditions on resource consents for the purpose of protecting Northland indigenous Flora and Fauna. This includes but is not limited to Northland Brown Kiwi, Teal, Mudfish, Bartlett's tree rata etc. These restrictions are supported by provisions in the Far North District Plan; the Operative Regional Policy Statement for Northland, and Part 2 (sections 5 and 6) of the Resource Management Act.

**2. OPERATIVE DISTRICT PLAN**

The Operative Far North District Plan contains the following policies relating to significant indigenous vegetation:

12.2.4.2 That the significance of areas of indigenous vegetation be evaluated by reference to the criteria listed in Appendix III of the Northland Regional Policy Statement (refer also to definition of "significant" in **12.2.5.6**).

12.2.4.3 That adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided, remedied or mitigated by:

12.2.4.6 That support is given to programmes for weed and pest control, including support for community pest control areas established by the Northland Regional Council under the Regional Pest Management Strategies, in areas of significant indigenous vegetation and significant habitats of indigenous fauna and surrounding lands.

12.2.4.12 That habitat restoration be promoted.

12.2.4.13 That the maintenance of riparian vegetation and habitats be recognised and provided for and their restoration encouraged, for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, preservation of natural character and the maintenance of general ecosystem health and indigenous biodiversity.

The Operative Far North District Plan contains the following policies relating to kiwi protection:

12.2.4.10 In order to protect areas of significant indigenous fauna:

- a) that dogs (excluding working dogs), cats, possums, rats, mustelids and other pest species are not introduced into areas with populations of kiwi, dotterel and brown teal;

- b) in areas where dogs, cats, possums, rats, mustelids and other pest species are having adverse effects on indigenous fauna their removal is promoted.

12.2.4.11 That when considering resource consent applications in areas identified as known high density kiwi habitat, the Council may impose conditions, in order to protect kiwi and their habitat.

**Chapter 12.2 has further Objectives and Policies you can consider in your assessment.**

### **3. LINKS**

Link to Local Maps: <https://khowebmapserv4.fndc.local/LocalMapsGallery/>

Under Recreation and Reserves there are maps for:

- Kiwi Present and High density kiwi layers
- Mudfish Areas
- Protected Natural Areas
- Soon to come Significant Natural Areas
- Land care group maps (coming soon)
- Pest Controlled Areas (coming soon)

### **4. SCOPE**

This Practice Note applies whenever a resource consent application is received that is the subdivision of land wholly or partially:

- i. Which has habitats that can be identified as significant using method 12.2.5.6, which will direct you to Appendix 5 of the Regional Policy.
- ii. Identifiable areas that may be significant and can be assisted to allow natural reversion to occur.
- iii. Within an area of high density kiwi concentration, or an area where kiwi are present.

### **5. BEST PRACTICE**

- i. It is considered that the best practice approach when including such conditions is to liaise with the applicant/agent to seek inclusion as a mitigation measure.
- ii. All applications where the subdivision fits the criteria above should be sent to the Department of Conservation for comment.
- iii. Consistency is essential. Therefore it is critically important to impose the no dog/cat condition in a consistent manner across the district.
- iv. When assessing an application, take note of any offered ban or restriction.
- v. Note: some land use applications may also require consideration under this Guidance Note, particularly when recommended by an ecological expert. OR if you think there is a more than minor adverse effect to Kiwi Populations due to the activity i.e: a traveller's accommodation in a high density area.

- vi. It is encouraged that all applications where the subdivision fits the criteria above, the application should be sent to the Department of Conservation for comment before lodgment.

## **6. PROCESS**

### **Determination of areas that are significant habitats:**

- i. If the area in question is a wetland the RPS promotes restoration and protection of the area.
- ii. Consider streams and tributaries that create the wetlands and rivers for protection as well.
- iii. Will protection of an area of significance reduce fragmentation, isolation of population or loss in an ecological district.

### **Determination of Kiwi Conditions:**

- i. Determine if the subdivision is in, partially in, or near high density kiwi and/or kiwi present areas.
  - ii. If a subdivision is within a high density kiwi area, the no dog/cat condition should be applied unless there are compelling reasons not to.
  - iii. If a subdivision is within an area of kiwi present, but near to high density (within a 1km buffer approximately) and fall under the following criteria consider a no cats/dogs condition or consider restrictions regarding numbers and means of controlling and monitoring dogs and cats.
    - Close proximity to a Protected Natural Area (check that the PNA is significant for Kiwi), QEII covenanted areas
    - Are there Land care groups active in the area?
    - Is the Pest Control being carried out in the area?
    - Kiwi Call Stations, how many calls were recorded at the station, of where they not recorded? The current Annual Call Count Report for 2017 is available online, the 2018 report has not yet been released.
    - Is there a clear link between two PNA's that could be protected (including riparian edges)
    - Linkages of corridors between high density kiwi areas
- (i) If a subdivision is within an area of kiwi present but the circumstances listed in (iii) above do not exist within the Kiwi present areas ( outside the 1km buffer) consideration may be given to conditions offered by the applicant or an advice note is appropriate.

