Central Hawke's Bay District Council District Plan Review

Ecosystems and Indigenous Biodiversity Section 32 Topic Report

# Central Hawke's Bay District Council Proposed District Plan

Ecosystems and Indigenous Biodiversity Section 32 Topic Report

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# Contents

Executi	ve Sumr	mary	1
1	Introdu	lction	1
2	Statuto	ory & Policy Context	1
	2.1	Resource Management Act	1
	2.2	National Direction	2
	2.3	Regional Policy Statement & Regional Plans	5
	2.4	Other Legislation & Regulations	6
	2.5	Local Policies, Plans & Strategies	7
	2.6	Other Documents	8
	2.7	Operative District Plan Approach	8
3	Approa	ach to Evaluation	10
	3.1	Background Research	10
	3.2	Technical Information and Analysis	11
	3.3	Consultation	12
	3.4	Draft District Plan Feedback	14
	3.5	Decision-Making	15
	3.6	Resource Management Issues	16
4	Evaluat	tion of Proposed Objectives	18
5	Evaluat	tion of Proposed Provisions (Policies & Methods)	20
	5.1	Identification of Reasonably Practicable Options	20
	5.2	Evaluation of Proposed Policies and Methods	23
	5.3	Adequacy of Information and Risks of Acting or Not Acting	30
	5.4	Quantification	30
	5.5	Summary	30
6	Overall	Summary and Conclusion	31

### REFERENCES

# 1 Introduction

This report contains a summary evaluation of the objectives, policies and methods applying across the District relating to ecosystems and indigenous biodiversity in the Proposed Central Hawke's Bay District Plan. It is important to read this report in conjunction with the Section 32 Overview Report which contains further information and evaluation about the overall approach and direction of the District Plan review and Proposed District Plan.

This report contains a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from implementing the proposed provisions.

The provisions of the Proposed Plan have been assessed against the relevant higher-order documents that have been prepared under the RMA.

For the purposes of this report, the term 'Significant Natural Area' (SNA) has been applied to the relevant areas identified on the planning maps and contained in the ECO-SCHED5 schedule.

# 2 Statutory & Policy Context

# 2.1 Resource Management Act

The RMA sets out in section 31 the functions of territorial authorities. The key function for the District Council is the integrated management of the use, development, or protection of land and associated natural and physical resources of the district. 'Natural and physical resources' includes all parts of the natural environment, including air, water, soil, and ecosystems (natural resources) throughout the District.

Section 5 sets out the purpose of the RMA, which is to promote sustainable management of natural and physical resources and this is explained more in section 5(2).

In this Act, sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety while –

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Sections 6 and 7 of the Act set out principles of national importance and other matters in which the Council shall recognise and provide for, or have particular regard for, when reviewing the District Plan.

Relevant section 6 'Matters of National Importance' that Council recognise and provide for include:

- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

Relevant section 7 'Other Matters' seek that the Council has particular regard to the following:

- (a) kaitiakitanga:
- (aa) the ethic of stewardship:
- (d) intrinsic values of ecosystems:
- (f) maintenance and enhancement of the quality of the environment:
- (g) any finite characteristics of natural and physical resources:

Section 8 requires local authorities to take into account the principles of the Treaty of Waitangi. Tangata whenua, through iwi authorities have been consulted as part of the review process and the obligation to make informed decisions based on that consultation is noted.

Section 31 of the RMA, further requires Councils to control any actual or potential effects of the use, development, or protection of land, including (and of particular relevance) for the purpose of:

### (b)(iii) the maintenance of indigenous biological diversity:

All of the above matters are relevant when considering how best to provide for ecosystems and indigenous biodiversity in the District Plan.

### 2.2 National Direction

When considering Ecosystems and Indigenous Biodiversity matters, the following National Policy Statements apply:

- New Zealand Coastal Policy Statement (2010)
- Draft National Policy Statement on Indigenous Biodiversity (2019)
- National Policy Statement for Freshwater Management (2020)

In addition, the format of all District Plan provisions is also subject to the National Planning Standards.

### 2.2.1 New Zealand Coastal Policy Statement (2010)

The New Zealand Coastal Policy Statement has a specific policy (11) to protect indigenous biological diversity (biodiversity) in the coastal environment:

- '(a) avoid adverse effects of activities on:
  - *i. indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;*
  - *ii.* taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;
  - *iii. indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;*
  - *iv.* habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
  - v. areas containing nationally significant examples of indigenous community types; and
  - vi. areas set aside for full or partial protection of indigenous biological diversity under other legislation; and
- (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:
  - i. areas of predominantly indigenous vegetation in the coastal environment;
  - *ii.* habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;
  - iii. indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;
  - *iv.* habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;
  - v. habitats, including areas and routes, important to migratory species; and
  - vi. ecological corridors, and areas important for linking or maintaining biological values identified under this policy.'

The Proposed District Plan identifies Significant Natural Areas in the coastal environment, and contains provisions to protect and manage these.

### 2.2.2 Draft National Policy Statement on Indigenous Biodiversity (2019)

The Draft National Policy Statement on Indigenous Biodiversity (NPS-IB) sets out objectives and policies to identify, protect, manage, and restore indigenous biodiversity under the RMA. The Draft NPS-IB has not passed as legislation, and as such does not have legal effect, however it has been used as guidance in reviewing the District Plan and preparing the proposed provisions. Once the NPS-IB takes effect, the Council will be required to ensure its District Plan is in accordance with the provisions of the NPS (s74(1)(ea)). Central Hawke's Bay District Council has elected to anticipate the NPS-IB as much as possible, in developing provisions for the Proposed Plan.

The Draft NPS-IB policy direction relevant to Central Hawke's Bay District is summarised as follows:

### Section 1.3 Purpose of National Policy Statement

'The purpose of the NPS-IB is to set out objectives and policies in relation to maintaining indigenous biodiversity and to specify what local authorities must do to achieve those objectives.'

### Section 1.7 Fundamental Concepts

### '(1) Hutia te Rito

....Hutia Te Rito recognises the health and wellbeing of indigenous biodiversity in the terrestrial environment – its habitats and ecosystems and unique vegetation and fauna – is also vital for the health and wellbeing of our freshwater, coastal marine area and all of our communities. It recognises we have a role as stewards or kaitiaki of indigenous biodiversity. This requires that when we undertake activities – such as subdivision, use and development – we have a responsibility to provide not only for te hauora o te tangata (the health of the people) but also for –

- te hauora o te koiora (the health of indigenous biodiversity), and
- te hauora o te taonga (the health of species and ecosystems that are taonga), and
- te hauora o te taiao (the health of the wider environment).

These elements are intrinsically linked. Any use and development that degrades the mauri and hauora of our indigenous biodiversity also degrades the hauora of the people. Hutia Te Rito is an overarching concept that can incorporate the values of tangata whenua and the wider community into the way indigenous biodiversity is managed so that it is maintained. This National Policy Statement requires local authorities to work with tangata whenua and the wider community to

- protect, maintain and enhance indigenous biodiversity in a way that recognises that reciprocity is at the heart of the relationship between people and indigenous biodiversity; and
- develop meaningful and tailored objectives, policies and methods to operationalise Hutia Te Rito.

### (2) Indigenous biodiversity

is biodiversity that is naturally occurring anywhere in New Zealand. It includes all New Zealand's ecosystems, indigenous vegetation, indigenous fauna and the habitats of indigenous vegetation and fauna.'

### Section 1.8 Definitions:

### 'SNA or significant natural area, means -

- a) an area identified as an SNA in a district plan or proposed district plan in accordance with clause 3.8;
- b) an area identified, before the commencement date, in a policy statement or plan or proposed policy statement or plan, as an area of significant indigenous vegetation or significant habitat of indigenous fauna, regardless of whether the area is referred to as a SNA or in any other way; or
- c) an area identified as an area of significant indigenous vegetation or significant habitat of indigenous fauna as part of an assessment of environmental effects.'

### Section 2.1 Objectives

'Objective 1: to maintain indigenous biodiversity:

*Objective 2: to take into account the principles of the Treaty of Waitangi in the management of indigenous biodiversity:* 

Objective 3: to recognise and provide for Hutia Te Rito in the management of indigenous biodiversity:

*Objective 4: to improve the integrated management of indigenous biodiversity:* 

*Objective 5: to restore indigenous biodiversity and enhance the ecological integrity of ecosystems:* 

Objective 6: to recognise the role of landowners, communities and tangata whenua as stewards and kaitiaki of indigenous biodiversity by...

- b) allowing people and communities to provide for their social, economic and cultural wellbeing now and in the future; and
- c) supporting people and communities in their understanding of and connection to, nature.'

### 3.8 Identifying Significant Natural Areas

'1) Every territorial authority must-

- a) undertake a district wide assessment in accordance with Appendix 1 to determine if an area is significant indigenous vegetation and /or significant habitat of indigenous fauna; and if it is,
- b) classify areas of significant indigenous vegetation and /or significant habitat of indigenous fauna as either High or Medium, in accordance with Appendix 2.'

### 3.12 Existing activities in SNA's

'(3) In providing for existing activities in their policy statements and plans, local authorities must –

- a) ensure the continuation of an existing activity will not lead to the loss, including through cumulative loss, of extent or degradation of the ecological integrity of any SNA; and
- b) ensure the adverse effects of an existing activity are of no greater character, intensity or scale than they were before the National Policy Statement commencement date.'

The Proposed District Plan identifies Significant Natural Areas, and contains provisions to protect and manage these that align with the Draft NPS-IB.

### 2.2.3 National Policy Statement for Freshwater Management (2020)

The National Policy Statement for Freshwater Management (NPS-FW) that came into effect on 3 September 2020, provides updated direction to local authorities on how they should manage freshwater under the RMA. The NPS-FW sets out objectives and policies that direct territorial local authorities to manage water in an integrated and sustainable way, while providing for economic growth within set water quantity and quality limits. It requires protection of the significant values of wetlands and outstanding freshwater bodies (among other things), with regional councils tasked to identify Freshwater Management Units (FMU's) including wetlands.

