

Section 32 Report – Part 2

Biodiversity

prepared for the

Proposed Waikato District Plan

July 2018



TABLE OF CONTENTS

1	OVERVIEW AND PURPOSE.....	4
1.1	Topic Description	4
1.2	Significance of this Topic	4
1.3	Resource Management Issues to be Addressed	6
1.4	Current Objectives, Policies, Rules and Methods	6
1.5	Information and Analysis	8
1.6	Consultation Undertaken.....	10
1.7	Iwi Authority Consultation and Advice	13
1.8	Decision-making	14
1.9	Reference to Other Relevant Evaluations.....	16
2	ISSUES, OBJECTIVES, POLICIES AND RULES.....	16
2.1	Higher Level Planning Documents and Legislation.....	16
2.1.1	Iwi Management Plans	22
2.1.1.1	Vision and Strategy	22
2.1.1.2	Maniapoto Environmental Management Plan	24
2.2	Issues	25
2.2.1	Issue 1	25
2.2.2	Issue 2	26
3	SCALE AND SIGNIFICANCE EVALUATION	27
4	EVALUATION OF OBJECTIVES	32
5	EVALUATION OF PROPOSED POLICIES, RULES AND METHODS	35
5.1	Identification of Reasonably Practicable Options – for Achieving Objective(s).....	35
5.2	Evaluation of Selected Options.....	53
5.3	Package 1	55
5.3.1	Identification of Options.....	55
5.3.2	Policy, Rule and Method Evaluation.....	57
5.4	Package 2.....	61
5.4.1	Identification of Options.....	61
5.4.2	Policy, Rule and Method Evaluation.....	66
5.5	Package 3.....	71
5.5.1	Identification of Options.....	71
5.5.2	Policy, Rule and Method Evaluation.....	73
6	CONCLUSION.....	76
	APPENDIX 1 PROVISION CASCADE.....	77
	APPENDIX 2 SIGNIFICANT NATURAL AREAS – SUMMARY OF INPUTS FROM THE COMMUNITY CONSULTATION PROCESS (DECEMBER 2016).....	87

APPENDIX 3 SIGNIFICANT NATURAL AREAS OF THE WAIKATO DISTRICT:
TERRESTRIAL AND WETLAND ECOSYSTEMS (JANUARY 2018) 88
APPENDIX 4 MARKET ECONOMICS REPORT 89

I OVERVIEW AND PURPOSE

This topic report should be read in conjunction with Part I Section 32 Report – Introduction to the Evaluation Report to understand how the Proposed Plan has been developed. Part I includes the evaluation and consultation undertaken in the development of the whole Proposed Plan.

The purpose of the report is to evaluate the appropriateness of the indigenous biodiversity provisions of the Proposed Plan in terms of the requirements of Section 32 of the Resource Management Act 1991 (RMA). These provisions are mostly found in Section 3 of the Proposed Plan (Natural Environment), which contains objectives and policies that may be applied across the district. Rules relating to these objectives and policies are nestled within the land use rules of each zone and the Infrastructure and Energy chapter (Section 14). 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. A cascade of the relevant provisions of the plan are included in Appendix I.

The provisions of the Proposed Plan have been assessed against the relevant higher-order documents that have been prepared under the RMA including the Waikato Regional Policy Statement 2016 (RPS).

For the purposes of this report, the term ‘Significant Natural Areas’ (SNAs) has been applied for both the SNAs identified on the planning maps and the ‘Urban Allotment Significant Natural Areas.’ The Urban Allotment Significant Natural Areas are also identified in Schedule 30.5 of the Proposed Plan to meet the requirements of Section 76(4B) of the RMA.

I.1 Topic Description

This report evaluates provisions of the Proposed Plan that relate to the maintenance and enhancement of indigenous vegetation and the habitat of indigenous fauna within the Waikato District to give effect to the RMA and the policy direction provided by the Waikato Regional Policy Statement (RPS).

I.2 Significance of this Topic

Waikato District Council (Council) is required to maintain indigenous biodiversity under Section 31(1)(b)(iii) of the Resource Management Act 1991 (RMA).

Part 2 of the RMA ensures that indigenous biodiversity is at the core of decision-making, with a requirement to “*maintain and enhance the quality of the environment*” (Section 7(d)) and to have regards to the “*intrinsic value of ecosystems.*” Section 6(c) also establishes “*the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*” as a matter of national importance.

