



# **TAURANGA CITY COUNCIL**

## **CITY PLAN SECTION 32 REPORT**

### **Chapter 5 – Natural Environment**



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## **1. INTRODUCTION**

The Council is required under section 32 of the Resource Management Act 1991 (the RMA) to carry out an evaluation of alternatives, costs and benefits, and efficiency and effectiveness of the various components of the proposed City Plan.

Section 32 of the Act requires that the evaluation must examine:

- (a) the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
- (b) whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives.

An evaluation must also take into account:

- (a) the benefits and costs of policies, rules, or other methods; and
- (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

This report fulfils the obligations of the Council under s32 of the RMA. The following is a section 32 analysis in regard to Chapter 5 – Natural Environment. It should be read together with the text of the proposed City Plan itself.

## **2. PURPOSE OF THE CHAPTER**

The purpose of Chapter 5 – Natural Environment is to establish Objectives, Policies and Rules with regard to the protection of the City's indigenous flora and fauna. The requirement to protect these areas derives from Section 6 of the Resource Management Act 1991 (RMA). Areas of indigenous flora and fauna have become so depleted in Tauranga that the most significant remaining examples that make up the biodiversity of the City require protection.

The extent and variety of these natural areas needs to be conserved and their qualities maintained and, where appropriate improved. To do this Council, over a number of years, has undertaken monitoring of the City's indigenous biodiversity through its State of the Environment Reporting. The results of this work outline the significant areas of the City that are the best quality or only remaining representative examples of indigenous vegetation or indigenous flora on particular landform units within Tauranga City.

## **3. RECORD OF DEVELOPMENT OF PROVISIONS**

### **3.1 Background Research**

Through the development of the Operative District Plan and the review of that Plan, a number of studies were undertaken to:

- Identify the City's Indigenous Biodiversity;
- Review the Effectiveness of the Tauranga District Plan.

### **General – Wildlands Assessment Work**

In 2000, the Council commissioned Wildland Consultants Limited to develop a suite of environmental performance indicators and methods for measuring the City's biodiversity. The purpose of this work was to deliver on the requirements of the RMA, specifically Section 35 which requires territorial authorities to monitor and report on environmental performance. As part of this work baseline maps of landforms and vegetation and habitats was developed. In 2008, and as part of the Review of the District Plan, Wildland Consultants were engaged to undertake a review, and reevaluate the state of the natural environment of the City.

The following reports provide the background information to support Chapter 5 – Natural Environment:

- Wildland Consultants (1994) Significant Indigenous Vegetation of the Bay of Plenty Coastal Zone, Report prepared for the Bay of plenty Regional Council;
- Wildland Consultants Ltd (2000) Biodiversity Monitoring for Tauranga District 2000 - Category 1 Significant Ecological Sites: Ecological Condition & Photopoint Monitoring, Report prepared for the Tauranga District Council, Contract Report 315.
- Wildland Consultants Ltd (2000) Indigenous Biodiversity of Tauranga District – Selection of Indicators for State of the Environment Monitoring and Reporting, Report prepared for the Tauranga District Council, Contract Report 287.
- Wildland Consultants Ltd (2000) Indigenous Biodiversity of Tauranga District – State of then Environment Reporting, Report prepared for the Tauranga District Council, Contract Report 309.
- Wildland Consultants Ltd (2000) Indigenous Biodiversity of Tauranga District – Monitoring Manual, Report prepared for the Tauranga District Council, Contract Report 329.
- Wildland Consultants Ltd (2000) Ecological Assessment of Papamoa East, Tauranga District, Report prepared for the Tauranga District Council, Contract Report 358.
- Wildland Consultants Ltd (2002) Biodiversity Monitoring for Tauranga District 2002 - Category 1 Significant Ecological Sites: Ecological Condition Assessment & Photopoint Monitoring, Report prepared for the Tauranga District Council, Contract Report 483.
- Wildland Consultants Ltd (2005) Indigenous Biodiversity of Tauranga City – State of the Environment Reporting, Report prepared for the Tauranga City Council, Contract Report 1256.
- Wildland Consultants Ltd (2008) District Plan provisions Relating to Indigenous Biodiversity in Tauranga City (Part 1: A Review of District Plan Effectiveness), Report prepared for the Tauranga City Council, Contract Report 2027.
- Wildland Consultants Ltd (2008) Indigenous Biodiversity of Tauranga City – State of the Environment Reporting – Updated 2009), Report prepared for the Tauranga City Council, Contract Report 2053.

Further studies undertaken by Wildland Consultants Ltd for Environment Bay of Plenty are also relevant, as listed below:

- Wildland Consultants Ltd (2008) Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna in the Coastal Environment of the Bay of Plenty Region – addendu, to 2006 Report, Contract Report 1742.
- Wildland Consultants Ltd (2008) Natural Areas in Tauranga Ecological District, Report prepared for Environment Bay of Plenty, Contract Report 1914.

Each Report outlines the purpose and key findings, and as such is not listed in this S.32 Analysis.

It is noted that the key reports that underpin the Natural Environment Chapter are:

- Wildland Consultants Ltd (2008) District Plan provisions Relating to Indigenous Biodiversity in Tauranga City (Part 1: A Review of District Plan Effectiveness), Report prepared for the Tauranga City Council, Contract Report 2027.
- Wildland Consultants Ltd (2008) Indigenous Biodiversity of Tauranga City – State of the Environment Reporting – Updated 2009), Report prepared for the Tauranga City Council, Contract Report 2053.

Both reports should be read in conjunction with this S.32 analysis.

### **Further Relevant Studies/Background Information**

The following are associated key studies and background information that underpin the Chapter 5 - Natural Environment:

- New Zealand Biodiversity Strategy;
- Protecting our Places: Information about the Statement of National Priorities for Protecting Rare and Threatened Biodiversity on Private Land;
- Wairoa River Valley Strategy;
- Environment Bay of Plenty (2005) Wetland Vegetation Condition Report, Environment Bay of Plenty Environmental Publication 2005/15;
- State of the Environment Monitoring - Data from regular monitoring of biodiversity within the City boundaries;
- Government Publications available on the MfE website ([www.mfe.govt.nz](http://www.mfe.govt.nz)) including:
  - Biodiversity National Priority 1 Maps;
- Wildland Consultants Ltd (2007) Overview of Ecological Networks and Connections in the SmartGrowth Project Area, Report prepared for Environment Bay of Plenty, Contract Report 1404b;
- Wildland Consultants Ltd (2003) Ecological Constraints to Development in the Western Bay of Plenty, Report prepared for SmartGrowth, Contract Report 555.
- Convention on Biological Diversity (1993) ([www.cbd.int](http://www.cbd.int)).

### **3.2 Consultation Outcomes**

In August of 2008 general consultation of issues associated with Natural Environment Chapter and options to address these issues was undertaken. The following feedback was received:

- There is a need to consider the effect that activities can have beyond their footprint;
- Consideration should be given to amend the current rule requirements from linear restrictions to the potential effects that proposed activities could have on the environment values (Department of Conservation (DoC));
- DoC raised concerns with certain Council infrastructure being placed in or close to significant coastal environments. Where this occurs it may be appropriate for Council to gain consents and that avoidance, remediation or mitigation is required where the activity may affect ecological values;
- DoC see that infrastructure should only be placed where there is a functional need, and there must be a process by which adverse effects on these environments can be avoided, remedied or mitigated;
- DoC see that standards could be developed to allow some activities to be permitted or controlled activities providing they will have no impact on significant values or ecosystems. This may involve minimum separation distances, no discharge of water to site, or no net loss of indigenous vegetation. There are some environments where this may be appropriate but others, such as saltmarsh, where it is not due to the potential for weed intrusion and the difficulty of remediation;
- DoC does not support Council identifying the Coastal Environment by defining it by a 'line on a map' as this does not sufficiently reflect the varying degrees of coastal influence that different parts of Tauranga possess. They suggest that an alternative would be to assess the components of coastal influence on the different character areas of Tauranga and developing policies to protect the important features of each distinct area;
- One community member believes that the coastal environment should be defined by a line;

- Environment Bay of Plenty (EBOP) supports the option to increase the 15 metre provision to 20 metres as a means to further strengthen the buffering of harbour margins and provide for improved protection of biodiversity values. EBOP see that this would have the effect of increasing the margin for non-complying vegetation clearance and earthworks to 20 metres in addition to the discretionary status of building and associated activities in the 20 – 40 metre margin. This stance is further supported by other comments received;
- EBOP does not support the lowering of tests for the installation of infrastructure in SEA's.

### **Tangata Whenua**

During the initial phases of the review of the District Plan, consultation was undertaken with all Iwi through a series of hui held in each rohe. The following matters were raised:

- Need for distance setbacks from native vegetation;
- Contamination of water from industrial development;
- Management of earthworks into gullies (and the need to link these to the earthwork sections of the Plan);
- How best to identify and protect the natural environment;
- How to provide a cultural component into the protection of indigenous biodiversity;
- There is a need to focus on the creation of ecological gully's.

In April of 2009 a community feedback exercise was undertaken on draft content for the City Plan. As a result of this process the following feedback was received:

- Questions received over the mapping and its accuracy;
- Questions raised to the overall purpose of the areas;
- Questions raised to effect on private property including loss of subdivision and developments rights;
- Questions raised over compensation;
- Questions raised over Council maintenance of existing areas (or lack of);
- Questions raised over overall intent versus whether the actual rules will deliver any environmental benefit.

### **Te Tumu Landowners Group**

Following the outcomes of submissions received and Elected Member direction, a caucusing meeting was held between experts from TCC, the Te Tumu Landowners Group. The purpose of this meeting was to discuss the key issues that each party had with the Draft City Plan (as released for community feedback), and included:

- Identification of Outstanding Natural Features and Landscapes, and Important Amenity Landscapes;
- Identification of Special Ecological Areas.

With respect to the Te Tumu Landowners Group, further site visits and re-mapping was undertaken based upon the outcomes of discussions.

### **3.3 Council Meetings**

Elected Members discussed the development of the Natural Environment Chapter on the following dates. The outcomes of each discussion are also listed.

#### **Meeting: Strategy and Policy Committee – 28 May 2008**

##### **Issues Discussed:**

- How should Council identify the Coastal Environment?
- Installation of Public Infrastructure within Special Ecological Sites;
- Use of '15m' as a development threshold from MHWS to protect the Coastal Environment.

##### **Meeting Outcomes:**

- Utilise the existing policies regarding the coastal environment that currently exist within the District Plan and strengthen these.
- Consider lowering the tests for the installation of public infrastructure within special ecological sites provided appropriate mitigation methods are provided for;
- Amend rule requirements from 15m to 20m as a development threshold from MHWS to control activities.