## **7. STANDARD CONDITION EXAMPLES**

Please note these are example conditions and may not be relevant to your site, wording can also be amended to fit your application.

#### Kiwi high density Consent Notice

1. The site [reference] is identified as being within a kiwi high density zone. On all lots no occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids) which have the potential to be kiwi predators. [identify the lots].
2. No occupier of the land shall keep or introduce on to the site carnivorous or omnivorous exotic animals (such as mustelids, cats or dogs).

#### Kiwi present Advice Note:

1. The site [reference] is identified as being within a kiwi present zone. Any cats and/or dogs kept onsite must be kept inside and/or tied up at night to reduce the risk of predation of North Island brown kiwi by domestic cats and dogs.

#### Kiwi high density with working dog provision

1. No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids).  
A maximum of [two or more]\* working farm dogs as defined in the Dog Control Act 1996 from this condition if they are:
  - a) micro-chipped,
  - b) within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,
  - c) kept in a kennel or tied up at night.
  - d) For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification

Prior to the keeping of introduction of any working dog to the site the occupier must provide the following to the Councils Resource Consent Monitoring Officer:-

- a) A photograph of the dog;
- b) Written confirmation that the dog(s) have been micro-chipped;
- c) A plan showing the extent of the dog proof fenced area;

\* Planners discretion on whether the number of working dogs is required or not. E.g.: if the site is 4ha then it may need a 2 working dog restriction, whereas if it's a 30ha farm used for stock purposes then no restriction should apply to the number of working dogs.

#### Grandfather clause for existing dogs

Within 2 months of consent being issued provide the Resource Consent Monitoring Officer with evidence for Council's records of the existing dogs on site, this shall include:

- i. A photograph of the existing dog/s
- ii. Written confirmation that the dog(s) have been micro-chipped

#### One Cat/Dog provision, as a Condition at 224(c) and Consent Notice:

1. Condition at 224(c):

Provide the Far North District Council's Resource Consent Monitoring Officer or duly delegated officer evidence of the existing dogs for Council's records, e.g. a photograph and proof of microchip, and other requirements (see condition ...).

2. Consent Notice:

No more than one dog and one cat shall be introduced or kept on the lot at any time. Any dog must be micro-chipped and have a current kiwi aversion trained certification. Any dog must be within a dog-proof fenced area on the lot and be under effective control at all times when outside of the fenced area, e.g. on a lead. At night any dog must be kept inside or be tied up. Any cat is to be neutered, microchipped and kept inside at night.

Prior to the introduction or keeping of any dog or cat on either lot, the occupier must provide to the Resource Consents Monitoring Officer of Far North District Council the following:

- i. A photograph of the cat or dog;
- ii. Written confirmation that the cat or dog has been microchipped
- iii. For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification (planners discretion on this clause for pets)
- iv. For any dog a plan showing the extent to the dog proof fenced area.
- v. For any cat written confirmation that the cat has been neutered.

Note: This Consent Notice does not relate to the existing dogs on site currently, and will be put into effect once the existing dogs are no longer living and/or not kept on the lots (see condition).

Cat/Dog restriction during construction:

1. The Consent holder and Contractors shall not keep or introduce on to the site carnivorous or omnivorous exotic animals (such as mustelids, cats or dogs), during the construction of the dwelling.

Ecological Restoration

1. The property [reference] has been identified as [provide reason for protection, i.e: Part of PNA]. The owner shall preserve the indigenous trees and bush [now on the allotment] [as indicated on the survey plan, as area(s) [X and X] and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.
2. There shall be no intrusion of grazing stock (including horses, cows, sheep, goats, and pigs) into any areas of indigenous vegetation on the site [identify the area considered indigenous].
3. Exotic vegetation which could adversely affect natural regeneration or local forest health is not to be introduced on the site. This includes the introduction of invasive plant species, including those currently listed on the nationally-banned-for-sale list (see Northland Regional Pest Management Strategy). Planting of other exotic species should be confined to the immediate vicinity of dwellings. And species with berry-type fruits are to be grown within netting to prevent seed spread by birds. Dead wood may be removed by the owners for their own use on the site.

4. Any work to be undertaken on any part of the trees contained within the protected area is to be carried out by a qualified arborist, with Council to be advised in writing of the proposed work prior to commencement, and notification on completion of the work.

#### Vegetation Clearance Advice Note:

For vegetation clearance in Kiwi zone:

It is recommended that a certified dog handler runs their dog over the areas intended for vegetation clearance on ... and ... to insure that no birds are distributed during clearance at their own cost. The kiwi for kiwi website has a directory of certified dog trainers/handlers that have dogs trained for this purpose.