The NPS-FW introduces a framework that considers and recognises Te Mana o Te Wai, a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community<sup>1</sup>).

A summary of key relevant requirements of the NPS-FW includes the need to:

- Consider and recognise Te Mana o te Wai in freshwater management.
- Identify and reflect tangata whenua values and interests in the management of freshwater and in decision-making around freshwater planning.
- Safeguard freshwater's life-supporting capacity, ecosystem processes, and indigenous species.
- Maintain or improve the overall quality of freshwater within a freshwater management unit but improve it where people recreate so that it is suitable for primary contact more often.
- Follow a specific process the national objectives framework for identifying the values that tangata whenua and communities have for water; use a specified set of water quality measures (called attributes) to set freshwater objectives to achieve those values; then set water quality

<sup>&</sup>lt;sup>1</sup> NPS \_FW section 1.3 Fundamental concept - Te Mana o Te Wai

and quantity limits on resource use (e.g. how much water can be taken or how much of a contaminant can be discharged) to meet the freshwater objectives over time and ensure they continue to be met.

- Protect the significant values of wetlands and outstanding freshwater bodies.
- Take an integrated approach to managing land use, freshwater and coastal water.

Whilst the responsibility for protection of freshwater lies mainly with Regional Council, the provisions of this NPS have been take in into account in preparing the Proposed District Plan.

### 2.2.4 National Planning Standards

The first set of National Planning Standards (NPS) were released in April 2019. Their purpose is to improve consistency in district plan and policy structure, format, and content.

The District Plan Structure Standard (Standard #4) and the District-Wide Matters Standard (Standard #7, clause 19) direct that the provisions for significant natural areas, maintenance of biological diversity, and intrinsic values of ecosystems and indigenous biodiversity must be contained within the 'ECO – Ecosystems and Indigenous Biodiversity' chapter under the 'Part 2 Natural Environment Values' heading. The 'Schedule of Significant Natural Areas' (ECO-SCHED5) is also included in this chapter, as provided for in the Format Standard (Standard #10, clause 33).

The proposed provisions also use the standardised definitions from the Definitions Standard (Standard #14), where appropriate.

### 2.3 Regional Policy Statement & Regional Plans

# 2.3.1 Hawke's Bay Regional Resource Management Plan (28 August 2006) (incorporating the Regional Policy Statement)

Under Section 75(3)(c) of the RMA, the District Plan must *'give effect to'* the Regional Policy Statement (RPS), and under section 75(4)(b) the District Plan must not be inconsistent with a regional plan.

The following RPS provisions are relevant to this topic.

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Issue 3.1A Integrated Land Use and Freshwater Management (including Proposed Plan Change 7
Outstanding Water Bodies (notified August 2019))
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These provisions recognise the importance of the interrelationship between land and water and the need for integrated management to protect the regions freshwater resources including the need to protect the outstanding and significant values of identified outstanding waterbodies in Hawke's Bay (Plan Change 7); as well wetlands and their significant values; and to maintain or enhance where appropriate the primary values and uses of other identified freshwater bodies.

Relevant Objectives include:

- OBJ LW1 Integrated management of fresh water and land use and development
- OBJ LW2 Integrated management of freshwater and landuse development

OBJ LW3 Tangata whenua values in management of land use and development and freshwater

Lake Whatumā and its wetland margins, Makirikiri River, Porangahau River and Estuary, Te Paerahi River, Tukituki River, and Waipawa River, all located within Central Hawke's Bay District, are identified as Outstanding Waterbodies pursuant to Schedule 25 (Plan Change 7).

The Tukituki Catchment Area is an identified freshwater body within these existing provisions.

Plan Change 7 has been publicly notified, with submissions and furthers submissions received, and is currently in its hearing phase. Therefore, the provisions of this proposal can be given reasonable weighting and are a matter for Central Hawke's Bay to give effect to in preparing its Proposed Plan.

### Issue 3.4 Scarcity of Indigenous Vegetation and Wetlands

This issue recognises the scarcity of indigenous vegetation and wetlands as a regional issue and identifies it is important to value the areas of indigenous vegetation and habitat that remain and encourage the establishment of other areas.

It also recognises the value of wetlands in providing important areas of indigenous habitat, adding to the biodiversity of the region and the stability and quality of the region's waterways. Lake Whatuma is specifically identified as a 'significant regional wetland' for the Regional Council when considers works priorities.

Relevant objectives include:

### OBJ15 The preservation and enhancement of remaining areas of significant indigenous vegetation, significant habitats of indigenous fauna and ecologically significant wetlands.

The District Plan must give effect to the above objective and therefore, the Ecosystems and Indigenous Biodiversity-related provisions in the Proposed Plan should support the preservation and enhancement of the District's remaining areas of significant indigenous vegetation, significant habitats of indigenous fauna and ecologically significant wetlands.

The following relevant sections of Hawke's Bay Regional Council's Regional Plans have also been considered in the preparation of these provisions.

### Chapter 5.9 Tukituki River Catchment

This chapter provides for the sustainable management, use and development of land within the Tukituki River catchment. It includes freshwater objectives and water quality policies for the catchment and an impetus for landowners to develop individual farm environmental management plans to address nutrient budgeting to improve the life-supporting capacity of rivers and streams. This includes in some cases, the need to implement appropriate riparian management measures including stock exclusion (fencing) from the beds and margins of any lake, wetland, or flowing river.

The District Plan must not be inconsistent with the provisions of this Chapter and the Ecosystems and Indigenous Biodiversity-related provisions in the Proposed Plan recognise that riparian management measures can also have benefits for indigenous biodiversity.

### 2.3.2 Hawke's Bay Regional Coastal Environment Plan (Operative 8 November 2014)

As outlined above, under section 75(4)(b) the District Plan must not be inconsistent with a regional plan.

This Plan guides and controls activities within the coastal environment and has specific objectives and policies (no rules) relating to (among other things):

• indigenous species and habitats;

The District Plan must not be inconsistent with the provisions of this Plan and have been considered in preparing the Ecosystems and Indigenous Biodiversity-related provisions in the Proposed Plan.

# 2.4 Other Legislation & Regulations

### 2.4.1 Heretaunga Tamatea Claims Settlement Act 2018 (Statutory Acknowledgements)

Heretaunga Tamatea and its hapū is one of six large natural groupings represented by He Toa Takatini who negotiated settlement of the historical Treaty of Waitangi claims of Ngāti Kahungunu, signed on the 26 September 2015. Settlement assets for Tamatea sit with the trustees of the Heretaunga Tamatea Settlement Trust, the post-settlement governance entity.

As part of the deeds of settlement are statutory acknowledgements. These statutory acknowledgements are to be scheduled and mapped in the relevant District Plan.

The purposes of statutory acknowledgements are:

- To require consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgements in their decision-making.
- To require relevant consent authorities to forward summaries of resource consent applications for activities within, adjacent to, or impacting directly on, relevant statutory areas to the governance entity.

All the Statutory Acknowledgement Areas within the Central Hawke's Bay District are likely to contain SNA's within their boundaries.

### 2.5 Local Policies, Plans & Strategies

### 2.5.1 Hawke's Bay Biodiversity Strategy 2016

The Hawke's Bay Biodiversity Strategy was launched in March 2016. It takes a regional approach to improving habitats and supporting native species across the region. It is also flexible and provides for introduced species, particularly where these give habitat, food and shelter for native species. The Strategy is supported by an action plan that identifies the following six priority actions:

- 1. Ecosystem mapping and ecological prioritisation so we know where we should be putting our efforts first (currently underway).
- 2. Development of a cultural framework to identify, map and assess the condition of taonga biodiversity sites using Mātauranga Māori values and tools.
- 3. Establish the Hawke's Bay Biodiversity Foundation (the leadership board with the legal infrastructure to raise funds) and the Biodiversity Guardians (for anybody to become a member and be involved in saving Hawke's Bay's indigenous biodiversity).
- 4. Develop a group of statutory agencies with biodiversity functions to work in partnership to coordinate policy and operational best practice.
- 5. Establish a Biodiversity Forum as a central place to share and connect into all the biodiversity activity in Hawke's Bay.
- 6. Develop a process for proactive engagement of landowners in achieving biodiversity outcomes on privately owned land.

The strategy was developed collaboratively with other organisations and interests, and sets out a blueprint, weaving together what each organisation does best, adding a clear vision for how they will work together, to include Māori values and involve the wider community.

### 2.5.2 Hawke's Bay Biodiversity Accord

The Hawke's Bay Biodiversity Accord brings together organisations that support the Hawke's Bay Biodiversity Strategy. It has two tiers of support organisations, accountable partners and supporting partners. Accountable partners are typically organisations who have statutory responsibilities, or organisations whose core purpose is to deliver biodiversity outcomes. Their accountabilities are reflected and revised. Supporting partners are typically organisations whose core functions are to deliver biodiversity outcomes, who make commitments to support Accountable Partners to deliver objectives and outcomes set by the Strategy.

Central Hawke's Bay District Council is an 'Accountable Partner' to this Accord.

### 2.5.3 Iwi Environmental Management Plan

There are currently no iwi management plans relevant to Central Hawke's Bay District.

### 2.6 Other Documents

### 2.6.1 Biodiversity Offsetting

Biodiversity offsetting is a concept that provides for compensation to achieve 'no net loss' or a 'net gain' of indigenous biodiversity in situations where adverse effects cannot be avoided, remedied or mitigated. This concept has been introduced into the Proposed District Plan and specific reference is made to the following nationally accepted best practice texts:

- Guidance of Good Practice Biodiversity Offsetting in New Zealand', (Department of Conservation, (2014))'; and
- 'Biodiversity Offsetting Under the Resource Management Act, A Guidance Document' (Maseyk, Ussher, Kessels, Christenson and Brown, (2018)).

### 2.7 Operative District Plan Approach

Central Hawke's Bay Operative District Plan has a schedule of 'Areas of Significant Nature Conservation Value' (ASNCV) within Appendix D, comprising 62 sites across the District, and these sites are shown on the corresponding planning maps. ASNCV is defined in the District Plan as 'means plant and animal communities and habitats that are rare or unique, or which may provide good representation of the plant communities that existed more widely in the District before vegetation clearance'. These are areas that were originally identified by the Department of Conservation as part of their Protected Natural Areas Programme (PNAP).