#### **Meeting: Strategy and Policy Committee – 17 November 2008**

##### **Issues Discussed:**

- To consider whether Council should update the Special Ecological Register to reflect work undertaken by Wildland Consultants through the Indigenous Biodiversity of Tauranga City – State of the Environment Reporting.
- Development of a Management Regime for identified Special Ecological Sites (Category 1 and 2).

##### **Meeting Outcomes:**

- Update the special Ecological Register to include both Category 1 and Category 2 SES. Currently 18 sites are identified for protection/management. New information suggests that there are now 36 sites that warrant protection through the District Plan. Furthermore, the District Plan has SES sites under one management system which incorporates both Category 1 and Category 2. When these were incorporated in the District Plan it appears that there was little information to the overall importance of each site. The work undertaken by Wildland Consultants now identifies that there are two categories of ecological significance which should be provided for in the City Plan

#### **Meeting: Strategy and Policy Committee – 26 February 2009**

- Presentation of the Draft Natural Environment Chapter for community feedback which was endorsed for that process.

#### **Meeting: Strategy and Policy Committee – 30 June 2009**

- Presentation community feedback received through the community engagement process, and associated issues and options to that feedback;
- Discussion on:
  - Issues and Options relating to:
    - Refinement of SEA Plan Area;
    - SEA Category 1 and 2;
    - Restoration Plan Area.

### **Meeting Outcomes:**

Elected Members agreed to:

- Special Ecological Areas (Category 1)
  - Revised mapping of the SEA's to remove those residential areas which have minor overlaps into private property;
  - Amend the buffer from 10m to 5m (which only applies to the setback of buildings and structures);
  - Develop rules to control earthworks within 5m of a SEA.
  - Develop rules to control indigenous vegetation removal within 5m of a SEA;
  - To not provide for SEA's over existing residential zoned land;
- Remove the SEA (Category 2) from the maps (as they, in Elected Members opinion, not significant and do not meet the test of significant as required by the RMA, section 6).
- Remove Potential Restoration areas from the Draft Plan provided that the outcomes of the restoration area can be delivered through controlled subdivision standard.

### **Meeting: Strategy and Policy Committee – 1 September 2009**

#### **Issues Discussed:**

- The inclusion of SEA (Category 2) within the Plan, as it had been identified that these areas met the requirement for significant;
- Outcomes of Te Tumu caucusing and future work.

#### **Meeting Outcomes:**

- Continue with the proposed approach outlined in the Draft Plan, with minor amendments in accordance with the discussions of the relevant meetings;
- Remove the SEA Plan Area from land zoned currently zoned Residential or Industrial (or proposed to be zoned residential or industrial through the District Plan Review (as the protection of these areas need to be balanced against Section 5 of the RMA and previous development rights afforded to property owners of these areas);
- Retain the SEA Plan Area on land not utilised for residential zoned activities (such as Rural) and on land identified in SmartGrowth/RPS for future urban development;
- Do not apply a setback provision;
- Control activities within those areas that relate to the maintenance and enhancement of these areas (discretionary activity status).
- 

## **3.4 Relevant Legislation, Strategies and Policy**

### **Resource Management Act 1991**

Section 6 of the RMA outlines the matters of national importance:

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;*
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;*
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;***
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;*



- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development;*
- (g) *the protection of recognised customary activities.*

For those areas of indigenous vegetation identified as ‘Significant,’ the RMA states that they must be protected as a Matter of National Importance (Section 6 – RMA).

The requirement that decision-makers recognise and provide for Matters of National Importance implies that these values have a significant priority in delivering on sustainable management.

These provisions in combination define a national order of priority for protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. In recent years the Environment Court has developed a set of criteria for assessing areas of significant indigenous vegetation and significant habitats of indigenous fauna and which provides a consistent national framework for determining those areas. The following key points taken from RMA Case Law are relevant:

The protection of areas of Significant indigenous flora and Significant Habitats of Indigenous Fauna is a Matter of National Importance. The requirement that decision-makers recognise and provide for Matters of National Importance implies that these values have a significant priority and cannot be merely an equal part of a general balancing exercise. However, all section 6 matters are subordinate to, and must serve the purpose of promoting sustainable management. In relation to the protection of indigenous flora and habitats, Section 6 of the RMA applies:

*6(c) ‘the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna’*

Protection is the imperative in s.6c. The standard of appropriateness is not relevant as with the assessment of activities within Outstanding Landscapes. A local authority is under statutory obligation to take appropriate steps to ensure protection of the specified values, areas of significant indigenous flora and significant habitats of indigenous flora.

‘Significant’ requires a judgment as to those natural resources in a district (not a region or New Zealand wide) which is needed to be protected, including the extent to which biodiversity has already been diminished in the District. Evaluation criteria include:

- (a) *Representativeness (extent of range of genetic and ecological diversity);*
- (b) *Diversity and pattern (in relation to ecosystems, species and land forms;*
- (c) *Rarity factors and/or special features;*
- (d) *Naturalness/intactness; size and shape (affecting long term viability of species, communities and ecosystems, and amount of diversity);*
- (e) *Inherent ecological viability/long-term sustainability;*
- (f) *Relationship between natural areas and other areas of mere modified character; and*
- (g) *Vulnerability of site; management input required to maintain or enhance an area’s significant.*

In achieving the purpose of this RMA, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources shall have particular regard to:

- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:*
- (f) *maintenance and enhancement of the quality of the environment:*

Those administering the RMA must give particular weight or consideration to the matters of section 7. The matters in section 7 must be recognised as “important to the particular decision and therefore to be considered and carefully weighed in coming to a conclusion.”

The specific functions of territorial authorities are set out in the RMA as outlined below:

Section 31(b) states that every territorial authority has as a function:

*Functions of territorial authorities under this Act*

- (1) *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
  - (a) *the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
  - (b) *the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—*
    - (i) *the avoidance or mitigation of natural hazards; and*
    - (ii) *the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*
    - (iia) *the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
    - (iii) *the maintenance of indigenous biological diversity:***
  - (c) *[Repealed]*
  - (d) *the control of the emission of noise and the mitigation of the effects of noise:*
  - (e) *the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
  - (f) *any other functions specified in this Act.*

Section 73 of the RMA requires each territorial authority to prepare a District Plan. Section 72 states that the purpose of the Plan is “to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act”: Section 75(2) states that a District Plan “must give effect to-

- (a) *any national policy statement; and*
- (b) *any New Zealand coastal policy statement; and*
- (c) *any regional policy statement.*

Under Section 75(4) a District Plan must not be inconsistent with:

- (c) *a regional plan for any matter specified in section 30(1).*

National and regional documents of relevance to the management of the natural environment in Tauranga include:

- The New Zealand Coastal Policy Statement;
- The Proposed New Zealand Coastal Policy Statement;
- The Bay of Plenty Regional Policy Statement; and
- The Bay of Plenty Regional Coastal Plan;

### **New Zealand Coastal Policy Statement**

The New Zealand Coastal Policy Statement (NZCPS) is the only mandatory National Policy Statement under the Resource Management Act 1991 (RMA).

The purpose of the NZCPS is to state policies to achieve the purpose of the RMA – to promote the sustainable management of natural and physical resources – in relation to the coastal environment of New Zealand.

The NZCPS sets out policies regarding the management of natural and physical resources in the coastal environment. Local authorities must give effect to the NZCPS through their plans and policy statements.

The NZCPS has one principle and a specific policy relating to the management of biodiversity:

#### **Principal 10**

*It is important to protect representative or significant natural ecosystems and sites of biological importance, and to maintain the diversity of New Zealand's indigenous coastal flora and fauna.*

#### **Policy 1.1.2**

*It is a national priority for the preservation of the natural character of the coastal environment to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna in that environment by:*

- (a) *avoiding any actual or potential adverse effects of activities on the following areas or habitats:*
  - (i) *areas and habitats important to the continued survival of any indigenous species; and*
  - (ii) *areas containing nationally vulnerable species or nationally outstanding examples of indigenous community types;*
- (b) *avoiding or remedying any actual or potential adverse effects of activities on the following areas:*
  - (i) *outstanding or rare indigenous community types within an ecological region or ecological district;*
  - (ii) *habitat important to regionally endangered or nationally rare species and ecological corridors connecting such areas; and*
  - (iii) *areas important to migratory species, and to vulnerable stages of common indigenous species, in particular wetlands and estuaries;*
- (c) *protecting ecosystems which are unique to the coastal environment and vulnerable to modification including estuaries, coastal wetlands, mangroves and dunes and their margins; and*
- (d) *recognising that any other areas of predominantly indigenous vegetation or habitats of significant indigenous fauna should be disturbed only to the extent reasonably necessary to carry out approved activities.*

### **Proposed New Zealand Coastal Policy Statement**

The Proposed New Zealand Coastal Policy Statement 2008 states objectives and policies to achieve the purpose of the RMA in relation to New Zealand's coastal environment. The proposal contains objectives and policies addressing (amongst other matters):

- Treaty of Waitangi and tangata whenua matters;
- subdivision, use, and development (including coastal occupation charging);
- natural character, including biodiversity and landscapes;
- public access;
- water quality;
- coastal hazards;
- historic heritage; and
- the definition of restricted coastal activities, for which the Minister of Conservation will decide applications for resource consent.

The following policies were proposed, and notified for submission in March 2008. The Proposed NZCPS has no legal weight in the consideration, nor development of the City Plan, however it is important to consider the matters proposed, irrespective of this proposal having no legal weight.

#### **Objective 3**

*The natural character of the coastal environment is preserved, through the protection or restoration of natural landscapes, features, processes and indigenous biological diversity.*

#### **Policy 31: Indigenous biological diversity**

*To preserve the natural character of the coastal environment, it is a national priority to protect indigenous biological diversity in that environment, including by:*

- a. *avoiding adverse effects of activities on:*
  - i. *areas containing indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;*
  - ii. *areas containing taxa that are listed as threatened by the International Union for Conservation of Nature and Natural Resources;*
  - iii. *indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;*
  - iv. *habitats of populations of indigenous species that are at the limit of their natural range, or are naturally rare; and*
  - v. *areas containing regionally or nationally significant examples of indigenous community types; and*
- b. *avoiding significant adverse effects, and otherwise avoiding, remedying or mitigating adverse effects of activities on:*
  - vi. *areas of predominantly indigenous vegetation in the coastal environment;*
  - vii. *habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;*
  - viii. *indigenous ecosystems and habitats that are unique to the coastal environment and particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, rocky reef systems, eelgrass and saltmarsh;*
  - ix. *habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;*
  - x. *habitats, including areas and routes, important to migratory species; and*
  - xi. *ecological corridors and buffer zones that are important for linking or maintaining areas identified under this policy.*

The Department of Conservation has identified that indigenous biological diversity is under pressure in the coastal environment from subdivision, use and development. The above Policy is seen as a means to provide guidance to Councils on the constituents of indigenous biological diversity and the appropriate management approaches to them. The above system proposes a two tier management system. The first tier provides the highest level of protection for indigenous biological diversity. This is applied to indigenous biological diversity that is most at risk of irreversible loss. The appropriate management response is the avoidance of adverse effects. This approach aligns with the recently released Statement of National Priorities on Rare and Threatened Indigenous Biodiversity and the findings from the five year Review of the New Zealand Biodiversity Strategy. This first tier captures the rare, threatened and significant elements of indigenous biological diversity found in the coastal environment. The second tier provides a lower level of protection for indigenous biological diversity that is more common or less at risk from imminent loss in the coastal environment. This requires the avoidance of any significant adverse effects and otherwise the avoidance, remedy or mitigation of adverse effects on these components of indigenous biological diversity.

