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Natural Environment

5. Natural Environment

Explanatory Statement

The primary objective of the Natural Environment Section is to promote the sustainable management of the remaining natural environmental resources of the *District* (plants, animals, habitats and ecosystems).

The *Council* has a responsibility under the *RMA* to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance s6(c). *Council* also has a wider responsibility to maintain and enhance ecological values within the *District* using a mix of regulatory and non regulatory methods.

The Natural Environment Section relates to the areas marked on the *District* Planning Maps and listed in Appendix 1 as Significant Ecological Features but can be used as a guide for assessing other ecological sites through the resource consent process. Any activity assessed under the Natural Environment Section also needs to be assessed under the relevant rules that apply to the underlying zone.

The majority of the features that have been identified are from the original District Plan and were subject to an Environment Court decision. The sites were assessed in terms of both fauna (animal life) and flora (plant life).

The Significant Ecological Features have been classified into four major habitat types being native forest, *wetlands*, stream/river margins (riparian), and the coast. However, there are exceptions to this general classification where a significant native habitat worthy of protection falls within other areas.

The emphasis on habitats and ecosystems rather than protection of individual species arises out of the land use related responsibilities of *Council*. While *Council* has to focus on the land based component; the protection of habitats and ecosystems indirectly achieves the objective of species protection.

An assessment of the actual and potential effects on the Significant Ecological Feature is required for any activity or *development* carried out within or adjacent to a Significant Ecological Feature.

Existing use rights apply. These include farm management and the management of other land currently used for *production forestry*, woodlots, and quarries.

Council aims to work with both landowners and other agencies including the *Regional Council* and the Department of Conservation to protect and enhance ecological areas within the *District*.

Council utilises a number of methods outside of the District Plan to achieve this. The *Regional Council* environmental management plans are one of these methods, whereby funding is available for environmental protection and restoration projects in the *District*. This enables work to be carried out to restore areas of ecological significance resulting in benefits for the wider community.

The District Plan also provides additional subdivision opportunities where Significant Ecological Features are legally protected and managed in perpetuity.

Other formal protection instruments may also be involved with the protection of the natural environment. These include the Regional Council Environmental Programmes, Tasman Accords, QEII and other covenants. Activities associated with these protective measures are allowed as of right.

The matter of the natural character of the coastal environment, *wetlands*, rivers and lakes and their margins is a combination of variables that are separately addressed in the District Plan. In particular, issues relating to natural character are addressed in this Section (Natural Environment), Section 6 (Landscape), Section 8 (Natural Hazards) and Section 12A (Esplanades) and should be referenced accordingly.

As well as those Ecological Significant Features listed in the District Plan, there are other ecological features in the *District* that are not listed because they have been given a lower ecological ranking. This lower ranking however, does not mean that such features are not environmentally important nor worthy of protection by other than regulatory methods.

Significant Ecological Features may be located on multiple owned *Maori land*. In these instances *Council* recognises the contribution of iwi management plans.

5.1 Significant Issues

1. Significant remaining indigenous native forest, *wetlands*, riparian, and coastal habitats are under threat from human-induced activities including animal and plant pests.
2. There are areas outside those listed as significant in the District Plan that may also be important in terms of ecological value and may be a habitat for native species. These areas are also under threat from a range of activities.
3. The natural environment provides us with a range of ecosystem services on which we are dependent. These include the provision of freshwater, air, fertile soils, riparian protection and flood control. These processes and values can be taken for granted and should be considered when assessing the value of such natural resources.