The Operative District Plan identifies a single issue (Issue 4.4) and related objective, policies and methods relating to nature conservation, landscape values and riparian management within Chapter 4 – Rural Zone provisions as follows:

### 4.4 ISSUE - Nature Conservation, Landscape Values, and Riparian Management

# 'Conservation and landscape values and riparian areas need to be maintained or enhanced for future generations'

Explanation

Despite continuing modification, the District has diverse indigenous flora and fauna in a variety of habitats. The Ruahine Range contains shrubland, forest as well as alpine vegetation. Much of this area is Crown land managed by the Department of Conservation. Further east, remnant forests, shrublands and wetlands occur throughout the hill country and plains through to the coast. These indigenous plants and animals may be under threat due to weed and pest invasion, habitat clearance, grazing or land disturbance.

Ecological surveys by the Department of Conservation have identified over 60 areas of natural significance which are representative of former plant and animal communities and habitats (outside the Ruahine Ranges) or are rare or unique within the District.

...

Lakes, rivers, and the coast, and their margins are vital elements of the landscape and important habitats for indigenous flora and fauna. River systems provide birds and fish with essential pathways between the coastal and inland habitats, and provide valued fisheries. Lakes and rivers and their wetland margins moderate the effects of floods through their storage and transportation of water and sediment. For the same reason wetlands help maintain river and stream flows in summer.

### 4.4.1 Objectives

- 1. Protection and enhancement of defined nature conservation areas, and outstanding landscapes views within the District.
- ...

...

4.4.2 Policies

- 1. To promote and facilitate the long-term protection of areas with significant conservation values by encouraging the Department of Conservation to pursue actively the implementation of the Protected Natural Areas programme through direct negotiations with the landholders concerned.
- 2. To identify through the District Plan sites, which have been recognised through any regional plans or national databases, reports, or through surveys conducted by the Council, as being areas of significant indigenous vegetation or habitat.
- 3. To encourage the voluntary protection of sites identified as having indigenous plants or animals of significant value. An example is the QE II National Trust covenant.
- 4. To discourage inappropriate development in sites identified as having rare, endangered, or vulnerable species of plants or animals of national significance, or indigenous plant or animal communities that are of significance to the nation.

### 4.4.3 Implementation Methods

To achieve policies 1-6 through:

- 1. the use of incentives to protect areas of significant conservation values (incentives may include legal and survey costs or rates relief for covenanting, fencing costs, or public acquisition of land);
- 2. controlling by way of rules building development and tree planting in areas of outstanding landscape views and in the coastal environment, and the modification of indigenous vegetation in sites of significant conservation value; and,
- 3. to establish an operations plan for Council that takes into account indigenous plants and animals and water quality, and landscape values when carrying out roading construction or maintenance.

#### 4.4.4 Explanation and Reasons

The District is fortunate that it still contains a number of sites of particular nature conservation value. Some of the 'areas' are on Crown land, whilst others are on private property. Consistent with section 6 (c) of the Act, the sites are listed in Appendix D and shown on the Planning Maps, or are identified through specific criteria in Performance Standard 4.9.13. Organisations such as the Department of Conservation are in the best position to protect such sites through negotiation, however, the Council will consider providing incentives to protect such values when the local community supports such protection. The QE II National Trust also promotes voluntary protection of nature conservation and open space values for the benefit and enjoyment of New Zealanders.

#### •••

#### 4.5 ENVIRONMENTAL RESULTS ANTICIPATED

...

• Maintenance and enhancement of the District's landscape and conservation values.

The Operative District Plan contains one performance standard pertaining to ASNCVs, as follows:

#### Standard 4.9.13 Areas of Significant Conservation Value

There shall be no modification to any "Site of Significant Conservation Value".

For the purposes of this performance standard a "Site of Significant Conservation Value" is either:

- *i. identified in Appendix D, and on the Planning Maps, as being of significant conservation value; or,*
- *ii.* any area of woody indigenous vegetation containing naturally occurring tree species, which attain at least 30 centimetres diameter at breast height at maturity, and is either:
  - (a) over one hectare and with an average canopy height over 6 metres; or
  - (b) over five hectares of any height.

For the purposes of this performance standard "modification" is deemed to exclude minor work. Minor work is defined as:

- 1. The disturbance or destruction of indigenous vegetation or habitat as a result of the maintenance or repair of existing roads, tracks, fences or drains.
- 2. The disturbance or destruction of indigenous vegetation or habitat in gullies as a consequence of the harvesting of plantation forestry activities; where the harvesting involves:
  - The lifting and/or dragging of logs, and/or

• The construction and maintenance of forestry roads into gullies and culverts across streams (providing that the above work does not occur in any block of indigenous vegetation that exceeds 5 hectares).

The provisions as currently identified are contained within the Rural Zone provisions of the Operative District Plan and combine a number of section 6 matters of national importance within a single issue. A single general standard applying to all activities within the Rural Zone, limits activities within ASNCV to modification for 'minor works' only. Where this standard cannot be met a 'discretionary activity' consent is required, with matters for discretion identified in 14.2.18 of the Plan.

The legislative environment (outlined above) has changed significantly since the District Plan was made operative with the introduction of draft national policy direction, and the RMA (particularly section 6(c) and section 31(b)(iii)), and regional policy direction, all confirm that the protection of biodiversity and particularly indigenous biodiversity is a significant matter for the Proposed Plan to address.

# 3 Approach to Evaluation

# 3.1 Background Research

In 2017, a high-level scoping exercise was undertaken to determine what aspects of the Operative District Plan were in reasonable shape and identify areas for review and the general approach to be taken to review them<sup>2</sup>. With respect to indigenous biodiversity values, this review concluded that the current provisions have a limited policy framework and provide a low level regulatory response to section 6 matters of national importance. Options considered were to retain the status quo (i.e. retain within the Rural Zone provisions without amendment), update the Rural Zone provisions, or to draft a new standalone chapter addressing aspects such as indigenous biodiversity. A rewrite of these provisions was recommended to remove the ASNCV provisions from the Rural Chapter and to provide a standalone chapter to address this section 6 matter of national importance.

As part of the District Plan scoping exercise the following background reports and feedback were also noted:

### 3.1.1 'Rural Zone Discussion Document – District Plan Review', CHBDC, February 2012

This document was released for public discussion as part of the rolling District Plan review. It identified and sought feedback on a range of issues relating to Subdivision and Land Use in the Rural Zone, Reverse Sensitivity/Farming Activities, Significant Landscapes, Significant Indigenous Vegetation, Noise, Earthworks, Climate Change, and Natural Hazards.

The Department of Conservation submitted in support of identification and protection areas of significant indigenous vegetation, by scheduling, mapping, rules, and criteria and also supported a review of the areas to confirm their current significance.

# 3.1.2 Central Hawke's Bay District Plan Review – A Report on the Efficiency and Effectiveness of the Central Hawke's Bay District Plan', CHBDC, August 2017

This report identified that, in recognition of the significance of the matters of national importance encapsulated collectively as Nature Conservation, Landscape Values and Riparian Management, these matters could be separated into four individual issues rather than grouped together as a single issue (as currently in the Operative District Plan).

The four individual issues were considered to better reflect the matters covered in section 6 (a), (b), (c) and (d) of the RMA. This would allow each issue to be addressed in more appropriate detail as would reasonably be anticipated for matters of national importance. Treating the four separate matters

<sup>&</sup>lt;sup>2</sup> "Initial Section 32 Scoping Report – CHB District Plan Review 2017", prepared by Sage Planning HB Ltd, dated 24 August 2017.

individually would also enable the formulation of separate objectives and policies to be identified for each issue.

With respect to 'Areas of Significant Nature Conservation Value', this report identified that the terminology and restrictions of the plan provisions required modification and review to include other types of indigenous vegetation and habitats such as wetlands, and the terminology should be updated to be consistent with the wording of the RMA which specifies 'areas of significant indigenous vegetation and significant habitats of indigenous fauna'.

It also reiterated the need for a review of this issue, recommending it be placed in a dedicated chapter addressing this matter of national importance to ensure it is compliant with the RMA requirements. This approach would also allow the Hawke's Bay Biodiversity Strategy and Biodiversity Accord to be recognised and provided for in the District Plan (CHBDC is a party to both these initiatives).

### 3.1.3 'Project Thrive' Feedback (2017)

In April 2017, Council consulted with the local community on their long term goals for the District. The outcome of this process 'Project Thrive', has informed Councils strategic direction and investment since that time. A key theme identified by the community during this process included 'Nature Friendly' practices.

Specific feedback relevant to biodiversity issues included:

- Support community tree planting initiatives, Bush / Forest parks (raised by 6 participants), bird corridor (raised by 1 participant), Totara country (raised by 1 participant). Expand Ongaonga initiative and plant one kowhai tree for every person (involve everyone in growing and planting) (raised by 1 participant), habitat restoration/beautification via native planting, develop native fauna and flora (raised by 2 participants), Plant more trees (to capture water) (raised by 1 participant);
- Biodiversity Strategy: CHBDC becomes a signatory to the Biodiversity Accord and contributes funding towards achieving the vision of Strategy.

### 3.1.4 Issues Raised in Staff Interviews (2017)

Feedback from staff about their experiences with the Operative District Plan during interviews for the Initial Scoping Report, only raised one issue of relevance, as follows:

• Appendix D (Significant Nature Conservation Areas) – Staff requested that any new provisions relating to these areas need to ensure Council can still do everyday operations on Council/DOC reserves.

### 3.2 Technical Information and Analysis

For the purpose of addressing section 6(c), Council undertook to review its schedule of ASNCV as contained in Appendix D of the Operative District Plan, and to rename these sites as 'Significant Natural Areas' or 'SNA' to be consistent with legislative terminology and best practice.