### **Bay of Plenty Regional Policy Statement (RPS)**

The Regional Policy Statement was approved by resolution on the 4 of November 1999. Change No. 1 was incorporated and made operative on the on the 26 June 2008.

Territorial authorities are required to give effect to a RPS under section 75(3) of the RMA:

- (3) *A district plan must give effect to—*
- (c) *any regional policy statement.*

Environment Bay of Plenty's Change No. 1 incorporates a number of issues, objectives and policies for Natural Character and Indigenous Ecosystems into the Regional Policy Statement. Change Number 1 requires District Councils to assess natural character in the region by using criteria not inconsistent with those in Appendix F Set 1: Natural Character – in the Appendices Section of Change 1. As a result of the RMA Amendment Act Councils must 'give effect to' the Regional Policy Statement and any amendments such as Change 1.

The following Objectives, Policies and Methods relate to the development of a Natural Environment Chapter for the City Plan.

### **16.3 Objectives, Policies and Methods**

#### **16.3.1 Preservation and Protection**

##### **16.3.1(a) Objective**

*The preservation of the natural character of the region, including the protection of significant indigenous habitats and ecosystems, having particular regard to intrinsic values of ecosystems.*

##### **16.3.1(b) Policies**

**16.3.1(b)(i)** *To recognise and promote awareness of the life-supporting capacity and the intrinsic values of ecosystems and the importance of protecting indigenous biodiversity.*

**16.3.1(b)(ii)** *To ensure that intrinsic values of ecosystems are given particular regard to in resource management decisions and operations.*

**16.3.1(b)(iii)** *To protect the diversity of the region's significant indigenous ecosystems, habitats and species including both representative and unique elements.*

**16.3.1(b)(iv)** *To manage resources in a manner that will ensure recognition of and provision for significant indigenous habitats and ecosystems.*

- 16.3.1(b)(v) *To avoid, remedy or mitigate any adverse effects of inappropriate subdivision, use and development on natural character, habitats and ecosystems.*
- 16.3.1(b)(vi) *To recognise indigenous marine, lowland forest, freshwater, wetland and geothermal habitats and ecosystems, in particular, as being underrepresented in the reserves network of the Bay of Plenty Region.*
- 16.3.1(b)(vii) *To assess natural character, in relation to section 6(a) of the Act, by the extent to which criteria not inconsistent with those in Appendix F set 1: Natural Character are met.*
- 16.3.1(b)(viii) *To assess whether areas of indigenous vegetation and habitats of indigenous fauna are significant, in relation to section 6(c) of the Act, by the extent to which criteria not inconsistent with those in Appendix F set 3: Indigenous Vegetation and Habitats of Indigenous Fauna are met.*
- 16.3.1(b)(ix) *To use criteria not inconsistent with those in sets 1 and 3 of Appendix F when preparing provisions relating to natural character and indigenous vegetation and habitats of indigenous fauna respectively for inclusion in regional and district plans for the purpose of Part V of the Act.*
- 16.3.1(b)(x) *To ensure an integrated inter-agency approach to the protection of natural character and indigenous vegetation and habitats of indigenous fauna.*
- 16.3.1(b)(xi) *To assess, using criteria not inconsistent with those in Appendix G whether subdivision, use and development is inappropriate in regard to natural character and indigenous vegetation and habitats of indigenous fauna considered to warrant protection under section 6 of the Act.*

**16.3.1(c) Methods of Implementation**

*Environment Bay of Plenty, City and District Councils will:*

- 16.3.1(c)(i) *Assess natural character in the region using criteria not inconsistent with those in Appendix F set 1: Natural Character.*
- 16.3.1(c)(ii) *Assess indigenous vegetation and habitats of indigenous fauna in the region using criteria not inconsistent with those in Appendix F set 3: Indigenous Vegetation and Habitats of Indigenous Fauna.*

*Environment Bay of Plenty, City and District Councils are encouraged to:*

- 16.3.1(c)(iii) *Identify and document natural character and areas of significant indigenous vegetation and habitats of indigenous fauna.*
- 16.3.1(c)(iv) *Identify and examine the pressures on natural character and areas of significant indigenous vegetation and habitats of indigenous fauna.*
- 16.3.1(c)(v) *Investigate and implement the most appropriate means<sup>10</sup> of preserving natural character and protecting areas of indigenous vegetation and habitats of indigenous fauna assessed as warranting protection under section 6 of the Act.*
- 16.3.1(c)(vi) *Promote the use of the criteria in sets 1 and 3 of Appendix F for assessing the effects of activities on natural character and indigenous vegetation and habitats of indigenous fauna, in such detail as corresponds with their scale and significance.*
- 16.3.1(c)(vii) *Enhance, through education and advocacy, public awareness of the role and values of ecosystems and the importance of protecting them and maintaining them in a state of good health.*

- 16.3.1(c)(viii) *Use a variety of methods to avoid, remedy or mitigate any adverse effects on representative and otherwise significant natural communities, ecosystems and their intrinsic values, and habitats, such as:*
- (a) *Education;*
  - (b) *Appropriate policies, rules and other provisions within regional and district plans;*
  - (c) *The purchase of land for reserves;*
  - (d) *The acquisition of land through reserves contributions;*
  - (e) *The use of heritage protection orders and water conservation orders;*
  - (f) *The use of conservation covenants or other voluntary agreements;*
  - (g) *Incentives such as rating relief;*
  - (h) *The use of operational works such as Environmental Programmes (e.g. fencing);*
  - (i) *Requiring an assessment of ecological effects as part of the resource consent application procedure;*
  - (j) *Decisions on applications and the imposition of appropriate conditions of resource consents;*
  - (k) *Adopting environmentally sound practices when carrying out their own activities; and*
  - (l) *Any other appropriate technique or mechanism.*

**Environment Bay of Plenty will:**

- 16.3.1(c)(ix) *Encourage educational institutions, community groups and conservation interests to consider and use all opportunities available to them for increasing ecosystems awareness in the region.*
- 16.3.1(c)(x) *Promote, in consultation with other organisations and the community, the development and implementation of an appropriate methodology for prioritising for protection representative and otherwise significant natural communities and habitats.*
- 16.3.1(c)(xi) *Encourage government agencies, other organisations and the community to formally protect and, if appropriate, purchase identified key sites.*
- 16.3.1(c)(xii) *Promote and advocate the establishment of a network of marine reserves representative of the full range of marine habitats and ecosystems present in the region's coastal marine area.*
- 16.3.1(c)(xiii) *Promote greater communication and co-ordination among those groups responsible for implementing the protection and management of natural communities and habitats and research agencies.*

**16.3.2 Ecological Restoration and Rehabilitation**

- 16.3.2(a) **Objective**  
*The restoration or rehabilitation of natural communities and habitats in order to increase the survival probabilities of significant indigenous flora, fauna and ecosystems.*
- 16.3.2(b) **Policies**
- 16.3.2(b)(i) *To consider retention or establishment of vegetation corridors linking otherwise isolated habitats and greater use of buffer zones.*
- 16.3.2(b)(ii) *To encourage a co-ordinated and co-operative approach to ecological restoration.*
- 16.3.2(b)(iii) *To consider the protection of remaining habitats from further fragmentation, degradation and invasion by pests.*

- 16.3.2(b)(iv) *To support non-regulatory initiatives for the restoration or rehabilitation of degraded habitats.*

**16.3.2(c) Methods of Implementation**

*Environment Bay of Plenty, City and District Councils are encouraged to:*

- 16.3.2(c)(i) *Collaborate with central government agencies to identify priorities for the ecological restoration or rehabilitation of natural communities and habitats.*
- 16.3.2(c)(ii) *Promote equity and social responsibility in facilitating community based participation in ecological restoration or rehabilitation programmes.*
- 16.3.2(c)(iii) *Encourage active participation in ecological restoration or rehabilitation projects to avoid adverse effects of development or activities and to mitigate or offset such effects through compensatory works.*
- 16.3.2(c)(iv) *Include in their plans appropriate policies that recognise the importance of targeted ecological restoration or rehabilitation as a necessary ingredient of sustainable management.*
- 16.3.2(c)(v) *Identify, in consultation with other agencies and communities, areas where the establishment or retention of corridors and buffer zones is needed, and advocate and promote their establishment or retention with appropriate methods, including plan provisions.*
- 16.3.2(c)(vi) *Include policies in plans for avoiding the fragmentation of ecosystems.*

The RPS focuses on Indigenous Vegetation and Habitats of Indigenous Fauna. In order to maintain healthy ecosystems it is necessary to maintain species and assemblage diversity, and to enable the continued operation of ecological processes. However, maintenance of these can only be achieved by ensuring the survival of all indigenous species of flora and fauna, both rare and commonplace, in their natural communities and habitats. It also requires the preservation of both significant and representative samples of all classes of natural biological systems.