4. The extent of indigenous habitats is diminishing and there is inadequate protection of the remaining areas. Lowland and coastal habitats tend to be under the greatest threat.
5. Inappropriate land management practices often occur on or adjacent to important habitats. Examples include pollution from stormwater runoff, rubbish disposal and inappropriate stock grazing.
6. Tourist and recreational activities can impact on the resource. In particular over-use can cause degradation of the quality of the environmental resource itself.
7. Frequently there is a lack of knowledge of the resource (ecological values, threats and interactions), resulting in inappropriate management practices.
8. Ecological protection is managed by a number of agencies including Department of Conservation and the *Regional Council*. This can cause confusion in the local community as to which agency is the relevant one to approach dependent on the type of ecological protection or information they are seeking.
9. Native forest habitat: bush clearance may be undertaken for milling, firewood, mining, house sites, access roads and agricultural activities resulting in loss of the resource.
10. Riparian habitat: inappropriate management of *riparian areas* including vegetation clearance and stock management, resulting in the loss of ecological values, bank erosion and pollution of water with sediment and nutrients.
11. *Wetland* habitat: loss of *wetlands* and damage caused by drainage and infilling. *Wetlands* are stated in the *RMA* as a matter of national importance, yet they have a low public profile and there is a lack of knowledge within the community about their value, sensitivity and rarity.
12. Coastal habitat: estuarine areas, dunes and pohutukawa are sensitive, as are shorebird and estuarine bird roost and nesting sites, particularly to development pressures and the impact of projected sea level rises.
13. Equity: the distribution of the costs and benefits of ecological protection and management between individual landowners and the community can be inequitable.

5.2 Objectives and Policies

5.2.1 Objectives

1. Protection of all significant native plant and animal habitats within the Western Bay of Plenty District.
2. Support and encourage the protection and enhancement of ecosystems of importance for both the natural processes they offer and any ecological benefits in terms of connectivity, buffering or the provision of habitat for threatened species.
3. Preservation of the natural character of the *District's* coastal environment (including the coastal marine area), rivers, lakes, and their margins.
4. Preservation of *wetland* and *riparian areas* and where practicable the enhancement or restoration of the values and function of degraded *wetland* and *riparian areas*.
5. Greater public awareness, support and involvement in the protection and restoration of areas of ecological significance, particularly those in lowland and coastal areas.

5.2.2 Policies

1. Ecological sites that have been scientifically identified as significant should be protected.
2. Support and encourage the protection and enhancement of ecological corridors, networks and connections between significant native habitats and ecosystems.
3. Protective measures should account for the dynamics of water related effects on *wetlands*.
4. Importance should be placed on the off site contributions of *riparian areas* to the health of adjoining habitats (*wetlands*, rivers, the sea, estuaries and other associated land/water interfaces).
5. Likely changes in sea level should be provided for in ways that allow for the natural inland migration of the coast and associated identified native habitats and ecosystems.
6. Protection measures should take into account natural seasonal fluctuations in habitat character and sensitivity.

7. An approach which is precautionary but responsive to increased knowledge should be adopted where the management of the environment is hindered by lack of understanding about processes and the effects of activities.
8. Activities should not adversely affect any identified significant native plant and animal habitats and ecosystems.
9. The adverse effects of inappropriate subdivision, use and *development* on the natural character of the coastal environment, *wetlands*, rivers, lakes, and their margins should be avoided. Where avoidance is not practicable, such effects should be appropriately remedied or mitigated.
10. The farming of species which may threaten natural ecosystems should be controlled through appropriate fencing standards.
11. To protect and maintain *wetlands* and *riparian areas* and enhance and restore *wetlands* and *riparian areas* in appropriate locations.
12. Activities should not result in the release of animal or plant pests that are likely to cause harm to native vegetation, habitats and native fauna.
13. Any new activities should be managed in a way that avoids damage to undergrowth and the removal of forest floor material which would result in the native ecosystem being adversely affected in identified significant areas.
14. Encourage the ongoing protection and management of ecological areas using the protection lot rule.

5.3 Applicability

These rules apply to features of ecological significance. Refer to the Planning Maps for location and Appendix 1 for further details.

5.4 Activity Lists

5.4.1 Permitted Activities

- (a) Activities in areas subject to and in accordance with specific covenants or other legal agreements entered into with the District Council, *Regional Council*, Department of Conservation, or QEII Trust.

- (b) Clearance of exotic species subject to no native trees greater than 6m in height being felled for access.
- (c) Planting and management of indigenous vegetation, restoration, perimeter fencing, and any plant or animal pest control measures.
- (d) Activities on reserves as provided for in the Reserves Act 1977 and the Conservation Act 1987.
- (e) Trimming or pruning of any native tree, bush or plant if it becomes a hazard or infringes onto an area used for primary production so long as it will not result in the death, destruction or irreparable damage of the tree, bush or plant.
- (f) Maintenance of existing tracks, walkways and fences.
- (g) All activities that would otherwise be permitted by the District Plan shall be permitted where evidence is provided to the satisfaction of *Council* that demonstrates that an area (or part of an area) identified on the District Planning Maps as an ecological feature does not contain any ecological values and has not contained the ecological values since 1994.