To assist with this, Council engaged a consultant ecologist to review the existing District Plan ASNCVs and develop an updated list of SNA for inclusion in the Proposed District Plan and to provide guidance on methods for meeting Council's section 6 responsibilities under the RMA. This resulted in the following reports being developed:

Title	Author	Description of Report
'Assessment of Natural Heritage for the Review of the Central Hawke's Bay District Plan', finalised 27 April 2018	Kessels, Kessels Ecology	This desktop review identified best practice criteria for natural feature significance assessments, reviewed current Operative District Plan ASNCV's using available information and data sets,

		and made recommendations to assist with policy development. It also identified the need for further work to confirm the status of some sites.
'CHBDC District Plan Final Desktop SNA Review – Methodology', March 2019	Pickett, D. & Kessels, G, Tonkin & Taylor	This report outlines the methodology used to undertake a second desktop review to address gaps in the data identified in the initial desktop review.
'Central Hawke's Bay District Council, District Plan Significant Natural Area Review – May 2020', finalised 3 June 2020	Kessels, Bluewattle Ecology	Provided further update on the methodology and assessment process to date as of May 2020. This included reviewing significance criteria in response to the Draft National Policy Statement – Indigenous Biodiversity (2019) and applied a confidence level to each site in line with this NPS. The report also makes several recommendations to complete the SNA identification and management process leading into notification of the Proposed District Plan.

As there are currently no ecological 'significance criteria' recommended by the Hawke's Bay Regional Council (HBRC), other District Council and Regional Council criteria were reviewed, and a local set of significance criteria were developed specifically for the Central Hawke's Bay District Plan Review.

A district-wide consultation process, carried out by Council in 2019, included targeted consultation with landowners who had potential SNA on their property, general community consultation, and consultation with iwi. As a result of this consultation, Council received feedback from a number of landowners with respect to SNA mapped on their property.

Site visits and/or ground-truthing were carried out by the consulting ecologists, with final recommendations provided back to Council on SNA boundary outlines, significance ranking, and specific site information. The outcome of this process has resulted in an updated SNA database that forms the basis of the Schedule of Significant Natural Areas (ECO-SCHED5) in the Proposed District Plan, and guidance for the associated provisions in the ECO – Ecosystems and Indigenous Biodiversity chapter of the Proposed District Plan.

Key outputs of these reports include:

- Development of a set of best practice criteria for determining ecological significance (refer Proposed District Plan, Appendix ECO-APP1); and
- An updated schedule of Significant Natural Areas (formerly 'ASNCVs') identified for inclusion in the Proposed District Plan (refer Schedule ECO-SCHED5).

### 3.3 Consultation

### 3.3.1 Landowner Consultation

Consultation with potentially affected landowners included:

• A district wide mailout letter (April 2019) and accompanying map to all landowners identified as having potential significant natural areas on their property, explaining the assessment process and inviting them to meetings with Council staff and consultants to discuss, and/or to provide feedback at the meetings or via email/phone message.

- A series of landowner meetings were held in May 2019 Waipawa Municipal Theatre (8 May), Tikokino Hall (9 May), and Porangahau Hall (10 May) – to advise of the implications of having significant natural areas on their property and providing the chance to discuss mapping of proposed significant natural area boundaries with Council's consultant ecologist. The opportunity to provide written feedback was encouraged.
- Resulting feedback was received and reviewed by Council's consulting ecologists, with 18 follow-up site visits taking place involving ground truthing of sites in question, and final SNA mapping and recommendations made back to Council by the consulting ecologists. A letter with the recommendation reports and final mapping for individual sites was sent out to the respective landowners in November 2020.
- A further mailout to all landowners with identified SNA on their property (November 2020).

### 3.3.2 Stakeholder Consultation

Consultation with key stakeholders included:

- A mailout letter to key stakeholders (April 2019), inviting them to meetings with presentations from Council staff and consultants to discuss the implications of identified significant natural areas and identified outstanding and significant natural features/landscapes.
- A meeting was held on 6 May 2019 at the Waipawa Municipal Theatre to advise of the impending inclusion of, and implications of, significant natural areas and outstanding or significant natural features/landscapes in the District Plan, and providing the chance to discuss with Council's consultant ecologist and consultant landscape architect.

### 3.3.3 Iwi Consultation

Meetings were held as follows with iwi and hapu to outline (among other District Plan matters) proposed update of significant natural areas:

- Key stakeholder meeting (6 May 2019) refer above included invitation to tangata whenua representatives.
- Hui to present and seek general feedback on the Draft District Plan, Rongomaraeroa Marae, Porangahau (6 June 2019).
- Hui at Taiwhenua o Tamatea (Waipukurau) to present and seek general feedback on the Draft District Plan (20 June 2019).

No specific issues were raised with respect to significant natural areas and associated proposed provisions at that stage.

### 3.3.4 Wider Community Consultation

- Public notification of the Draft District Plan, inviting members of the community to attend dropin meetings, and calling for submissions – 3 June 2019.
- Public drop-in meetings were held to present the Draft District Plan, which included presentation on the proposed revised approach to 'Significant Natural Areas':
  - o Waipukurau Club 4 June 2019
  - o Ōtāne Hall 11 June 2019
  - Porangahau Hall 12 June 2019
  - o Takapau Hall 18 June 2019
  - o Tikokino Hall 19 June 2019
  - o Waipawa Municipal Theatre 25 June 2019

• Informal hearings for submitters to present their submissions on the Draft District Plan to the District Plan Committee – 3 February to 21 February 2020.

# 3.4 Draft District Plan Feedback

Twenty-three submitters made 103 submission points on the provisions of this chapter in the Draft District Plan.

The majority of submissions were from stakeholder groups (Federated Farmers, Forest and Bird, Department of Conservation, Hawke's Bay Regional Council and network utility providers).

A number of landowners (farmers and forestry companies) also made submissions, generally in relation to mapping matters, and a small number of individuals also contributed valuable feedback.

A summary of the submissions to the Draft Plan is provided as follows:

- The rural community (who are the most impacted by these provisions) expressed concern at consultation meetings that the extent of land mapped and associated new provisions would be unnecessarily restrictive on their rights to manage the land and potentially impact on their income. However, this concern did not translate to a large number of informal submissions to the Draft Plan from individual farmers, and we are hopeful that many of the more general concerns have been addressed through improved mapping (general feedback).
- A number of issues related to mapping and boundary/extent of SNA, either general or specific were raised (seven submissions).
- SNA's are a significant limit to farmers on their land at a time when they are being asked to be innovative with their farming practices. In particular, concern at the high costs of potential fencing requirements, and specifically planted areas of indigenous forestry intended for family use in the longer term would be impacted (one submitter).
- Federated Farmers sought several amendments to better reflect the important role farmers have in protecting indigenous biodiversity whilst at the same time providing for their existing right to farm and specifically opposed provisions requiring protection of indigenous vegetation.
- Forest and Bird made a detailed submission seeking clarification on a number of matters related to use of terminology; opposing provisions where they considered they didn't support protection of indigenous vegetation and habitats of fauna appropriately; or seeking stronger and clearer provisions for achieving protection of these areas. They supported protection of indigenous vegetation and fauna, whether identified as an SNA or not.
- Support for protection for indigenous vegetation (one submitter) and request for additional encouragement for native planting, including protections for manuka and kanuka (one submitter).
- Support for provisions, plus request for greater recognition of the contribution farmers have already made to the protection of indigenous fauna (as part of the HBRC Plan Change 6 requirement to fence off waterways), and a proactive statement that council will work cooperatively with the owners of lake margins (Whatuma and Horseshoe) to fence and plant these areas, as well as considering of other incentives for these landowners (one submitter).
- The Department of Conservation requested that effect be given to the New Zealand Coastal Policy Statement Policy 11 for biodiversity in the coastal environment and sought a number of clarifications around terminology. They also requested inclusion of a reference to the Department of Conservation's and local government guidelines on biodiversity offsetting to be included as an implementation method.
- Hawke's Bay Regional Council supported Draft District Plan methods for biodiversity offsetting and sought additional policy reflecting this. They also sought amendments to the policy and

rules relating to managing the adverse effects of motorised water activities and where these apply.

- A forestry operator submitted that the Draft District Plan does not currently provide an equitable regulatory approach for forestry activities considering their management activities that are undertaken to maintain and enhance indigenous biodiversity values within the forest. They submitted that to be equitable the Draft Plan should require stock exclusion of these areas.
- The network utility operators made a number of submissions to this section of the Plan supporting provisions and seeking minor amendments or inclusions with respect to their various activities.

Key changes to this chapter as a result of this feedback to the Draft included:

- 'tighter' use of terminology including the term 'significant' and when avoiding adverse effects is appropriate (as opposed to remedying, mitigating or offsetting effects);
- an improved policy framework for biodiversity offsetting;
- improved alignment with National Policy Statements (NPS) including the New Zealand Coastal Policy Statement, NPS-Indigenous Biodiversity and NPS-Freshwater Management, and the Hawke's Bay Regional Policy Statement;
- a single definition for 'areas of significant indigenous vegetation and significant habitats of indigenous fauna' that includes Significant Natural Areas (previously these were defined separately); and
- corresponding changes to the rule framework.