Heritage values and places that are assessed as warranting protection under Section 6 of the RMA are considered to be a priority for any protection initiatives. The RPS also explains that even given that priority of protection, at times there may have to be compromises with other resource uses. The Policy to this end is directive on Councils and states:

*To assess whether areas of indigenous vegetation and habitats of indigenous fauna are significant, in relation to section 6(c) of the Act, by the extent to which criteria not inconsistent with those in Appendix F set 3: Indigenous Vegetation and Habitats of Indigenous Fauna are met.*

And

*To use criteria not inconsistent with those in sets 1 and 3 of Appendix F when preparing provisions relating to natural character and indigenous vegetation and habitats of indigenous fauna respectively for inclusion in regional and district plans for the purpose of Part V of the Act.*

Appendix F, Set 3 is derived from the Environment Court which defined relevant criteria for assessing Significant Indigenous Vegetation and Habitats of Indigenous Fauna. Criteria not inconsistent with the RPS criteria must be applied by the City Council in Significant Indigenous Vegetation and Habitats of Indigenous Fauna within the City. These criteria are outlined below:



**Set 3 Indigenous Vegetation and Habitats of Indigenous Fauna**  
**Representativeness**

*Indigenous vegetation or habitat of indigenous fauna contains associations of indigenous species representative, typical or characteristic of the natural diversity of the region or any relevant ecological districts;*

**Rarity or Distinctive Features**

*Indigenous vegetation or habitat of indigenous fauna supports an indigenous species or associations of indigenous species threatened or rare nationally, regionally or within the relevant ecological district;*

*Indigenous vegetation or habitat of indigenous fauna can contribute to the maintenance or recovery of a species threatened or rare nationally, regionally or within the relevant ecological district;*

*Indigenous vegetation or habitat of indigenous fauna is distinctive, of restricted occurrence, or at the limits of its natural distribution range, or has developed as a result of factors such as natural geothermal activity, historical cultural practices, altitude, water table, or soil type;*

*Indigenous vegetation or habitat of indigenous fauna is one of the largest remaining examples of its type within the region or any relevant ecological district;*

*Indigenous vegetation or habitat of indigenous fauna is significantly reduced in area and is degraded but retains key natural ecosystem functions (for example hydrology) and has a high potential for restoration;*

**Diversity and Pattern**

*Indigenous vegetation or habitat of indigenous fauna contains a high diversity of indigenous ecosystem or habitat types, or changes in species composition, reflecting the existence of diverse natural features (for example landforms, soil types or hydrology), or communities along an ecological gradient;*

**Naturalness**

*Indigenous vegetation or habitat of indigenous fauna is in a natural state or healthy condition, or is in an original condition;*

**Ecological Context**

*Indigenous vegetation or habitat of indigenous fauna contributes to the ecological viability of adjoining natural areas and biological communities, by providing or contributing to an important ecological linkage or network, or providing a buffer from adjacent land uses;*

*Indigenous vegetation or habitat of indigenous fauna provides habitat for indigenous species at key stages of their life cycle;*

**Viability and Sustainability**

*Indigenous vegetation or habitat of indigenous fauna is of sufficient size and compact shape and has the capacity to maintain its ecological viability over time;*

*Indigenous vegetation or habitat of indigenous fauna supports intact habitats and healthy functioning ecosystems;*

*Indigenous vegetation or habitat of indigenous fauna is of sufficient size and compact shape to resist changes initiated by external agents;*

**Maori**

*Indigenous vegetation or habitat of indigenous fauna contributes to the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;*

**Historical**

*Indigenous vegetation or habitat of indigenous fauna is known and valued for its connection to the history of the place;*

**Community Association**

*Indigenous vegetation or habitat of indigenous fauna is known and valued by the immediate and wider community for its contribution to a sense of place leading to community association with or public esteem for the place, or due to its value for recreation or education;*

*Indigenous vegetation or habitat of indigenous fauna is valued for the contribution it is making to research into the Bay of Plenty's or New Zealand's ecosystems.*

**Ecological Restoration and Rehabilitation**

- 16.3.2(a) **Objective**  
*The restoration or rehabilitation of natural communities and habitats in order to increase the survival probabilities of significant indigenous flora, fauna and ecosystems.*
- 16.3.2(b) **Policies**
- 16.3.2(b)(i) *To consider retention or establishment of vegetation corridors linking otherwise isolated habitats and greater use of buffer zones.*
- 16.3.2(b)(ii) *To encourage a co-ordinated and co-operative approach to ecological restoration.*
- 16.3.2(b)(iii) *To consider the protection of remaining habitats from further fragmentation, degradation and invasion by pests.*
- 16.3.2(b)(iv) *To support non-regulatory initiatives for the restoration or rehabilitation of degraded habitats.*

The RPS encourages Councils to include in their plans appropriate policies that recognise the importance of targeted ecological restoration or rehabilitation as a necessary ingredient of sustainable management, to identify areas where the establishment or retention of corridors and buffer zones is needed, and advocate and promote their establishment or retention with appropriate methods, including plan provisions and include policies in plans for avoiding the fragmentation of ecosystems.

The RPS also includes a user guide for associated to aid in determining assessment utilising the listed criteria. This is oriented toward guiding consent applicants and includes information on:

- When the criteria apply;
- When to engage a specialist advisor;
- Application checklist;
- Case law.

The thrust of the RPS is strongly regulatory. However, non-regulatory methods are also identified. Education, the purchase of land for reserves, conservation and open space covenants, heritage orders and financial and other incentives as non-regulatory measures for Councils to consider.

The RPS criteria has a strong influence on the protection of indigenous vegetation or habitat of indigenous fauna framework that must be given effect to though the District Plan Review as the proposed City Plan must give effect to it.

### **Regional Coastal Plan**

Under section 75(4) of the RMA:

*A district plan must not be inconsistent with—*

- (a) a water conservation order; or*
- (b) a regional plan for any matter specified in section 30(1).*

The following Objectives, Policies and Methods relate to the development of a Natural Environment Chapter for the City Plan.

#### **6.2.2 Objective**

*The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna within the coastal environment.*

#### **6.2.3 Policies**

- 6.2.3(a) *To preserve the ecological values of the Coastal Habitat Preservation Zone by avoiding adverse effects on those values, and encouraging restoration and enhancement of those values where appropriate (a summary of those values is provided in the Sixth Schedule – Significant Marshbird Habitat Areas and the seventh Schedule – Significant Indigenous Vegetation Areas).*
- 6.2.3(b) *To avoid or remedy adverse effects on the values of the sites and areas of significance in the Coastal Management Zone. The sites and areas are shown on the maps, and a summary of values is provided in the Third Schedule – Areas of Significant Conservation Value, the Sixth Schedule – Significant Marshbird Habitat Areas, and the Seventh Schedule – Significant Indigenous Vegetation Areas. Remediation can be achieved by means of a financial contribution, where appropriate, as set out in the Tenth Schedule – Financial Contributions.*
- 6.2.3(c) *To promote and encourage the appropriate protection and management of all sites of significance on land within the coastal environment, as identified in the maps, the Sixth Schedule – Significant Marshbird Habitat Areas, and the Seventh Schedule – Significant Indigenous Vegetation Areas.*
- 6.2.3(d) *To afford an appropriate level of protection to significant indigenous vegetation and habitats of indigenous fauna which are not specifically identified in this plan.*
- 6.2.3(e) *To ensure that all Environment Bay of Plenty planning, decision-making and operations within the coastal environment provide for the protection of significant sites of indigenous vegetation and significant habitats of indigenous fauna as matters of national importance.*
- 6.2.3(f) *To promote the undertaking of the further studies necessary in order to complete the identification of all areas of significant indigenous vegetation and significant habitats of indigenous fauna within the coastal environment.*
- 6.2.3(g) *To encourage landowners or lease holders in the development of conservation strategies for the significant sites identified in the maps and shown in the Sixth Schedule – Significant Marshbird Habitat Areas and the Seventh Schedule – Significant Indigenous Vegetation Areas and to work with them in the development of these strategies.*

- 6.2.3(h) *To encourage district councils to take into account the adverse effects that domestic dogs and cats have on the wildlife of the Coastal Habitat Preservation one and other sites of significance identified in this plan, when preparing district Plans which regulate urban development and public access.*

### **National Biodiversity Strategy**

New Zealand is a signatory to the United Nations Convention on Biological Diversity (CBD). In order to ratify the CBD, New Zealand was obliged to prepare a national biodiversity strategy. This was completed in February 2000. The Strategy establishes national goals to “turn the tide” on the decline of New Zealand’s biodiversity, and to maintain and restore a full range of remaining natural habitats and ecosystems and viable populations of all native species. The Strategy sets out a comprehensive range of actions that need to be initiated, or progress needs to be worked on to achieve these goals. The Strategy’s purpose is to establish a strategic framework for action, to conserve and sustainably use and manage New Zealand’s biodiversity. The primary focus is on New Zealand’s indigenous biodiversity. However, because of the value and economic importance of much of New Zealand’s introduced biodiversity, the conservation of the genetic resources of important introduced species is also addressed.

### **SmartGrowth**

The SmartGrowth Strategy is a sub-regional response to growth management. The Strategy has a planning horizon to 2051 and provides a context for considering decisions of the present, and how they may affect the welfare of future generations.

The following are the key **Principles** from SmartGrowth that are relevant to this part of the District Plan review process:

- *Significant indigenous habitats and ecosystems are maintained and enhanced;*
- *Significant indigenous habitats and ecosystems are restored;*
- *Recognises the importance of matauranga Maori (traditional Maori practices and knowledge) in relation to indigenous flora and fauna;*
- *Environmental improvements are provided through community groups being cooperated with and supported by key agencies, (including Councils);*
- *Biodiversity which is a key ecological indicator is actively promoted.*

Action 5 is the key action in SmartGrowth that relates to this Chapter. Action 5 states that:

*Action 5 -Protect, and restore, remaining areas of natural environment within urban areas.*

*Explanation:Remnants of natural environment within urban areas are very scarce affording a high priority for protection and enhancement.*

### **Tauranga Tomorrow**

The following **Goals** from Tauranga Tomorrow are relevant to this review process

#### **Glean, Green, valued environment**

- *Our natural and created environment is protected, maintained and enhanced;*
- *A place where natural ecological processes and indigenous habitats and species can flourish;*
- *A place where people can experience nature;*
- *The harbour, foreshore and waterways are clean and healthy and support compatible cultural, social, economic and recreational opportunities.*

### ***Built to fit our hills, harbour and coast***

- *Strongly connected open spaces within and between neighbourhood and business areas.*

### **Vegetation Strategy**

The Vegetation Strategy recognises the importance of Biodiversity within the City, with specific Actions that relate directly to the City Plan being:

- Develop District Plan objectives, Policies and Rules to ensure that large tree planting and landscaping is included in development proposals.

### **State of the Environment Monitoring Indigenous Biodiversity of Tauranga City**

In 2000, an assessment of the relative significance of natural areas was undertaken as part of the City's RMA monitoring requirements. This work was undertaken by Wildland Consultants Ltd. The intention of this monitoring work was that it would eventually lead to a plan change to update those existing SEA currently in the Operative District Plan. The main reason for this was that the current 18 sites were based on regional assessment, rather than District (or City) assessment and significance.

The significant SEA were selected based on criteria of representativeness, diversity and pattern, naturalness, size and shape, rarity and special features, buffering and connectivity and viability. This resulted in two categories being developed, being;

Category 1 SEA are the best quality or only remaining representative examples of indigenous vegetation or wildlife habitats on particular landform units within Tauranga City.