5.4.2 Restricted Discretionary Activities (excluding Matakana Island)

- (a) Native vegetation removal, destruction or clearance (including logging and burning).
- (b) *Earthworks.*
- (c) Infilling (including dumping), drainage or piping of *wetlands*.
- (d) Planting of exotic species.
- (e) Visitor and outdoor recreational facilities and activities.
- (f) *Educational facilities.*
- (g) *Accommodation facilities* associated with (e) or (f) above.
- (h) *Dwellings* and *accessory buildings* including *minor dwellings* and *accessory dwellings*.
- (i) *Home enterprises.*
- (j) Subdivision.
- (k) Minerals exploration, mining and *quarrying*.
- (l) Works and *network utilities* as provided for in Section 10.

5.4.3 Discretionary Activities

- (a) Visitor and outdoor recreational facilities and activities on Matakana Island that meet the performance standards in 18.4.1(g).
- (b) *Accommodation facilities* and *educational facilities* associated with (a) above on Matakana Island that meet the performance standards in 18.4.1(f).
- (c) On Matakana Island the clearance and replanting of *production forestry* in existence as at 17 April 2014 for the purpose of maintaining the form and function of the existing forest and buffer area, that is certified by a suitably qualified ecologist as meeting the following:
 - (i) Preservation of the ecological functions and values of the activity site;
 - (ii) A plan for replanting following clearance so as to preserve the buffer function of the area;
 - (iii) Where (i) cannot be met, the works are carried out subject to a management plan that is the best practicable option for preserving the ecological functions and values and minimising adverse effects on those values.

5.4.4 Non-Complying Activities

- (a) Subdivision (only where additional *lots* are created within Significant Ecological Features and not within the balance area) and *development* on Matakana Island.

5.4.5 Prohibited Activities

- (a) *Places of assembly* not covered in 5.4.2.
- (b) *Accommodation facilities* not covered in 5.4.2.
- (c) *Production forestry* not covered in 5.4.2 and 5.4.3(c).
- (d) *Rural contractors depots*.
- (e) *Kennels, catteries*.
- (f) *Intensive farming activities*.
- (g) *Rural selling places*.
- (h) *Animal saleyards*.

- (i) Coolstores/packhouses.
- (j) Dumping of rubbish or garden waste.
- (k) Planting or introduction of pest plant and animal species.

5.5 Information Requirements

Any application must be accompanied by an Assessment of Environmental Effects (AEE). The degree of detail of the AEE should reflect the nature and effect of the proposal on the Identified Significant Ecological Feature. The AEE of proposed activities must take account of the values of the feature and its vulnerability. The AEE shall contain the following information:

- (a) A plan of the property subject of the application indicating the location and dimensions of areas to be affected by the proposed works (must include the extent of any excavation, fill, water flow, water table and vegetation clearance impacts where relevant).
- (b) The location of existing and proposed *buildings/structures* and activities in relation to the ecological feature and how the development proposal will serve to protect and enhance the feature.
- (c) An assessment of the impact of the proposal on natural habitats and ecological values of the locality and how they will be avoided, remedied or mitigated and managed for protection (including *wetland* and riparian impacts). Depending on the effects of the proposal, assessment may be required from a suitably qualified person.
- (d) Details of an appropriate rehabilitation programme or other mitigation measures for the area to be subject to the proposed activities. Again this may need to be from a suitably qualified person depending on the nature of the effect and mitigation required.

Explanatory Note (not a rule)

There is a requirement under Part III of the Forests Act 1949 to consult with the Indigenous Forest Unit of the Ministry for Primary Industries before felling any indigenous forest on private land.

- (e) The location and extent of any archaeological, cultural and historic sites within any *allotment* subject to the application and how they will be affected by the proposal.
- (f) The likely impact of the proposal on natural landforms in terms of potential for subsidence or erosion (including stream banks).