### 3.5 Decision-Making

A series of presentations and discussion documents have been presented to the District Plan Committee on the Ecosystems and Indigenous Biodiversity Topic during the preparation of Draft / Proposed District Plan provisions, as follows:

Meeting	Document	Overview and Direction	
6 March 2018 Powerpoint Presentation & Discussion Document Powerpoint Presentation by Consultant Ecologist		Outlined the operative District Plan approach to this Topic advising that there was no reference to section 6 'matters of national importance' and the need to give effect to the RPS Issue 3.4 Scarcity of Indigenous Vegetation and wetlands. Identified the need to strengthen the District Plan approach to better address section 6 matters and recommended a new District Wide activity for this purpose. Presented the interim findings of the draft Natural Heritage Report by Kessels Ecology. Presented a draft issue and draft objectives and suggested direction for policies, methods, and anticipated environmental results for the Committee's consideration, as well as a proposed rule approach.	
28 March 2018	Presentation of Natural Heritage Report	<ul> <li>Presented the 'Assessment of Natural Heritage for the Review of the Central Hawke's Bay District Plan', Kessels</li> <li>Ecology, finalised 27 April 2018, that included: <ul> <li>Identifying ecological character of Central Hawke's Bay</li> <li>Defining 'significance'; and</li> <li>Desktop review of existing sites (ASNCV's)</li> </ul> </li> </ul>	

10 April 2019	Draft District Plan	Draft District Plan adopted by Council for public notification.
8 May 2019	Powerpoint Presentation by Consultant Ecologist	Presented data from second desktop review in 'CHBDC District Plan Final Desktop SNA Review – Methodology', Tonkin & Taylor Ltd (Kessels), March 2019, reviewing the various datasets used in the previous report. This report provided detail of the SNA identification, assessment and classification process used for this work, and consequential limitations and recommendations.
3 - 20 February 2020	District Plan Committee Hearing of informal submissions on the Draft District Plan	Hearing of submissions specifically relating to coastal environment, indigenous biodiversity, and landscape values (20 February 2020)
Report on informal       informal submissions relatin         submissions       accompanied by a final Distr         account the updated ecolog       significance assessment crited		Report presented to District Plan Committee addressing informal submissions relating to indigenous biodiversity, accompanied by a final District Plan chapter taking into account the updated ecologists report (including updated significance assessment criteria reflecting the Draft National Policy Statement - Indigenous Biodiversity).
	Presentation from Consultant Ecologist	Presented final SNA Review and provided an update on the results of site ground-truthing.
		Central Hawke's Bay District Council, District Plan Significant Natural Area Review – May 2020, Bluewattle Ecology (Kessels), 3 June 2020.
15 December 2020	National Planning Standards version of District Plan	Presented draft Proposed District Plan in National Planning Standards format.
RMA Consultation Schedule 1 RMA, the Minister of Conserva		In response to consultation pursuant to clause 3(1) of Schedule 1 RMA, the Minister of Conservation provided feedback on the draft Proposed District Plan.
		In response to that feedback, some amendments (but not all) were made to the ECO – Ecosystems and Indigenous Biodiversity chapter and ECO-APP1, most notably to the wording of some of the criteria in the Ecological Significance Determination Criteria in Policy ECO-P1 and Appendix ECO- APP1.
28 April 2021	Proposed District Plan	Proposed District Plan presented to District Plan Committee for final adoption by the Committee. Recommendation to Council to adopt Proposed District Plan for public notification.
27 May 2021	Proposed District Plan	Proposed District Plan adopted by Council for public notification.

# 3.6 Resource Management Issues

The table below details the key issue for Ecosystems and Indigenous Biodiversity:

# **Operative District Plan**

Issue 4.4 Nature Conservation. Landscape Values, and Riparian Management Conservation and landscape values and riparian areas need to be maintained or enhanced for future generations. Despite continuing modification, the District has diverse indigenous flora and fauna in a variety of habitats. The Ruahine Range contains shrubland, forest as well as alpine vegetation. Much of this area is Crown land managed by the Department of Conservation. Further east, remnant forests, shrublands and wetlands occur throughout the hill country and plains through to the coast. These indigenous plants and animals may be under threat due to weed and pest invasion, habitat clearance, grazing or land disturbance.

Ecological surveys by the Department of Conservation have identified over 60 areas of natural significance which are representative of former plant and animal communities and habitats (outside the Ruahine Ranges) or are rare or unique within the District.

#### **Proposed District Plan**

ECO-I1 Loss of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna Loss of the District's indigenous vegetation, habitats of indigenous fauna and indigenous biodiversity from threats of modification, damage, or destruction through inappropriate subdivision, use and development.

#### Explanation

There is a relatively small amount of remaining indigenous cover in the plains and coastal areas of Central Hawke's Bay. These remaining habitats are now isolated and fragmented. In addition, plant, and animal pests, as well as diseases contribute to the degradation of these fragile areas. While land use changes, development and subdivision can result in adverse effects on these habitats and the native plants and animals which use them, many landowners have voluntarily protected and managed what is left. Addressing the issue of biodiversity loss and degradation therefore requires an integrated management approach that recognises existing activities and utilises a range of implementation methods.

A study of the natural values of the District shows that remaining habitats of indigenous fauna and flora comprise approximately 10% of the District's total land area. However much of the remaining forest lies in the Ruahine Forest Park and is represented by hill and country forests and habitats which are well represented and protected in the region and nationally. The plains and lowland coastal areas, however, have very little remaining original cover and habitat. While some ecosystem / vegetation types retain much of their original extent (such as the podocarp-beech types in the very steep areas of the Ruahine Ranges), other types (such as kahikatea-pukatea-tawa forest) and freshwater wetlands, have retained very little of their former extent. Some vegetation types, such as podocarp-based vegetation types, have all but disappeared from the District. Under-represented ecosystem types fall largely within nationally threatened and under-protected environment categories, and the lowland, coastal and plains parts of the District have very few natural features left and hence very low biodiversity values for indigenous fauna and flora.

Sites which were found to be significant with respect to section 6(c) of the RMA, have been mapped and shown on the Planning Maps, and recommended for inclusion in the District Plan as 'Significant Natural Areas' (SNAs). Many of the sites are found within the Ruahine Forest Park, already under protection. In the plains and along the coast, sites are generally scattered smaller fragments of remaining bush, regenerating scrub and wetlands. Habitats for nationally 'At-Risk' and 'Threatened' fauna and flora are also located within and alongside much of the shingle braided river corridors as well as coastal cliffs and estuary / river mouth areas of the District. While these latter habitats often comprise exotic trees and shrubs, and even weeds, with little native plant cover, they provide the only habitat left for many native animals and plants, including rare and threatened species. They are also critical in maintaining ecological corridors between the coast, existing native fragments across the plains and the extensive forested and protected habitats for the Ruahine Ranges, as well as providing breeding, roosting and spawning habitat.

Only a small percentage of significant sites in the plains and coastal areas have some form of legal protection, such as Stewardship Areas, Queen Elizabeth II National Trust (QEII) private land covenants, and Ngā Whenua Rāhui kawenata (covenants). Central Hawke's Bay District Council acknowledges the important stewardship role of landowners in protecting and managing these remaining sites. The study of the District's natural values also identified that there are many sites outside those legally protected natural remnants which have value, that have been assessed as SNAs. Landowners often informally protect and manage these SNAs to enhance their biodiversity values as well.

The Hawke's Bay Regional Policy Statement identifies that water and its relationship with land is a significant issue for the Region, as is the scarcity of indigenous vegetation, natural wetlands, and habitats of indigenous fauna as a result of vegetation modification or clearance. Lake Whatuma, Porangahau River and Estuary, the Ruataniwha Aquifer and Waipawa River have been identified as outstanding water bodies, with Lake Whatuma identified as a regionally significant indigenous wetland.

As part of addressing these issues, Hawke's Bay Regional Council have led development of a Regional Biodiversity Strategy to improve habitats and support native species in the Region. Central Hawke's Bay District Council is a signatory and 'accountable partner' to the Hawke's Bay Biodiversity Accord and is therefore a key regional partner in encouraging and enabling improvement in the Region's biodiversity.

Council recognises there is a need to balance protecting and enhancing the District's indigenous biodiversity while allowing for rural landowners to farm their land effectively and efficiently. Except where very high conservation values exist, a wide range of activities can be accommodated, with appropriate standards to ensure adverse effects of these activities are avoided, remedied, or mitigated.

Council also has responsibilities in relation to the control of activities on the surface of inland waters where effects can cause loss of water quality and impacts on ecological systems and habitats.

# 4 Evaluation of Proposed Objectives

Section 32(1)(a) requires an evaluation to examine the extent to which the objectives proposed are the most appropriate way to achieve the purpose of the RMA.

There are two objectives proposed for the District Plan relating to ecosystems and indigenous biodiversity in the Ecosystems and Indigenous Biodiversity chapter, and one in the Subdivision chapter.

The following evaluates the extent to which those proposed objectives are the most appropriate way to achieve the purpose of the RMA with respect to the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and the issue identified in the previous section, being the loss of such vegetation and habitats:

### Objective

### **Ecosystems and Indigenous Biodiversity**

ECO-O1 - Protect the District's areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, particularly those within wetlands, braided rivers, and coastal margins, from activities that may adversely affect them.

ECO-O2 - Maintain indigenous biodiversity within Central Hawke's Bay District

### Subdivision:

....

SUB-O1 - Subdivision of land that is consistent with the objectives and policies of the relevant zones and district-wide matters in the District Plan, including those relating to:

1.

2. the protection of areas identified as Outstanding Natural Landscapes and Features, Significant Natural Areas, areas of significant indigenous vegetation and significant habitats of indigenous fauna, and High Natural Character Areas from the adverse effects of inappropriate subdivision...



Comment	These objectives respond directly to the resource management issue of relevance to ecosystems and indigenous biodiversity identified in the Proposed District Plan. The objectives recognise the need to protect and maintain the remaining indigenous biodiversity of Central Hawke's Bay, in particular areas of significant indigenous vegetation and significant habitats of indigenous fauna, and what is sought to be achieved in relation to these.
Appropriateness (relevance, usefulness, achievability, reasonableness	<ul> <li><u>Ecosystems and Indigenous Biodiversity</u></li> <li>Proposed Objectives ECO-1 and ECO-2 repsond to Issue ECO-I1.</li> <li>Objective ECO-1 gives effect to section 6(c) of the RMA providing for 'the protection of areas of significant vegetation and/or significant habitats of indigenous fauna' as a matter of national importance, and gives effect to Policy 11 of the New Zealand Coastal Policy Statement to protect indigenous biological diversity in the coastal environment.</li> <li>'Areas of significant indigenous vegetation and significant habitats of indigenous</li> </ul>
	fauna' include both identified 'Significant Natural Areas' (a term derived from the

draft National Policy Statement – Indigenous Biodiversity) and sites (including natural wetlands) that meet one of more of the Ecological Significance Determination Criteria adopted for Central Hawke's Bay (outlined in ECO-APP1 in the Proposed District Plan). It is appropriate that this terminology is integrated into the proposed objective.