Category 2 SEA include good quality representative examples of vegetation and/or wildlife habitat which compliment Category 1 areas and existing protected areas. It includes:

- Relatively small sites with vegetation types or plant taxa under-represented or not represented in protected natural areas;
- Relatively large areas with features which are represented in protected areas of Category 1 but which are nevertheless worthy of protection;
- Sites containing vegetation types which would once have been more common in the ecological district and are under-represented in protected natural areas or Category 1, but which have been degraded by weed invasion, animal damage, or similar agents;
- Relatively small sites which still retain their indigenous character or support indigenous fauna populations.

In 2005, aerial photographs taken in 2002/03 were compared with the vegetation and habitat maps prepared in 2000 by Wildland Consultants and the 1996 aerial photographs. Changes were detected based upon real change (such as vegetation clearance) or from the result of better quality aerial maps which resulted in better maps being able to be produced. The results of the 2005 study identified that there are now up to 36 Special Ecological Sites (11 Category 1 and 25 Category 2 sites) over a large area of Tauranga City (including the Coastal Marine Area).

As part of the District Plan review further assessment was undertaken utilising 2007 aerial maps which provided TCC with accurate information to map these areas. The outcomes of this works have been used to develop the SEA provisions and associated planning maps as part of the District Plan Review.

As part of the overall development of these Studies, biodiversity indicators were developed, adopting the direction taken by the Ministry for the Environment and other councils, relating to 'state', 'pressure', and 'response':

- Area and distribution of native vegetation and habitats;
- Biodiversity condition;
- Area of vegetation removed;
- Habitat fragmentation;
- The degree of formal protection of significant ecological areas.

## **4. ISSUES**

### **4.1 Summary of Issues**

The City has a distinct assemblage of species, habitats and ecosystems which impart to it a unique and recognisable character. This character is dependent upon the interconnectedness and holistic nature of the constituent parts – they do not exist in isolation, but instead are collectively essential to the well-being of the biosphere, upon which all life depends. If we weaken one element then the ramifications are felt throughout the rest of the system. Conversely, by maintaining healthy and fully-functioning ecosystems we sustain the life-supporting capacity of the natural environment.

In order to maintain healthy ecosystems it is necessary to maintain species and assemblage diversity, and to enable the continued operation of ecological processes. However, maintenance of these can only be achieved by ensuring the survival of all indigenous species of flora and fauna, both rare and commonplace, in their natural communities and habitats. It also requires the preservation of both significant and representative samples of all classes of natural biological systems. These are addressed by specific provisions of Part II of the RMA.

## 4.2 Issue 1 – The Loss or degradation of Indigenous Ecosystems from the effects of Inappropriate Subdivision, Use and Development

### Issue Statement

Certain components and features within Tauranga City's environment contribute to its character and amenity. These Ecological Areas, which contribute significant value to the City, require identification for the protection and management of these areas from certain activities that may threaten their integrity and role within the wider City's environment.

### 4.2.1 Objectives

This table identifies the appropriateness of the listed objectives in achieving the purpose of the RMA.

Objective Number	Objective	Appropriateness
5.2.1.1	<i>Objective – Protection of Special Ecological Areas (Category 1) The factors, values and associations of special ecological areas (category 1) are protected.</i>	<i>Indigenous Vegetation and Habitats of Indigenous Fauna contribute to the City's economic, social and cultural diversity. Identifying and protecting the factors, values and associations that define these areas of Indigenous Vegetation and Habitats of Indigenous Fauna ensures that these particular Indigenous Vegetation and Habitats of Indigenous Fauna are retained and continue to support the City's identity. The protection of these particular Indigenous Vegetation and Habitats of Indigenous Fauna is also identified in the RMA as a Matter of National Importance that is to be recognised and provided for in achieving the promotion of the sustainable management of natural and physical resources. The Objectives directly meets this requirement and is therefore considered to be appropriate.</i>
5.2.2.1	<i>Objective – Maintenance and Enhancement of Special Ecological Areas (Category 2) The factors, values and associations of special ecological areas (Category 2) are maintained and enhanced.</i>	
5.2.1.3	<i>Objective – Maintenance and Enhancement of Indigenous Vegetation The factors, values and associations of areas of indigenous vegetation, not identified as special ecological area, continue to contribute to the intrinsic values of ecosystems and/or the maintenance and enhancement of amenity values.</i>	



Objective 5.2.1.1 is addressed through Policies 5.2.1.1.1, 5.2.1.1.2 and 5.2.1.1.3. Objective 5.2.1.2 is addressed through Policy 5.2.1.2.1 and 5.2.1.2.2. Objective 5.2.1.3 is addressed through 5.2.1.3.1 and 5.2.1.3.1 These Policies are to be achieved through:

- For Special Ecological Areas - Rules 5.4 and 5.5 relating to the activity status that applies to activities within, and adjoining (5metres) Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna;
- For areas of indigenous vegetation, not identified as significant – Rules contained with each individual chapter (in relation to Natural Character: Coastal Environment, Wetlands, Rivers and Streams and the Clearance of Indigenous Vegetation and Vegetation Clearance in the Rural, Rural Residential and Greenbelt Zones;
- The method of identifying Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna within the City and identifying their particular factors, values and associations that make them Significant as outlined in Appendix 5A of the City Plan;
- The method of identifying areas of Indigenous Vegetation, not identified as significant.

#### 4.2.2 Policies, Methods and EREs

<i>Policies and Methods</i>	<p>5.2.1.1.1 Policy - Identifying Special Ecological Areas (Category 1)</p> <p>5.2.1.2.1 Policy – Identifying Special Ecological Areas (Category 2)</p> <p>5.2.1.3.1 Policy – Identifying Areas of Indigenous Vegetation</p>
<i>Costs</i>	<p><i>Costs in undertaking the work in identifying the Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna, or areas of Indigenous Vegetation (not identified as significant).</i></p> <p><i>Potential cost of damage to the areas of Indigenous Vegetation and Habitats of Indigenous Fauna, by not identifying, or not providing for their identification, and allowing for inappropriate subdivision, use and development to occur.</i></p>
<i>Benefits</i>	<p><i>Identifies the Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna so the community has knowledge about their importance and provides for measures to protect the Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna. Furthermore, it provides certainty to affected land owners and clearly identifies the actions necessary to achieve the Objective.</i></p> <p><i>Provides guidance that areas of Indigenous Vegetation (not identified as significant) are important, and provides certainty to affected land owners and clearly identifies the actions necessary to achieve the Objective.</i></p>
<i>Risk</i>	<p><i>By identifying the Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna the community will have information about their importance and therefore there will be a lower level of risk that they will be adversely affected by inappropriate development.</i></p> <p><i>It is noted that the assessment criteria utilised to identify Special Ecological Areas differs to that in the Operative Regional Policy Statement. This is because Council has utilised this criteria in its monitoring since 2000, with the RPS criteria coming into force when the Plan Change as par of the Regional Policy Statement was made operative. The requirement on Council however is that it is to use criteria not inconsistent with the RPS criteria, and upon assessment the RPS</i></p>

	<p><i>criteria is not considered to be inconsistent. Furthermore, based upon a review of the report produced by Wildland Consultants, Wildland Consultants Ltd (2008) Natural Areas in Tauranga Ecological District, Report prepared for Environment Bay of Plenty, Contract Report 1914, the sites identified are the same or similar to those identified through TCC's monitoring work, thus the risk of not giving effect to the RPS on this matter is considered to be low.</i></p>
Efficiency	<p><i>Identifying Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna and providing a clear Policy directive that these will be protected through a consents regulatory framework is particularly efficient as it provides the community with information on their factors, values and associations in a consistent and comprehensive manner, and avoids the need for developers to undertake ad hoc assessments.</i></p> <p><i>By providing for the identification of Indigenous Vegetation, not identified as significant, there will be a lower level of risk that they will be adversely affected by inappropriate subdivision, use and development.</i></p>
Effectiveness	<p><i>Identifying the Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna is an essential step in achieving the Objective. The Policy directly reinforces the Objective that these Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna will be protected and the method puts in place a regulatory framework to achieve this.</i></p> <p><i>The provision for identifying areas of indigenous vegetation is an essential step in achieving the Objective. The Policy directly recognises the value that indigenous vegetation and its role in maintaining amenity values.</i></p> <p><i>The Policies and Method are therefore considered to be effective at achieving the stated Objective.</i></p>
Appropriateness	<p><i>Appropriate as the Objectives achieves both the Matter of National Importance, and regard is had to amenity values, the requirements of s.7 and the purpose of the RMA. It also gives effect to the requirements of Regional Policy Statement.</i></p>

<p><i>Alternative 1 – Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna are not identified</i></p>	<p><i>The alternative 'do nothing – to not identify' does not meet the requirements of the RMA, in particular Section 6, nor is it an effects based measure for testing what is inappropriate subdivision and development. Furthermore, the community would only have limited understanding of those Indigenous Vegetation and Habitats of Indigenous Fauna that are Significant. There is also a high risk that these Natural Features and Landscapes would not be known to the community with subsequent potential for inappropriate development. The Alternative is not efficient as it requires more individual assessments of Indigenous Vegetation and Habitats of Indigenous Fauna values if the Objective is to be achieved and a risk of loss of those values associated with those Indigenous Vegetation and Habitats of Indigenous Fauna. It is not effective as the Objective is not supported by any relevant Policy and is not appropriate as it does not achieve the requirements of the RMA, to identify and protect.</i></p>
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<i>Alternative 2 – All areas are identified and protected, irrespective of land use</i>	<i>The alternative, identify and protect all Ecological Areas (significant or otherwise) does not take into account the requirements of Section 5 of the RMA. In particular it may constrain subdivision, use and development opportunities where those opportunities had already been provided. Because of this, it is not considered appropriate to protect all areas where previous development options have previously been provided by Council decision-making, in particular over Residential or Industrial land holdings, rather it is more appropriate to remove and refine the ecological areas, based upon land zonings and manage the removal of these areas through natural character requirements, and removal of vegetation requirements (not considered significant).</i>
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<i>Policies and Methods</i>	<p>5.2.1.1.2 Policy - Protection of Special Ecological Areas (Category 1)</p> <p>5.2.1.2.2 Policy – Maintaining and Enhancing Special Ecological Areas (Category 2)</p> <p>5.2.1.3.2 Policy – Maintaining and Enhancing of Indigenous Vegetation</p>
<i>Costs</i>	<i>There will be consenting and compliance costs associated with those activities that wish to establish within areas identified as Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna, or areas where indigenous vegetation exist.</i>
<i>Benefits</i>	<i>Establishes a clear directive that these Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna will be protected or maintained and enhanced. This provides certainty to the community that the quality of these environments will be protected and continues to meet the statutory requirements in relation to the protection of these areas as a Matter of National Importance.</i>
<i>Risk</i>	<i>Low risk that areas of Indigenous Vegetation and Habitat of Indigenous Fauna will be damaged from inappropriate development.</i>
<i>Efficiency</i>	<i>Identifying areas of Indigenous Vegetation and Habitats of Indigenous Fauna provides a clear policy directive that these will be protected through a consents regulatory framework is particularly efficient as it provides the community with information on their factors, values and associations in a consistent and comprehensive manner.</i>
<i>Effectiveness</i>	<i>Identifying Indigenous Vegetation and Habitats of Indigenous Fauna is an essential step in achieving the Objective. The Policy directly reinforces the Objective that these Indigenous Vegetation and Habitats of Indigenous Fauna will be protected and the Method puts in place a regulatory framework to achieve this. The Policies and Methods are therefore considered to be effective at achieving the stated Objective.</i>
<i>Appropriateness</i>	<i>Appropriate as achieves both the Matter of National Importance and the purpose of the RMA. It also gives effect to the requirements of Regional Policy Statement.</i>