- (g) The time period over which the work will take place.
- (h) The likely impact of noise generated from *construction* activity, the facilities and/or activities on natural habitats and ecosystems (including noise generated from modes of transport and/or recreation equipment, and including levels, times, and durations).

5.6 Matters of Discretion

5.6.1 Assessment criteria for Restricted Discretionary Activities

In considering an application for a Restricted Discretionary Activity *Council* is restricted to the following assessment criteria. These criteria can be used as a guide for Discretionary and Non Complying Activities.

- (a) The scale and intensity of the activity shall be tailored to ensure the sustainability of natural habitats and ecosystems associated with the site.
- (b) All existing native vegetation shall be retained except where removal is unavoidable for the following reasons:
 - (i) to create a building platform;
 - (ii) for access and parking;
 - (iii) for the purposes of the proposed activity.

In this case mitigation should be provided to compensate for the loss of this vegetation where deemed appropriate.

- (c) Any native vegetation removal must not adversely affect the functioning and sustainability of natural habitats and ecosystems.
- (d) All *earthworks* necessary for building platforms, access or the activity shall be such that they create minimal disturbance to natural habitats and ecosystems.
- (e) Any effects on the Significant Ecological Feature as a result of the location of house sites and the associated threat from any animal predators, or any garden plants entering the feature.
- (f) The noise, light or glare impact generated from *construction* activity, the facility or the activity, must not adversely affect the sustainability of natural habitats and ecosystems.
- (g) *Development* proposals shall ensure that any run-off or stormwater resulting from the establishment of the activity does not lead to

siltation, sedimentation or a reduction of water quality in natural watercourses, *wetlands* and groundwater that leads to adverse effects on identified natural habitats and ecosystems.

- (h) For works and *network utilities* the proposal must demonstrate the necessity to locate within or adjacent to the Significant Ecological Feature concerned.
- (i) The nature, duration, form and extent of the proposed *development*, activity, alteration or change and its effects on the Significant Ecological Feature.
- (j) The degree of modification or damage that will be caused to the Significant Ecological Feature.
- (k) Whether there is reasonable alternative location on the site for the proposed *development* or activity that will result in a nil or lesser impact on the proposed natural area.
- (l) The objectives and policies in the District Plan relating to the protection of Significant Ecological Feature.
- (m) The potential effects of the proposed *development* on the ecological relationships between features (e.g. connectivity and buffering).
- (n) Consideration of relevant iwi management plans.
- (o) Ways in which an effect can be avoided, remedied or mitigated.

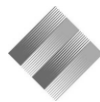
5.6.2 Discretionary and Non-Complying Activities – Matters of Discretion and Assessment Criteria

In considering an application for a Discretionary Activity or a Non-Complying Activity, *Council* shall consider:

- (a) Relevant objectives and policies of the District Plan.
- (b) The matters listed in 5.6.1 and 18.5.8.

5.7 Other Methods

- 5.7.1 The Bay of Plenty Regional Water and Land Plan. This Plan, administered by the *Regional Council* seeks to promote the sustainable and integrated management of land and water resources. It includes a number of regulatory and non-regulatory methods to manage the impacts of activities on natural habitats/ecosystems. These activities include, but are not limited to, *earthworks*, forest harvesting, vegetation clearance by burning, wetland modification as well as the disturbance of land and soil resulting from vegetation clearance.



- 5.7.2 Financial incentives to landowners for environmental protection shall be by way of grants for fencing. The District *Council* in applying these grants will work in consultation with the *Regional Council* and the application of their environmental management plans.
- 5.7.3 Advisory function performed by the Department of Conservation and the *Regional Council* on management aspects of areas with ecological and/or soil and water conservation values.
- 5.7.4 Inclusion of all the *District's* identified ecological areas on *Council's* Geographical Information system (GIS) mapping system. This information forms part of the Land Information Memorandum and draws the landowner's attention to the ecological values contained within the identified sites.
- 5.7.5 Queen Elizabeth II and other grants, for example the Natural Heritage Fund and Nga Whenua Rahui, for fencing in exchange for covenanting features.
- 5.7.6 Application fees shall be waived for resource consents for activities within Significant Ecological Features that would otherwise be a Permitted Activity.