Healthy and diverse ecosystems will help the environment to continue to meet the needs of future generations (section 5(2)(a) of the Act). In addition, this objective will safeguard the life-supporting capacity of the Central Hawke's Bay environment by maintaining indigenous biodiversity, thus achieving section 5(2)(b) of the Act.

This objective is focused on protection. Protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna will require that adverse effects of activities are avoided in accordance with section 5(2)(c).

Healthy habitats and ecosystems and natural processes enable people and communities to provide for their social, economic, and cultural well-being by providing the resources on which economic development depends and providing natural areas for people to enjoy, as well as acknowledging cultural association with these natural areas (section 5(2)).

All persons exercising powers under the RMA shall have particular regard to section 7(f) of the RMA, being the 'maintenance and enhancement of the quality of the environment'. Adverse effects on the environment must be avoided, remedied, or mitigated under section 5(2)(c) of the RMA. Therefore, the objective is consistent with the purpose of the RMA.

Objective ECO-O2 is focused on maintenance. Maintenance of areas of indigenous biodiversity will require that adverse effects of activities be avoided, remedied, or mitigated in accordance with section 5(2)(c).

It is appropriate for a district plan to address the maintenance of indigenous biodiversity. Territorial authorities are required to control any actual or potential effect of the use, development, or protection of land for the purpose of maintaining indigenous biological biodiversity (section 31(1)(b)(iii)). The above objectives are entirely consistent with this requirement.

Healthy and diverse ecosystems will help to sustain the potential of such natural resources to meet the needs of future generations (section 5(2)(a) of the Act). In addition, these objectives act to safeguard the life-supporting capacity of water and ecosystems, thus achieving section 5(2)(b).

When read together, Objectives ECO-01 and ECO-O2 also work towards preserving and maintaining remaining areas of significant indigenous vegetation, reflecting the direction in the RPS.

The objectives are relevant, and are considered useful, achievable, and reasonable.

### Subdivision

Proposed Objective SUB-O1 responds in part to Issue ECO-I1 with respect to addressing the adverse effects of inappropriate subdivision through referencing the need to be consistent with the relevant district-wide objectives and policies relating to areas of significant indigenous vegetation and significant habitats of indigenous fauna.

### <u>Summary</u>

Given the above, the proposed suite of objectives is deemed appropriate in terms of achieving the purpose of the RMA being the sustainable management of natural and physical resources and the protection of the District's areas of significant indigenous vegetation and significant habitats of indigenous fauna.

These objectives are in line with Council's functions under section 31 of the RMA, including establishment of objectives to achieve integrated management of the effects of the use, development, and protection of land and associated natural and physical resources of the District, and give effect to relevant Part 2 matters.

Other Alternatives Considered	Maintaining the status quo – being retention of the following objective addressing landscape matters in the Operative District Plan: <u>Part 4 Rural Zone</u> Objective 4.4.1(1) 'Protection and enhancement of defined nature conservation areas, and outstanding landscapes views within the District'
Preferred Option & Reasons	The Operative District Plan identifies 'Areas of Significant Natural Conservation Value' or ASNCV, and Objective 4.4.1(1) only addresses defined nature conservation areas. This does not sufficiently address the broader application of section 6(c) and consequently does not sufficiently achieve the purpose of the RMA. Therefore, the proposed suite of objectives is the preferred option. The proposed objectives have been through a thorough review process, including scrutiny by Council's District Plan Committee, and were subject to a publicly notified Draft District Plan process involving presentation and consideration of informal submissions which resulted in amendments.
	The proposed objectives are deemed the most appropriate way to achieve sustainable management of the natural and physical resources (the purpose of the RMA) as it relates to ecosystems and indigenous biodiversity (the protection of significant indigenous vegetation and significant habitats of indigenous fauna in particular, and the maintenance of indigenous biodiversity (being a core function of territorial authourities)).

# 5 Evaluation of Proposed Provisions (Policies & Methods)

Section 32(1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.

The assessment must identify and assess the benefits and costs of environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must if practicable quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

# 5.1 Identification of Reasonably Practicable Options

The other options that were deemed reasonably practicable for achieving the above objectives of the Proposed Plan in relation to ecosystems and indigenous biodiversity, are:

- Retaining the Status Quo rely on the policies and methods currently contained in the Operative District Plan.
- Regulatory Approach Regulatory Approach applying to Identified 'SNA' Only

### 5.1.1 Evaluation of Option 1 – Status Quo

The status quo in the Operative District Plan involves:

- 1. Retention of 'Areas of Significant Nature Conservation Value', as already scheduled in the District Plan and shown on the Planning Maps.
- 2. Retention of the use of incentives to protect areas of significant conservation values (such as legal and survey costs or rates relief for covenanting, fencing costs, or public acquisition of land), and establishing an operations plan for Council taking into account indigenous plants and animals when carrying out roading construction or maintenance, as non-regulatory methods within the wider Rural Zone provisions.

- 3. Retention of a rule limiting modification of 'Areas of Significant Nature Conservation Value' to 'minor works' as defined in the rule, within the wider Rural Zone provisions.
- 4. Retention of general assessment criteria focusing on the degree of significance of indigenous flora or fauna that is potentially being compromised.

From the summary of provisions above, the District's indigenous biodiversity is only identified in the Operative District Plan within the Rural Zone as part of a broader issue and objective that addresses nature conservation, landscape values and riparian management all together. A single standard applies limiting modification to identified 'sites' / 'areas of significant conservation value' or indigenous vegetation over a specified size, to 'minor works' only, along with references to non-regulatory incentives and approach to Council's own operations.

Whilst retaining the status quo would be efficient in terms of administrative simplicity, it has limited effectiveness in terms of providing the level of protection now expected in terms of remaining areas of significant indigenous vegetation and significant habitat of indigenous fauna and the maintenance of indigenous biodiversity.

No resource consents have been issued under the current provisions and whilst it is not clear whether the state of the District's indigenous biodiversity has changed within the life of the Operative District Plan, it is clear from the engagement through the Draft Plan public engagement process that most landowners were unaware there were provisions restricting removal of indigenous vegetation on their properties. The Operative District Plan reliance on dated information could also result in resource consent being required where indigenous vegetation no longer exists.

This approach does not reflect the national importance assigned to the protection of significant indigenous vegetation and significant habits of indigenous fauna by the RMA pursuant to section 6(c), the policy framework outlined in Policy 11 of the NZCPS in terms of those areas located within the coastal environment, nor the intent of the draft National Policy Statement for Indigenous Biodiversity which is expected to come into effect mid-2021. The current provisions are somewhat lost within the provisions of the Rural Zone, and this approach is dated and is unlikely to be considered sufficient in terms of current expectations around best practice.

For the above reasons, this option is <u>not</u> considered the most appropriate way to achieve the proposed objectives.

### 5.1.2 Evaluation of Option 2 – Regulatory Approach applying to Identified 'SNA' Only

The SNA-only approach involves:

- 1. Updated scheduling and mapping of the District's 'Significant Natural Areas' (SNA) in the District Plan.
- 2. A set of clear policies and accompanying definitions specifically applying to protection of identified SNAs.
- 3. Rules requiring resource consent for trimming and modification of vegetation within the District's identified SNAs only, with such activities to be assessed on a case-by-case basis.

This option would be efficient in terms of administrative simplicity and would provide a high level of certainty – particularly for landowners. It would also be effective in achieving the proposed objectives in respect of the identified and mapped SNAs but would not be effective for areas of significant indigenous vegetation or significant habitats of indigenous fauna that may be present <u>outside</u> the identified SNAs. Whilst based on the sound assessment of a suitably qualified ecologist, applying recognised best practice methodologies, the review of identified SNAs in the District has limitations as it is largely a desktop review with some ground-truthing. The identified and mapped SNAs are therefore acknowledged as representing most, but likely not all, of the District's significant indigenous vegetation or significant habitat.

A lack of methods to protect areas falling outside of the identified SNAs could lead to significant environmental costs from the ongoing and cumulative loss of indigenous vegetation or habitat that is, or has the potential to be significant, particularly if it is scarce within the District and/or nationally. This also does not account for change where re-growth or restoration and enhancement activities may lead to new areas emerging as 'significant' over time. As such, this option does not give full effect to section 6(c) of the RMA, and is unlikely to give sufficient effect to the anticipated requirements of the pending NPS-IB.

Therefore, this option is limited in its effectiveness, and is <u>not</u> considered the most appropriate way to achieve the proposed objectives.

### 5.1.3 Summary

The evaluation above concludes that current approach in the Operative District Plan does not meet the thresholds of sections 6(c) and 31(1)(b)(iii) of the RMA, or the intent of Policy 11 of the NZCPS or anticipated NPS-IB, or give effect to the direction in the RPS, and is not effective in achieving the Proposed District Plan objectives.

A regulatory approach that requires resource consent for trimming and modification of vegetation within the District's identified SNAs only, whilst efficient and provides landowners with greater certainty of application, it is only somewhat effective at it does not address any ongoing or cumulative loss of indigenous vegetation or habitat that is or has the potential to be significant and does not account for new areas emerging as 'significant' over time. This does not give full effect to section 6(c) of the RMA, and is unlikely to give sufficient effect to the anticipated requirements of the pending NPS-IB.

It also applies the same level of regulation regardless of the activity and its scale of effects and does not acknowledge existing landowner stewardship practices, or their need to continue to use their land appropriately and sustainably. Such a stringent regulatory approach is likely unacceptable, both to the community and politically.

The preferred approach is one that:

- 1. updates the scheduling and mapping of the District's significant natural areas in the District Plan;
- 2. regulates the trimming or clearing of areas of significant indigenous vegetation and significant habitats of indigenous fauna commensurate with the level of effect on the indigenous biodiversity values present, whether in identified SNAs or other areas that fall within specified criteria;
- 3. recognises and supports existing landowner stewardship practices, through specifically permitting activities with a low level of impact or for limited routine maintenance or safety purposes, as well as activities that restore or enhance indigenous biodiversity and/or ecological linkages; and
- also includes non-regulatory methods such as advocating for and promoting the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, including offering guidance and assistance to landowners, and offering incentives where practicable.