<p>Alternative 1 – Do Nothing</p>	<p>The alternative to ‘do nothing’ has significant costs in that the outcome could be the degradation of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna resulting from inappropriate development. This is furthermore likely to arise through resource consent processes on an ad hoc basis regardless of any protection provisions that could be built into the Plan through this alternative. A potential benefit however is that there will be less constraint on economic development within these areas; however the overall risk is the increase that these areas will be degraded from inappropriate development. The Alternative is not efficient as it requires more individual assessments of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna values if the Objective is to be achieved and a risk of loss of those values associated with those Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna. It is not effective as the Objective is not supported by any relevant Policy and is not appropriate as it does not achieve the requirements of the RMA, to identify and protect.</p>
<p>Alternative 2 – Greater restrictions in relation to managing activities adjoining Special Ecological Areas</p>	<p>The alternative to provide greater restrictions on properties that adjoining ecological areas is not an appropriate method of managing the cross boundary effects. The existing 20 metre setback from Ecological Areas (within the Operative District Plan) does not take into account the existing built environment, and in many cases significantly reduces the ability of private property owners to utilise their lands. Because of this, the method of greater restrictions is not seen as being neither efficient nor appropriate in the urban context of a City.</p>

**Evaluation of Rules**

**Restricted Discretionary Rules**

<p>Rule</p>	<p>Rule 5.5 Establishes the Resource Consent status for activities within areas of Indigenous Vegetation and Habitats of Indigenous Fauna, a 5 metre setback is also put in place to protect Category 1 SEA’s in order to provide a buffer around these areas to manage edge effects .</p>
<p>Costs</p>	<p>There is an increased cost involved with undertaking subdivision, use and development within areas of Indigenous Vegetation and Habitats of Indigenous Fauna. Furthermore, more assessments, as part of the planning process will be required to assess the activity to make sure it is not contrary to the Objectives and Policies.</p>
<p>Benefits</p>	<p>Ensures that subdivision, use and development controls are appropriate to the different character of each area of Indigenous Vegetation and Habitats of Indigenous Fauna. It also provides certainty as to the nature of activities and their effects provided for in each area of Indigenous Vegetation and Habitats of Indigenous Fauna</p>
<p>Risk</p>	<p>Rules that define the consent status of an activity provides certainty as to what range of activities are acceptable in the sensitive environments. The risk of adverse effects occurring is high if there are no controls in place.</p>

<i>Efficiency</i>	<i>Identifying areas of Indigenous Vegetation and Habitats of Indigenous Fauna provides a clear policy directive that these will be protected, or maintained and enhanced through a consents regulatory framework is particularly efficient as it provides the community with information on their factors, values and associations in a consistent and comprehensive manner, and avoids the need for developers to undertake ad hoc assessments.</i>
<i>Effectiveness</i>	<i>Identifying the areas of Indigenous Vegetation and Habitats of Indigenous Fauna is an essential step in achieving the Objective. The Rule directly reinforces the Objective that these areas of Indigenous Vegetation and Habitats of Indigenous Fauna will be protected, and the Methods put in place a regulatory framework to achieve this. The Methods therefore are considered to be effective at achieving the stated Objective.</i>
<i>Appropriateness</i>	<i>Appropriate as this achieves both the Matters of National Importance and the purpose of the RMA. It also gives effect to the requirements of Regional Policy Statement.</i>

Based on the finding of the assessment of cost and benefits and the efficiency and effectiveness of the Policies and Methods, the Objectives “the factors, values and associations of Special Ecological Areas (Category 1) are identified and protected, the factors, values and associations of the City’s Special Ecological Areas (Category 2) are identified, and maintained and enhanced and the factors, values and associations of areas of indigenous vegetation, not identified as special ecological area, continue to contribute to the intrinsic values of ecosystems and/or the maintenance and enhancement of amenity values” remains an appropriate way to achieve the purpose of the RMA.

#### 4.2.3 Monitoring Proposed Plan Provisions

<b>ERE</b>	<b>Indicator</b>	<b>Evaluation of Plan Effectiveness</b>
<i>Areas identified as Special Ecological Areas are protected.</i>	<i>Area (and area lost) and distribution of indigenous flora and habitats of indigenous fauna</i>	<i>This is to be measured from baseline mapping undertaken utilising the methodology outlined by Wildlands Consultants 2009. This is to be undertaken every 5 – 6 years in accordance with general Plan Effectiveness monitoring requirements. The monitoring method should include analysis of vegetation distribution including the extent of indigenous riparian margin and indigenous ecological corridors.</i>
<i>The biodiversity conditions and trends increases</i>	<i>Biodiversity conditions and trend (‘status of natural area’)</i>	<i>This is measured utilising specific assessments of selected vegetation/habitat types of species (including weeds and animal pests). This is to be undertaken by sampling at undertaken selected representative sites within selected Special Ecological Areas.</i>

<p><i>The number and distribution of threatened species is maintained.</i></p>	<p><i>Number and distribution of threatened species.</i></p>	<p><i>This is to be measured from baseline mapping undertaken utilising the methodology outlined by Wildlands Consultants 2009. This is to be undertaken every 5 – 6 years in accordance with general Plan Effectiveness monitoring requirements.</i></p>
<p><i>There is an increase in the number of areas that are protected.</i></p>	<p><i>The degree of protection (legal) of indigenous vegetation and habitats of indigenous fauna.</i></p>	<p><i>This is to be measured from baseline mapping undertaken utilising the methodology outlined by Wildlands Consultants 2009. This is to be undertaken every 5 – 6 years in accordance with general Plan Effectiveness monitoring requirements and includes:</i></p> <ul style="list-style-type: none"> <li><i>• The proportion of indigenous vegetation and habitat protected (whether by QEII Covenant or within public ownership (where the zoning is relevant to the site and delivers on a protection method (such as Conservation Zoning);</i></li> <li><i>• The proportion of Special Ecological Areas protected.</i></li> </ul> <p><i>Monitoring is to be undertaken every 5 – 6 years.</i></p>
<p><i>The protection and enhancement of existing habitats and ecosystems and the natural areas which support them. The policies concerned are expected to produce the following results:</i></p> <ul style="list-style-type: none"> <li><i>• Protection and enhancement of the quality of natural habitats and ecosystems, and the environment supporting them.</i></li> </ul>	<p><i>Area of Indigenous Vegetation removed.</i></p>	<p><i>A baseline is provided by analysis of the area and distribution of indigenous vegetation. The area removed can be calculated whenever baseline mapping is undertaken in accordance with Wildland Consultants methodology (every 5 to 6 years).</i></p>

<p><i>Built development compatible in scale and location with the protection of Special Ecological Areas</i></p>	<p><i>Land use development pressure on biodiversity:</i></p>	<p><i>This is to be measured by assessing:</i></p> <ul style="list-style-type: none"> <li>• <i>Changes in landuse/extent of land cover;</i></li> <li>• <i>The extent of housing and other development adjacent to the margins of the Tauranga Harbour, riparian margins and indigenous vegetation.</i></li> <li>• <i>The proximity of housing and other development to the margins of Tauranga Harbour, riparian margins and indigenous vegetation.</i></li> </ul>
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*(Note: Monitoring provisions are contained the report - Wildlands (2009) Review of Indigenous Biodiversity Indicators used for State of the Environment Reporting, Report prepared for the Tauranga City Council)*

### 4.3 Issue 2 - The Potential Loss of Public Access to the Coastal Environment, Wetlands, Rivers and Streams through the Protection/Maintenance and Enhancement of Special Ecological Areas

#### Issue Statement

Public Access to the Coastal Marine Area, Lakes and Rivers is a Matter of National Importance under Section 6 of the RMA. It however is also a Matter of National Importance to protect Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna. The two matters compete against each other, and there needs to be appropriate Objectives and Policies placed within the Plan that provides guidance on when these two matters compete, that there will always be an expectation that public access is appropriate provided the adverse effects can be avoided, remedied or mitigated.

#### 4.3.1 Objectives

This table identifies the appropriateness of the listed objectives in achieving the purpose of the RMA.

Objective Number	Objective	Appropriateness
5.2.1.4	<i>Objective – Management of Access within Special Ecological Areas Public access to and within Special Ecological Areas is provided for.</i>	<i>The majority of Special Ecological Areas within the City are located on the edges of the Tauranga Harbour, or the Open Coast. The maintenance and enhancement of public access to and along the coastal marine areas, lakes and rivers is a Matter of National Importance. The Objective directly provides for this outcome and is therefore considered appropriate to achieve the purpose of the RMA.</i>

Objective 5.2.1.4 is addressed through Policy 5.2.1.4.1. These Policies are to be achieved through:

- Rule 5.4 and 5.5 relating to the activity status that applies to activities within and adjoining Special Ecological Areas;
- The method of identifying Special Ecological Areas within the City and identifying their particular factors, values and associations that make them Significant in Appendix 5A of the City Plan.