[www.kiwisforkiwi.org.nz](http://www.kiwisforkiwi.org.nz)

#### Pest Management Conditions:

1. Submit to the Resource Consents Manager or other duly delegated officer, an animal pest and weed eradication programme detailing the methodology for animal pest and weed eradication. The plan shall be prepared by a suitably qualified and experienced person; addressing the matters set out in [\[insert report name, title and date, and section, if appropriate\]](#) and submitted with the application.
2. Any predator / pest control work carried out is to be done in a manner which will not endanger kiwi and pest management is to include the management of cats
3. Provide for the approval of the resource consents manager or other duly delegated officer, a pest and weed eradication management plan for the proposed lots. The management plan shall include:
  - Pest and weed eradication measures including ongoing maintenance
  - Appropriate signage
  - Details of the mechanism / arrangement to oversee the ongoing implementation of the plan in a coordinated manner.
  - Reporting mechanisms including progress weed and pest eradication
  - Any other relevant matter for the purposes of managing the allotments.
4. Provide to the satisfaction of Councils resource consent manager or other duly delegated officer, a weed and pest management strategy prepared by a suitably qualified person. The management strategy shall apply to all of the land included in the application.  
Compliance with the weed and pest management strategy shall be a requirement of the management plan.
5. Consent Notice: The pest and weed eradication management plan to protect the native vegetation and kiwi habitat shall be observed and continued by the landowners and the plan shall not cease or be amended without the express permission of Council.
6. The owner shall preserve the indigenous trees and bush [now on the allotment] [as indicated on the survey plan, as area(s) X and X] and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of

such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.

#### Wetland Conditions:

1. The owner of the allotment is to submit, for the approval of Councils Resource Consents Manager or other duly delegated officer, a riparian management plan, prepared by a person with approved expertise. This plan shall address the existing state of the riparian and stream environments; identify areas where environmental enhancement may be achieved and propose management means and methods to accomplish such enhancement.
2. Management of activities on Lots [indicate which lot(s) the wetland is on], with respect to the natural wetland areas [indicated by drawing as per Condition ( ) ( ) above, if need be at 223] is to be undertaken so that the natural range of water levels and the natural ecosystem of plants and animals they support do not change as a result of such activities, except by way of a consent from the Council.
3. Advice Note: This consent requires the ongoing protection of an area of wetland. Regeneration of wetlands is an important environmental goal and funding is available from Northland Regional Council for fencing and replanting via the Northland Regional Council Environmental Enhancement Fund.

#### Stock Fencing Condition:

1. Provide evidence to the satisfaction of Council's duly delegated officer that there is a continuous stock proof fence along ... on as shown on the Survey Plan (See condition..).
2. Consent Notice: There shall be no intrusion of grazing stock (including horses, cows, sheep, goats, and pigs) into any areas of indigenous vegetation on the site.

### **8. DEFINITION**

Working dogs – (definition from the Dog Control Act 1996)

(a) any disability assist dog:

(b) any dog—

- (i) kept by the Police or any constable, the New Zealand Customs Service, the Ministry of Agriculture and Forestry, the Ministry of Fisheries, or the Ministry of Defence, or any officer or employee of any such department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the department of State or that constable, officer, or employee; or
- (ii) kept solely or principally for the purposes of herding or driving stock; or
- (iii) kept by the Department of Conservation or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or
- (iv) kept solely or principally for the purposes of destroying pests or pest agents under any pest management plan under the Biosecurity Act 1993; or
  - a) kept by the Department of Corrections or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or



- b) kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that service solely or principally for the purposes of carrying out the functions, duties, and powers of that service; or
- c) certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or
- (v) owned by a property guard as defined in section 9 of the Private Security Personnel and Private Investigators Act 2010 or a property guard employee as defined in section 17 of that Act, and kept solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that Act; or
- (vi) declared by resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

## 9. BIODIVERSITY OFFSETS

### Definition (defined by the Biodiversity Offset Programme):

'Measurable conservation outcomes resulting from actions designed to compensate for significant residual adverse biodiversity impacts arising from project development after appropriate prevention and mitigation measures have been taken. The goal of biodiversity offsets is to achieve no net loss and preferably a net gain of biodiversity on the ground'

### Guidance Note on Biodiversity Offsetting:

<https://www.doc.govt.nz/globalassets/documents/our-work/biodiversity-offsets/the-guidance.pdf>

RMA Amendments 2017 require Council to have regard to measures proposed or agreed by applicants or requiring authorities, to ensure positive effect on the environment that offset or compensate for any adverse effects on the environment.

Measures proposed to ensure positive environmental effects that offset or compensate for adverse effects could include matters such as new public access ways, revegetation of land or predator control programmes.

If a person proposes some type of measure to offset or compensate for adverse environmental effects, it will usually be one of the various (and sometime competing) matters that decision-makers must have regard to. The level of consideration that should be given to a particular measure will vary, depending on factors such as the quality of the measure that has been volunteered, its connection to the adverse effects being incurred by the proposed activity or the relevant policy framework.

A number of approaches already exist for quantifying or addressing adverse effects on biodiversity. For example: carrying out assessments of environmental effects, avoiding and minimising adverse effects, implementing management measures (such as pest or weed control programmes, restoration of degraded areas and fencing-off stock from remnant habitats) and monitoring the success of management outcomes