This achieves the objectives of the Proposed District Plan (and gives effect to Policy 11 of the NZCPS and the intent of the draft NPS-IB), without duplicating other legislative requirements and Regional Council functions, and without imposing unnecessary red tape for activities that are appropriate within the rural environment and where the scale and significance of their effects are likely to be low.

# 5.2 Evaluation of Proposed Policies and Methods

Building on the approach to evaluation in Section 3 of this report, including background research, analysis and technical assessments, and iterative process including public feedback on informal submissions to the Draft District Plan, this section of the report provides a summary evaluation of the provisions in terms of assessing their efficiency and effectiveness in achieving the objectives.

In undertaking this assessment, the emphasis is on the issue(s), and the policies and methods proposed to achieve the objective(s) surrounding the issue.

As per section 32(1)(c), the evaluation below contains a level of detail that corresponds to the scale and significance of the effects that are anticipated from the implementation of the provisions.

Issue(s) Associated Objective(s) Proposed Suite of Provisions	<ul> <li>ECO-I1 Loss of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna</li> <li>Loss of the District's indigenous vegetation, habitats of indigenous fauna and indigenous biodiversity from threats of modification, damage, or destruction through inappropriate subdivision, use and development.</li> <li>ECO-01, ECO-02, SUB-01</li> <li>Effectiveness and Efficiency</li> </ul>	
	Benefits	Costs
Policies:         Ecosystems and Indigenous Biodiversity         ECO-P1 To identify Significant Natural Areas (being areas of significant indigenous vegetation and/or significant habitats of indigenous fauna) in the District where they meet one or more of the criteria below and describe these areas in ECO-SCHED5 and show their location on the Planning Maps.         Ecological Significance Determination Criteria for the Central Hawke's Bay District         CRITERION 1 Protection Status:         It is indigenous vegetation or habitat for indigenous fauna that is currently, or is recommended to be, set aside by Government statute or covenant, or by the Nature Heritage Fund, or Ngã Whenua Râhui committees, or the Queen Elizabeth the Second National Trust Board of Directors as an Open Space Covenant, specifically for the protection of biodiversity, and meets at least one of criteria 2-7.         CRITERION 2 Representativeness:         •       It is vegetation or habitat of indigenous fauna that is highly typical or characteristic of the indigenous biodiversity in the Hawkes Bay Region, or an Ecological District within the Central Hawkes Bay District, or nationally.	Environmental: The remaining areas of significant indigenous vegetation and/or significant habitats of indigenous fauna are clearly identified or can be determined using set ecological criteria, and are protected from further loss. Potentially inappropriate activities will be managed through the resource consent process to ensure environmental effects are assessed against the impact to the identified values. The effects hierarchy is embedded into the rules framework and introduces biodiversity offsetting and additional rural lifestyle lot development incentives for protection of areas in perpetuity. Restoration and maintenance activities are	Environmental: No environmental costs are anticipated as the provisions are based on protecting biodiversity and encouraging maintenance and restoration of existing SNAs. The environmental cost equation has been unbalanced over a long period of time resulting in the current environmental deficit.

<ul> <li>It is habitat that forms part of an indigenous ecological sequence, or is an exceptional, representative example of its type at a national level.</li> <li>OR</li> <li>It is habitat that supports a typical suite of indigenous fauna and flora and that is characteristic of the habitat type in an Ecological District within the Central Hawkes Bay District.</li> </ul>	activity to improve the bioidiversity values of those areas. The suite of proposed provisions also maintain the unique biodiverity of the Central Hawke's Bay District.	
CRITERION 3 Diversity and Pattern:         It is an area of indigenous vegetation or habitat of high diversity (for its type) that contains ecotones, gradients, or sequences.         CRITERION 4 Rarity – Species:         It is vegetation or habitat (including exotic vegetation or braided riverbed for highly mobile fauna species), that is currently regularly utilised habitat for indigenous flora or fauna species or associations of indigenous flora and fauna species that are:         classed as Nationally Threatened or At Risk by the New Zealand Threat Classification System, or         endemic or uncommon to the Hawke's Bay Region, or         at the limit of their natural range.         CRITERION 5 Rarity - Ecosystems:         It is indigenous vegetation or habitat that is, and prior to human settlement was, nationally uncommon.         CRITERION 6 Distinctiveness:         It is indigenous vegetation, habitat or an ecosystem type that is underrepresented (30% or less of its known or likely original extent remaining) in an Ecological District, or Ecological Region, or nationally.	Economic: Avoidance of unnecessary consenting costs on landowners for undertaking minor trimming or pruning activities within private property; regenerating indigenous vegetation, removing deadwood and diseased vegetation, safety works, pest control, routine track and fencing maintenance, vegetation taken for cultural purposes etc (with limitations). Avoiding duplication of processes has economic benefits for plantation forestry activities. Operation and routine maintenance for network utilities is provided for through permitted vegetation clearance rules therefore avoiding the cost of resource consent for these works.	Economic: Rural landowners will be exposed to a regulatory cost for indigenous vegetation removal within SNA's where not expressly permitted in the proposed rules.
<ul> <li>It is wetland, sand dune, braided river or estuarine habitats, or a distinctive assemblage or community of indigenous species habitat for indigenous plant communities and/or indigenous fauna communities (excluding exotic rush/pasture communities) that has <i>not</i> been created and subsequently maintained for or in connection with:         <ul> <li>waste treatment;</li> <li>wastewater renovation;</li> <li>hydroelectric power lakes;</li> <li>water storage for irrigation; or</li> <li>waster supply storage, including stock water storage.</li> </ul> </li> </ul>	Social: Existing public open space areas with biodiversity values will continue to be protected supporting social benefits. Cultural: Natural resources and areas of significant biodiversity values to tangata whenua will be	Social: No obvious social costs given provisions are focussed on protecting biodiversity which in turn contributes to the Central Hawke's Bay community. Cultural: SNA 435 and 437 (Parimahu coastal sand dunes /wetlands) – Planning Map Sheet No.36 – include
<ul> <li>CRITERION 7 Ecological Context:</li> <li>It is an area of indigenous vegetation or naturally occurring habitat that:</li> <li>is moderate to large, well buffered and is a compact shape, in the context of the Ecological District it is found in, and which contains all or almost all indigenous species typical of that habitat type.</li> <li>OR</li> </ul>	recognised and protected. The relationship of tangata whenua and traditional cultural practices associated with indigenous	significant areas of Māori owned land and there are likely other areas of Māori owned land within SNA in other parts of the District. This may impact

### Ecosystems and Indigenous Biodiversity – Section 32 Topic Report – CHB District Plan Review

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•	is critical to the self-sustainability of an indigenous flora or fauna species	biodiversity are recognised and provide for through	on Tangata Whenua aspirations for use and
	within a catchment of the Hawke's Bay Region. In this context "critical" means essential for a specific component of the life cycle and includes	permissive standards.	development of their whenua.
	breeding and spawning grounds, juvenile nursery areas, important feeding		
	areas and migratory and dispersal pathways of an indigenous species. This		
OR	includes areas that maintain connectivity between habitats.		
•	is a site that provides a full or partial buffer to, or link between, other		
	important habitats or significant natural area(s) and/or is important for the		
	natural functioning of a freshwater or coastal/estuarine system.		
Refer D Guidan	istrict Plan ECO-APP1 for Quantifying Thresholds and Attribute Assessment ce.		
ECO-P2	To protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna from the adverse effects of landuse and development, including earthworks and vegetation clearance.		
ECO-P3	To avoid adverse effects of activities on areas of significant indigenous vegetation and/or significant habitats of indigenous fauna in the coastal environment; and avoid significant adverse effects and remedy or mitigate other adverse effects of activities on the indigenous biological values of other areas and habitats in the coastal environment.		
ECO-P4	To avoid, remedy or mitigate adverse effects, including cumulative adverse effects of subdivision, use and development that would result in a loss of indigenous biodiversity values from:		
	<ol> <li>Clearance, modification, damage or destruction of large areas of intact indigenous vegetation or habitats of indigenous fauna;</li> </ol>		
	2. Clearance of indigenous vegetation in and on the margins of Lake Whatuma and other natural wetlands and braided rivers;		
	<ol> <li>Subdivision of land and location of buildings and works in close proximity to areas of significant indigenous vegetation and/or habitats of indigenous fauna; or</li> </ol>		
	4. Increased exposure to invasive introduced plant and animal species that pose a threat to indigenous biodiversity.		
ECO-P5	To give effect to the Principles for Biodiversity Offsets in ECO-APP2 of this Plan where biodiversity offsets are proposed as part of resource consent applications.		
ECO-P6.	To encourage the restoration and creation of ecological linkages between coastal habitats, river and stream margins and inland habitats as the opportunity arises and where it enhances the District's indigenous biodiversity.		
ECO-P7	To recognise landowners' stewardship and current management practices (including weed management and pest control) associated with protecting and maintaining areas of significant indigenous vegetation and/or significant habitats of indigenous fauna.		