#### 4.3.2 Policies, Methods and EREs

<i>Policies and Methods</i>	<i>5.2.1.4.1 Policy – Management of Access within Special Ecological Areas By providing for public access to and within Special Ecological Areas where that access does not adversely affect the health, viability or factors, values and associations of that area.</i>
<i>Costs</i>	<i>Potential cost of damage to Special Ecological Areas by allowing public access within Special Ecological Areas.</i>
<i>Benefits</i>	<i>Identifies that access to and along the Coastal Marine Area, lakes and rivers is important to the community, while making sure that the factors, values and associations are not adversely affected. Furthermore, it provides guidance to all landowners that adjoin identified Special Ecological Areas that public access is expected.</i>



<i>Risk</i>	<i>Reduces the risk that Special Ecological Areas will be adversely affected by development as the Policy provides further guidance that access is expected provided that factors, values and associations are not adversely affected.</i>
<i>Efficiency</i>	<i>The Policy and methods provide a clear Policy directive that Public Access will be provided for, provided that that access is appropriately located to not compromise the health, viability or factors, values and associations of the area.</i>
<i>Effectiveness</i>	<i>Stating that Public Access is to be provided for directly reinforces, through Policy, the requirement of the RMA to maintain and enhance public access to and along the coastal marine area, lakes and rivers.</i>
<i>Appropriateness</i>	<i>The Policy and Method is appropriate to achieve the Objective and meet the statutory requirements to maintain and enhance maintain and enhance public access to and along the coastal marine area, lakes and rivers under section 6 of the RMA.</i>

<i>Alternative 1 – No Policy on Public Access to Special Ecological Areas</i>	<i>The alternative ‘do nothing’ does not meet the requirements of the RMA, particularly Section 6. It further would not provide guidance that Public Access to these areas is a Matter of National Importance, and needs to be balanced against the protection of Special Ecological Areas. It is not effective nor efficient in that the matter is not addressed as it does not provide guidance that Public Access is a Matter of National Importance and that, provided appropriate conditions are placed to avoid the adverse effects of access are considered, that Public Access must be weighed against the other requirements of Section 6.</i>
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Based on the finding of the assessment of cost and benefits and the efficiency and effectiveness of the Policies and Methods, the Objective “Public access to and within Special Ecological Areas is provided” is an appropriate way to achieve the purpose of the RMA.

### 4.3.3 Monitoring Proposed Plan Provisions

<b>ERE</b>	<b>Indicator</b>	<b>Evaluation of Plan Effectiveness</b>
<i>The protection and enhancement of existing habitats and ecosystems and the natural areas which support them. The policies concerned are expected to produce the following results:</i> <ul style="list-style-type: none"> <li><i>Protection and enhancement of the quality of natural habitats and ecosystems, and the</i></li> </ul>	<i>Area of Indigenous Vegetation removed.</i>	<i>A baseline is provided by analysis of the area and distribution of indigenous vegetation. The area removed can be calculated whenever baseline mapping un undertaken in accordance with Wildland Consultants methodology (every 5 to 6 years).</i>

<i>environment supporting them.</i>		
<i>Built development compatible in scale and location with the protection of Special Ecological Areas</i>	<i>Land use development pressure on biodiversity:</i>	<p><i>This is to be measured by assessing:</i></p> <ul style="list-style-type: none"> <li><i>• Changes in landuse/extent of land cover;</i></li> <li><i>• The extent of housing and other development adjacent to the margins of the Tauranga Harbour, riparian margins and indigenous vegetation.</i></li> <li><i>• The proximity of housing and other development to the margins of Tauranga Harbour, riparian margins and indigenous vegetation.</i></li> </ul>

*(Note: Monitoring provisions are contained the report - Wildlands (2009) Review of Indigenous Biodiversity Indicators used for State of the Environment Reporting, Report prepared for the Tauranga City Council)*

#### 4.4 Issue 3 - The Provision for Maintenance of Existing Network Utilities in Special Ecological Areas

##### Issue Statement

Network Utilities are a significant physical resource. Key components include services such as electricity, gas and communications. Those networks contribute to the social and economic well-being of the community and enable people to have an acceptable quality of life. Network utilities supply services to the public and are vital in terms of the City's readiness to respond to emergencies, particularly civil defence emergencies. The safe, convenient and efficient operation of the City depends on network utilities, and their continued maintenance must be provided for.

The Plan recognises the importance of these resources in managing use and development within the City. .

##### 4.4.1 Objectives

This table identifies the appropriateness of the listed objectives in achieving the purpose of the RMA.

Objective Number	Objective	Appropriateness
5.2.1.5	<p><i>Objective – Maintenance of Existing Network Utilities</i>  <i>The maintenance of existing network utilities within and adjoining Special Ecological Areas is provided for.</i></p>	<p><i>There are a number of existing network utilities within Special Ecological Areas that need to be considered as resources in their own right. Because of this, specific provision is provided for within the Plan to guide decision makers that the maintenance of these existing network utilities needs to continue to be provided for irrespective of the requirement to protect Special Ecological Areas under Section 6 of the RMA, as upon balance the existing network utility resource takes premise over the requirement to protect Special Ecological Areas. The Objective directly meets this requirement of the RMA to balance competing interests and undertake a general balancing exercise. The Objective does not provide for new network utilities, or the enhancement of existing utilities. These would need to be considered on their own merits against the provisions of the Plan. Because of this, it is considered to be appropriate means of delivering upon the requirements of Sustainable Management. .</i></p>

Objective 5.2.1.5 is addressed through Policy 5.2.1.5.1. These Policies are to be achieved through:

- Rule 5.4 relating to the activity status that applies to activities within and adjoining Special Ecological Areas;
- The method of identifying Special Ecological Areas within the City and identifying their particular factors, values and associations that make them Significant in Appendix 5A of the City Plan.

**4.4.2 Policies, Methods and EREs**

<i>Policies and Methods</i>	<i>5.2.1.4.1 Policy – Maintenance of Existing Network Utilities By providing for the maintenance of existing network utilities within and adjoining Special Ecological Areas where that maintenance does not adversely affect the health, viability or factors, values and associations of that area and the adverse effects can be remedied or mitigated.</i>
<i>Costs</i>	<i>Potential for degradation of the Special Ecological Area when maintenance occurs, and potential limits on existing network utilities in that it does not provide for their enhancement, only maintenance.</i>
<i>Benefits</i>	<i>Provides guidance within the Plan to provide appropriately for existing network utilities, as a resource in their own right to be ranked against the existing, and potentially competing values under Section 6 regarding the Protection of Significant Areas of Indigenous Vegetation and Significant Habitats of Indigenous Fauna.</i>
<i>Risk</i>	<i>By identifying the need to provide for the maintenance of Network Utilities provides guidance to the community and network utility operators of the importance that existing Network Utilities play in the provision of the supporting infrastructure to the City. There is a low level of Risk that Special Ecological Areas will be adversely affected by the maintenance of existing network utilities as appropriate permitted conditions are in place regarding re-instatement and ecological restoration to be undertaken following that maintenance.</i>
<i>Efficiency</i>	<i>Providing a clear Policy directive reinforces the Objective that the maintenance of existing network utilities within Special Ecological Areas shall be provided for where the adverse effects are avoided. This provides an efficient means to deal with the resource management issue.</i>
<i>Effectiveness</i>	<i>Providing for the maintenance of existing network utilities is an essential in achieving the stated Objective. The Policy directly reinforces the Objective that existing network utilities are permitted to be maintenance and puts in place a permitted activity regulatory framework to achieve this. The Policies and Methods are therefore considered to be effective at achieving the Stated Objective.</i>
<i>Appropriateness</i>	<i>The Policies and Methods are appropriate to achieve the Objective and meet the statutory requirements to balance the requirements of Section 6 against the sustainable management of an existing resource. .</i>

<i>Alternative 1 – No Policy on the maintenance of existing network utilities</i>	<i>The alternative ‘do nothing’ will not provide guidance through the Plan regarding the permissibility of the maintenance of network utilities within Special Ecological Areas. There is also a moderate risk that confusion between parties may arise over interpretation of rule requirements which is neither efficient nor effective.</i>
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Based on the finding of the assessment of cost and benefits and the efficiency and effectiveness of the Policies and Methods, the Objective “The maintenance of existing network utilities within and adjoining Special Ecological Areas is provided for” is an appropriate way to achieve the purpose of the RMA.

#### 4.4.3 Monitoring Proposed Plan Provisions

<b>ERE</b>	<b>Indicator</b>	<b>Evaluation of Plan Effectiveness</b>
<i>The protection and enhancement of existing habitats and ecosystems and the natural areas which support them. The policies concerned are expected to produce the following results:</i> <ul style="list-style-type: none"> <li>• <i>Protection and enhancement of the quality of natural habitats and ecosystems, and the environment supporting them.</i></li> </ul>	<i>Area of Indigenous Vegetation removed.</i>	<i>A baseline is provided by analysis of the area and distribution of indigenous vegetation. The area removed can be calculated whenever baseline mapping is undertaken in accordance with Wildland Consultants methodology (every 5 to 6 years).</i>
<i>Built development compatible in scale and location with the protection of Special Ecological Areas</i>	<i>Land use development pressure on biodiversity:</i>	<i>This is to be measured by assessing:</i> <ul style="list-style-type: none"> <li>• <i>Changes in landuse/extent of land cover;</i></li> <li>• <i>The extent of housing and other development adjacent to the margins of the Tauranga Harbour, riparian margins and indigenous vegetation.</i></li> <li>• <i>The proximity of housing and other development to the margins of Tauranga Harbour, riparian margins and indigenous vegetation.</i></li> </ul>

## 4.5 Issue 4 - The Fragmentation of Natural Areas through Ongoing Land Use Change

### Issue Statement

Fragmentation of natural areas through ongoing land use changes has produced many isolated remnants that are important for biodiversity but vulnerable to continuing degradation, including invasion by pests and weeds and loss of indigenous species. There is a need for greater recognition and action to restore fragmented, degraded or scarce natural habitat, halt declining ecological condition, restore essential ecosystem functions, and extend the area of particular habitat types. There is a need for greater recognition of the opportunities to maintain, restore and reconnect fragmented, degraded or scarce habitats for indigenous species through the sympathetic management of production land and urban areas.

### 4.5.1 Objectives

This table identifies the appropriateness of the listed objectives in achieving the purpose of the RMA.

Objective Number	Objective	Appropriateness
5.2.1.6	<i>Objective - Reduction of Habitat Fragmentation and Isolation Habitat fragmentation and isolation of natural areas throughout the City is reduced.</i>	<i>The RPS, which Councils must give effect to, encourages Councils to include in their plans appropriate Policies that recognise the importance of targeted ecological restoration or rehabilitation as a necessary ingredient of sustainable management, to identify areas where the establishment or retention of corridors and buffer zones is needed, and advocate and promote their establishment or retention with appropriate methods, including plan provisions and include Policies in plans for avoiding the fragmentation of ecosystems. The Objective directly provides for this outcome and is therefore is considered to be appropriate to achieve the purpose of the Act.</i>

Objective 5.2.1.6 is addressed through Policy 5.2.1.6.1 and 5.2.1.6.2. These Policies are to be achieved through:

- Subdivision, use and development that does not meet performance standards will be required to ensure that the Policy requirements are being met. There are no specific rules or methods in the Natural Environment Chapter which implement the Policy direction. Implementation of the Policy relies on specific Natural Character Rules within each zone.

#### 4.5.2 Policies, Methods and EREs

<i>Policies and Methods</i>	<i>5.2.1.6.1 Policy - Reduction of Habitat Fragmentation and Isolation</i>
<i>Costs</i>	<i>There will be consenting and compliance costs associated with those activities that wish to establish within the areas that are considered to have provision for the maintenance and enhancement of Habitat Corridors.. This may limit some development potential for property owners.</i>
<i>Benefits</i>	<i>Establishes a clear directive that the areas of remnant vegetation will be maintained and enhanced. This provides certainty to the community that areas with remnant vegetation within Tauranga City will be continue to meet the statutory requirements of the RPS in relation to the Habitat Fragmentation.</i>
<i>Risk</i>	<i>Limits risk of the intrinsic values of remnant vegetation from being damaged from inappropriate subdivision, use and development.</i>
<i>Efficiency</i>	<i>Providing the mechanism for Identifying the key matters that need to be taken into account through the resource consent process and providing a clear Policy direction on their maintenance and enhancement is an efficient approach as it enables these matters to be taken into account through the subdivision process.</i>
<i>Effectiveness</i>	<i>The Policy is effective at achieving the stated Objective. By providing the mechanism to identifying the areas of remnant vegetation is an essential first step toward maintaining and enhancing areas of remnant vegetation. The Policy provides a clear directive that these areas are to be preserved, however provides flexibility for these matters to be addressed through the resource consent process..</i>
<i>Appropriateness</i>	<i>Appropriate as achieves both the Matters of National Importance and the purpose of the RMA. It also gives effect to the requirements of Regional Policy Statement.</i>
<i>Alternative 1 – Do nothing – no Policy relating to the maintenance and enhancement of habitat corridors.</i>	<i>The alternative to ‘do nothing’ has significant costs in that there is high potential loss of the natural character of the City through the loss of remnant vegetation. A potential benefit however is that there will be less constraint on economic development within these areas, however there is an overall moderate to high risk that the values of these areas will be adversely affected by subdivision, use and development. The Alternative is not efficient as it does not identify the key areas Council and the community will expect to be considered through the resource consent process. It is not effective as it does not support the Objective to reduce habitat fragmentation throughout the City and is not appropriate as it does not the requirements of the RPS.</i>

### 4.5.3 Policies, Methods and EREs

Policies and Methods	5.2.1.6.2 Policy – Migration of Natural Features
Costs	<i>There is potential to restrict the development opportunity of some property owners who wish to develop outside of the permitted activity threshold of the City Plan. This could increase the cost of future subdivision, use and development within areas, generally Special Ecological Areas that may migrate inland through the effects of climate change.</i>
Benefits	<i>Provides a clear policy direction to decision makers and developers of the need to recognise that natural features may migrate inland and that the matter is expected to be taken into account through the resource consent process. Overall, the Policy will aid in taking into account the effects of climate change and the potential for ecological migration to occur.</i>
Risk	<i>The Policy limits the risk of areas where ecological migration may occur from being damaged through the adverse effects of subdivision, use and development (specifically, structures being constructed too close to wetlands, rivers and the coastal environment. This Policy is supported with clear and robust Rules in the relevant Chapter and with cross references to this Policy the risk of poor development decisions is low.</i>
Efficiency	<i>Identifying the requirement to recognise the need to take this matter into account has high potential to continue to preserve the natural character values of the Coastal Environment, wetlands and rivers, and providing clear Policy direction to guide appropriate development is an efficient approach to addressing the issue.</i>
Effectiveness	<i>The Policy is effective at achieving the stated Objective. The Policy clearly articulates that there is a need to take this matter into account, as the natural character values must be preserved by other Policy (as outlined in the Natural Features and Landscapes Chapter) and will aid in the reduction of habitat fragmentation. By requiring this matter to be taken into account through subdivision, use and development it will enable the reduction of habitat fragmentation, and an overall benefit of preservation the natural character of the City, which is an essential first step to deliver on this requirement. The Policy provides a clear directive to take this matter into account in that that natural features may migrate inland as a result of dynamic coastal harbour processes and climate change.</i>
Appropriateness	<i>Appropriate as it achieves the requirements of the RPS, which requires Council to consider including Policy on Habitat Fragmentation and aids in the preservation of the Natural Character of the City (links to Natural Character Policy in Landscape Section) which is a Matter of National Importance.</i>



Alternative 1 – Do nothing – no Policy the Migration of Natural Features	<i>The alternative to ‘do nothing’ has potential costs in that there is change of the habitats through fragmentation within the City as climate change occurs. A potential benefit however is that there will be less constraint on economic development within these areas that border or areas where those features exist, and have the potential to migrate inland. However there is an overall moderate to high risk that Habitat Fragmentation will occur through subdivision, use and development. The Alternative is not efficient as it does not deal with the issue of habitat loss and fragmentation and increases the risk of damage to these values. It is not effective as it does not support the Objective to reduce the fragmentation and isolation of Natural Features and it is not appropriate as it does not achieve the reduction of Habitat Fragmentation which is a requirement of the RPS.</i>
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Based on the finding of the assessment of cost and benefits and the efficiency and effectiveness of the Policies and Methods, the Objective “Habitat fragmentation and isolation of Natural Features throughout the City is reduced” is an appropriate way to achieve the purpose of the RMA.

#### 4.5.4 Monitoring Proposed Plan Provisions

<b>ERE</b>	<b>Indicator</b>	<b>Evaluation of Plan Effectiveness</b>
<i>Protection and restoration of the ecological processes that are crucial to maintaining biodiversity</i>  <i>Maintenance, protection and restoration of the City's distinctive wildlife and vegetation character and, in particular, indigenous biological diversity</i>	<i>Area of Indigenous Vegetation Habitat Fragmentation and Isolation</i>  <i>The number, sizes and disturbance of natural areas from other natural areas.</i>	<i>The number, sizes and distances from other natural areas is analysed using GIS systems, undertaken every 5 – 6 years in accordance with Wildlands baseline mapping.</i>
<i>The maintenance and reduction of the abundance and distribution of pest plants within Special Ecological Areas.</i>	<i>Abundance and distribution of pests</i>  <i>The type, relative abundance and effects of threatening animal pests and environmental weeds.</i>	<i>Review of varying reports which include:</i> <ul style="list-style-type: none"> <li>• <i>Existing survey reports on pest distribution and abundance;</i></li> <li>• <i>Condition monitoring of Significant Ecological Areas;</i></li> <li>• <i>EBOP weed database;</i></li> <li>• <i>Targeted surveys of selected pest plants and pest plants within Significant Ecological Areas.</i></li> </ul>

*(Note: Monitoring provisions are contained the report - Wildlands (2009) Review of Indigenous Biodiversity Indicators used for State of the Environment Reporting, Report prepared for the Tauranga City Council)*

**Identification of Special Ecological Areas on the Plan Maps (Part B)**

Special Ecological Areas (Category 1 and 2) are identified on Plan Maps, delineating the areas of the feature. The purpose of identifying these areas on Plan Maps is to accurately map the area in question (through appropriate policy and assessment criteria) and provide certainty to all parties as to where the feature area begins and ends.

All identified Special Ecological Areas have been mapped, however in the case of areas that border onto the margins of the Tauranga Harbour, the decision to map the entire feature, whether that area crossed over Mean High Water Springs into the CMA or not has been undertaken, as this method delivers a more appropriate response to providing protection to these features and allows for integrated management with the Bay of Plenty Regional Council.

Areas identified as part of a Special Ecological Area that are located within areas zoned Suburban Residential or Industrial have been removed. This is because there is a need to recognise that developments rights already afforded to these properties under Section 5 of the RMA (socio economic benefits).

<i>Costs</i>	<i>Costs in undertaking the work in identifying the Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna, or areas of Indigenous Vegetation (not identified as significant).  Potential cost of damage to the areas of Indigenous Vegetation and Habitats of Indigenous Fauna, by not identifying, or not providing for their identification, and allowing for inappropriate subdivision, use and development to occur.</i>
<i>Benefits</i>	<i>Provides for the most recent data to be applied to determining the location of the boundaries of Special Ecological Areas.</i>
<i>Risk</i>	<i>Potential risk in removal areas previously afforded developments rights (industrial/suburban residential areas) in that parts of a wider area of significant vegetation and those values potential could be lost, however it is noted that for SEA Category 2, there is a 5m buffer around these areas into private properties, thus protection is provided.</i>
<i>Efficiency</i>	<i>Efficient as the Planning Maps are an easy tool to use and easily understood by residents and landowners.</i>
<i>Effectiveness</i>	<i>Effective as it provides certainty for users of the Plan so they can rely on the data provided.</i>
<i>Appropriateness</i>	<i>Appropriate as a means of sustainably managing activities in identified Natural Features and Landscapes, implementing Policies 5.2.1.1 – 5.2.1.2.1 and achieving the stated Objectives.</i>

## **5. MONITORING PROPOSED PLAN PROVISIONS**

Specific indicators to assess the Effectiveness of the Proposed Plan Objectives, Policies and Rules is contained within the separate report,

- Wildlands (2009) Review of Indigenous Biodiversity Indicators used for State of the Environment Reporting, Report prepared for the Tauranga City Council,

however is discussed in the varying monitoring aspects for each Objective.

This monitoring manual was prepared to aid in assessment of the identified Special Ecological Areas through the City Plan, and monitoring through the State of the Environment Reports.

This report should be read to identify the context and methodology behind measuring the environmental results expected in conjunction with:

- Wildland Consultants Ltd (2008) Indigenous Biodiversity of Tauranga City – State of the Environment Reporting – Updated 2009), Report prepared for the Tauranga City Council, Contract Report 2053.

## **6. RECOMMENDED OBJECTIVES, POLICIES AND METHODS**

The recommended plan content to:

- Identify and protect, or maintain and enhance areas of Indigenous Vegetation and Habitats of Indigenous Fauna;
- Reduce Habitat Fragmentation;
- Manage Public Access within Special Ecological Areas; and to
- Provide for the maintenance of existing network utilities.

Council has a clear responsibility under Section 6, 7 and 31(b) of the RMA to:

- Protect Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna,
- Maintain and Enhance Amenity Values:
- Have particular regard to the intrinsic values of ecosystems;
- Have particular regard to the maintenance and enhancement of the quality of the environment.

This responsibility, coupled with the requirement to give effect to the RPS, which has a strong regulatory focus that Council must give effect to.

The principal alternatives considered are to implement management provisions or to “do nothing”. The assessment is that a “do nothing” alternative will not enable Council to discharge its statutory responsibilities or to meet community expectations.

These recommended approaches have been assessed against the criteria derived from the Environment Court, and written into the RPS through Change 1. As such, the recommended Plan Content is considered an appropriate method to respond to the relevant issues.

## **7. NOTIFICATION AND RECOMMENDED DECISIONS**

*This section to be completed following hearings.*