ECO-P8	To assist landowners with the establishment of protective covenants, education, and other non-regulatory methods and incentives to protect and maintain areas of significant indigenous vegetation and/or significant habitats of indigenous fauna	
ECO-P9	To ensure that new nationally significant infrastructure is not located in areas of significant indigenous vegetation and/or significant habitats of indigenous fauna unless:	
	1. There is a functional or operational need for the infrastructure to be in that particular location; and	
	<ol> <li>The route/site selection process has identified no practicable alternative locations.</li> </ol>	
	Where it is necessary to locate in these areas and where, despite the adoption of the best practicable option, there remain residual adverse effects, biodiversity offsetting measures should be proposed for the purpose of ensuring positive effects on the environment sufficient to offset any residual adverse effects of activities on indigenous biodiversity that will or may result from allowing the activity.	
<u>Subdivisio</u>	<u>n</u>	
SUB-P1	To establish standards for minimum lot sizes for each zone in the District.	
SUB-P8	To encourage innovative subdivision design consistent with the maintenance of amenity values.	
SUB-P12	To avoid or mitigate any adverse visual and physical effects of subdivision and development on the environment, including the appropriate underground reticulation of energy and telecommunication lines in order to protect the visual amenities of the area.	
SUB-P15	To ensure that earthworks associated with constructing vehicle access, building platforms or services on land being subdivided will not detract from the visual amenities of the area, or have significant adverse environmental effects, such as dust, or result in the modification, damage or destruction of heritage items, archaeological sites or sites and areas of significance to Māori, cause natural hazards, or increase the risk of natural hazards occurring.	
Methods:		
<u>Ecosystem</u>	ns and Indigenous Biodiversity	
Method E	CO-M1 Identification and Mapping of Significant Natural Areas Identifying Significant Natural Areas in ECO-SCHED5 in the District Plan and showing them on the relevant Planning Maps.	
Method E		
wiernoa Fi	Applying nationally accepted best practice principles for biodiversity offsetting where biodiversity offsetting or compensation is proposed, to	
	achieve 'no net loss' or a 'net gain' of indigenous biodiversity where adverse	
	effects cannot be avoided, remedied or mitigated. This includes reference to 'Guidance of Good Practice Biodiversity Offsetting in New Zealand',	
	(Department of Conservation, (2014))' and 'Biodiversity Offsetting Under the	

	ce Management Act, A Guidance Document' (Maseyk, Ussher,	
Kessels	s, Christenson and Brown, (2018)).	
Method ECO-M4	Promotion of Ecological Corridors / Networks	
Promo	ting the protection and maintenance of areas of significant indigenous	
vegeta	tion and/or significant habitats of indigenous fauna, particularly those	
that co	ontribute to achieving an ecological corridor or network, through for	
examp	le:	
1.	taking esplanade reserves or esplanade strips on subdivision as the opportunity arises;	
2.	providing for additional development rights through the	
2.	subdivision of Conservation Lots where sites in ECO-SCHED5 or	
	other areas of significant indigenous vegetation and/or significant	
	habitats of indigenous fauna (including wetlands) are protected in	
	perpetuity; and	
3.	providing partial rates relief or other financial assistance for	
5.	landowners.	
Method ECO-M5	Advocacy, Education and Information Sharing	
1.	Promoting education, advocacy and information sharing to raise	
	community awareness of the attributes and values of the District's	
	areas of significant indigenous vegetation and/or significant	
	habitats of indigenous fauna, and the need to have regard to these	
	values when considering applications for subdivision use and	
	development activities.	
2.	Encouraging, guiding and assisting landowners in the voluntary	
	protection of natural areas, including making the community more	
	aware of the opportunities provided by the Queen Elizabeth II	
	National Trust Act 1977 and Reserves Act 1977 (e.g. Ngā Whenua	
	Rāhui kawenata), particularly landowners of areas identified in	
	ECO-SCHED5 of the District Plan; and through consideration of	
	other mechanisms such as a rates rebates in accordance with the	
	provisions of the Local Government Act 1974.	
Method ECO-M6	Hawke's Bay Biodiversity Accord	
Counci	's role in the Hawke's Bay Biodiversity Accord. This will be a key	
method	for enhancing biodiversity in the District and will include maintaining,	
developing and enhancing partnerships with landowners who have large and		
significant ecological areas, Landcare and other community groups and non-		
	mental organisations', tangata whenua, Hawke's Bay Regional	
	, Department of Conservation and other agencies and stakeholders to	
•	e focused and efficient assistance to worthy protection and	
enhanc	ement projects.	
Subdivision		
Method SUB-M1	Other Provisions in the District Plan	

Implementation of objectives and policies of the relevant zones and district-	
wide activities in the District Plan, including those set out in the following	
sections of the District Plan:	
8. ECO – Ecosystems and Indigenous Biodiversity	
Rules:	
Ecosystems and Indigenous Biodiversity	
<ol> <li>District Plan rules and performance standards relating to Significant Natural Areas (SNAs) and the clearance of significant indigenous vegetation or significant habitats of indigenous fauna, which can also act to protect against loss of indigenous vegetation cover where located within significant and outstanding landscapes containing such vegetation. <i>Rules ECO-R2 to ECO-R6.</i></li> </ol>	
Subdivision	
<ol> <li>District Plan rules make subdivision of land containing any SNA identified in ECO- SCHED 5 a discretionary activity. <i>Rules SUB-R1, SUB-R4, &amp; SUB-R5</i></li> </ol>	
<ol> <li>SUB-R6 Subdivision to create a Conservation Lot is a controlled activity.</li> <li>SUB-R7 to create a lifestyle lot in association with a conservation lot is a controlled activity with a lot minimum of 5000m<sup>2</sup> of significant indigenous vegetation.</li> </ol>	
Earthworks	
<ol> <li>Specific District Plan rules and performance standards controlling earthworks and built form in the District's SNA (including network utilities locating within SNA). Standards EW-S2, EW-S3, &amp; EW-S7</li> </ol>	
6. District Plan rules and performance standards protecting wāhi tapu, wāhi taonga and sites of significance, which can also assist with protecting those associational values attributed to significant and outstanding landscapes by tangata whenua, where located within identified significant and outstanding landscapes. <i>Rules SASM-R3, SASM-R4, SASM-R5, &amp; SASM-R6</i>	
Assessment Matters Biodiversity Offsetting provided for as part of any resource consent application as set out in Assessment Matters ECO-AM1 (Removal of Manuka & Kanuka), ECO-AM2 (Trimming & Clearance of Indigenous Vegetation).	
Opportunities for economic growth and employment	

opportunities and traditional Maori practices such as Rongoa Māori / traditional Māori healing, and food gathering opportunities that can supply hospitality ventures.

### Summary of efficiency and effectiveness of the provisions in achieving the objectives

The proposed provisions are the most appropriate method of addressing the issues of loss of indigenous biodiversity and maintenance of indigenous biodiversity and objectives ECO-O1 and ECO-O2 and SUB-O1. They provide a comprehensive framework (representing regulatory certainty) focussed directly on protecting the identified biodiversity values. They also give clear direction and guidance through incorporating effects mitigation hierarchy ad provide practical balance through still enabling appropriate subdivision, use and

development. This includes recognising the mechanisms of biodiversity offsetting and compensation incentives supported with specific guidance schedules attached to the Plan. It is noted that the methods selected have sought to align with the approach in the pending NPS-IB which further ensure the provisions are the most efficient and effective.

# 5.3 Adequacy of Information and Risks of Acting or Not Acting

Section 32(2)(c) states that an evaluation report must assess the risk of acting of not acting if there is uncertain or insufficient information about the subject matter of the provisions.

For matters relating to the indigenous biodiversity values, the Council has sufficient information to determine the provisions for the following reasons:

- The overlay areas have been identified using current best practice and has been undertaken by a qualified and experienced ecologist;
- The methodology has been developed by a qualified and experienced ecologist including the development of 'significance criteria' specific to Central Hawke's Bay District and a range of current relevant data sources;
- Site visits and ground-truthing have been undertaken for a number of sites to refine the SNA information, including refinement of the overlay areas;
- The policy framework takes into account the direction of the draft National Policy Statement-Indigenous Biodiversity; and
- The proposed overlay areas and provisions have been socialised with the community, landowners and key stakeholders, and as part of the Draft Plan community engagement process, with feedback incorporated into the Proposed District Plan as appropriate.

Therefore, there is no assessment of risk associated with acting or not acting in respect of these associated provisions in the Proposed District Plan.

# 5.4 Quantification

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.

Exact quantification of the costs and benefits was not considered practicable, given the application of the provisions across the District and the differing circumstances that will apply through the life of the Plan. Any attempt at quantifying the costs and benefits would therefore be speculative and would not provide any real assistance in assessing the proposed provisions.

# 5.5 Summary

Given the evaluation above, the proposed provisions (policies and methods) are deemed the most appropriate way to achieve the objectives relative to the other reasonably practicable options considered.

The proposed policies and methods give effect to section 6(b) and 7(c) matters in a way that achieves the proposed objectives, through:

- identifying the District's areas of significant indigenous vegetation and significant habitats of indigenous fauna, on the Planning Maps and in a dedicated schedule (ECO-SCHED5);
- incorporating an ECO Ecosystems and Indigenous Biodiversity chapter with policies and methods specifically addressing the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- applying rules for trimming and clearance of indigenous vegetation within areas of significant indigenous vegetation and significant habitats of indigenous fauna identified in the ECO – Ecosystems and Indigenous Biodiversity chapter;
- applying Discretionary Activity status for subdivisions involving the identified areas of significant indigenous vegetation and significant habitats of indigenous fauna in the SUB – Subdivision chapter;

On balance, the evaluation indicates that the benefits of the proposed District Plan provisions outweigh the costs.

# 6 Overall Summary and Conclusion

This evaluation has been undertaken in accordance with section 32 of the RMA to examine the extent to which the proposed objectives in the Proposed District Plan are the most appropriate way to achieve the purpose of the RMA, and whether the provisions (policies and methods) are the most appropriate way to achieve the objectives, with respect to the areas of significant indigenous vegetation and significant habitats of indigenous fauna within the District.

The evaluation identifies other reasonably practicable options, assesses the efficiency and effectiveness of the selected suite of provisions (including benefits and costs and opportunities for economic growth and employment), and contains a level of detail that corresponds to the scale and significance of the effects anticipated from their implementation.

The evaluation demonstrates that the proposed objectives and supporting provisions are the most appropriate, as:

- The proposed provisions were adopted because they provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna within the District in line with section 6(c) of the RMA as a matter of national importance, as well as have regard to the intrinsic values of ecosystems in responding to section 7(d) matters and the maintenance of indigenous biological diversity (section 31(1)(b)(iii)).
- The proposed provisions give effect to higher order documents, including the national planning standards.

# References

'Assessment of Natural Heritage for the Review of the Central Hawke's Bay District Plan', Kessels Ecology, finalised 27 April 2018

'CHBDC District Plan Final Desktop SNA Review – Methodology', Tonkin & Taylor Ltd (Kessels), March 2019

'Central Hawke's Bay District Council, District Plan Significant Natural Area Review – May 2020', Bluewattle Ecology (Kessels), 3 June 2020