The natural environment contributes to our national identity and our cultural and economic wellbeing. New Zealand has a number of endemic species which, along with a diverse range of ecosystems contribute to our biodiversity.

Whilst there has been an increase in efforts to restore ecosystems, the Waikato District, and those districts surrounding, have seen considerable modification of habit, which along with the introduction of invasive pest plants and animals has contributed to biodiversity decline.

As a result, much indigenous biodiversity has been lost, with many species being threatened or highly vulnerable. While some indigenous vegetation and the habitat of indigenous species is protected by private covenant or public ownership and management, much exists unprotected on private land. In such circumstances the responsibility for protecting and maintaining these features falls on the local authority and the landowner, and is one matter to balance when making planning and policy decisions under the RMA.

In 2010, the Minister for the Environment recognised the significance of the issue and proposed a National Policy Statement (P-NPS) on Biodiversity. The purpose of the P-NPS was to bring more clarity to the role of local authorities in managing indigenous biodiversity and to assist local authorities to appropriately balance indigenous biodiversity when making planning and policy decisions under the RMA.

One of the challenges identified in the P-NPS was that ecosystems are not always confined to definable sites, and the protection of indigenous vegetation and the habitat of indigenous fauna requires more than the protection of sites of high biological value. However, the P-NPS also recognises that the costs of protecting and managing indigenous biodiversity primarily falls to landowners when implementing blanket protection.

The P-NPS has no legal status at the time of writing this report. Nevertheless, the Waikato Regional Policy Statement 2016 (RPS) is consistent with the guidance provided by the P-NPS in recognising the need to identify and protect significant indigenous vegetation/habitat of indigenous species, and to recognise their importance in the decision-making process and to provide better certainty.

The current Operative District Plan is now somewhat inconsistent with the approach of the RPS as the provisions rely almost entirely upon blanket protection. There is a requirement to ensure the Proposed Plan presents a standardised approach across the District and one that is consistent with high-level documents prepared under the RMA, and in particular the strategic direction of the RPS to achieve “no net loss” of biodiversity at a regional scale.

In conclusion, the RMA (particularly Section 6(c)) national and regional policy direction all confirm that the protection of biodiversity and particularly indigenous biodiversity, is a significant topic for the Proposed Plan to address.

1.3 Resource Management Issues to be Addressed

The decline of New Zealand's unique indigenous biodiversity is well documented. Large areas of forest and wetland once covered the district. Today large parts of the district contain only fragments of indigenous vegetation and indigenous habitat that once existed.

The main threats to indigenous biodiversity is ongoing vegetation clearance, the effect of browsing stock in unfenced areas, degradation of vegetated areas from animal and plant species, and degradation of the margins of estuarine, wetland and freshwater areas by stock and inappropriate land use.

Waikato Regional Council has compiled a database of Significant Natural Areas (SNAs) to better manage the indigenous biodiversity that remains in the district. Through consultation and expert analysis by Kessels Ecology Ltd, 698 sites have been identified as SNAs using the assessment criteria in Section 11A of the RPS (locally significant or higher). This represents 16.4% of the district. Kessels Ecology Ltd have also identified a further 127 sites that have a high likelihood of meeting the criteria to qualify as an SNA. This process also involved significant land owner engagement led by Waikato District Council to assist in refining the mapping, as described in section 1.6 of this report.

About 46.7% of the identified SNAs (in ha) have some form of legal protection, including a small number of very large sites of international and national significance. This means that there are a number of smaller sites that are of either local or regional significance that remain unprotected.

Habitat for some indigenous species can comprise of several, scattered small sites, which together create a corridor between much larger sites. Corridors assist with providing cohesion between otherwise fragmented ecosystems, increasing the viability of vulnerable animal and plant species. In this context, even a small loss of vegetation from one site can have a cumulative effect upon indigenous biodiversity.

1.4 Current Objectives, Policies, Rules and Methods

Indigenous biodiversity is recognised as an important resource management issue in the Operative District Plan (Waikato and Franklin sections). Both sections of the district plan identify similar 'threats' to indigenous biodiversity and provide similar incentives to protecting and enhancing significant vegetation/habitat through the use of non-regulatory methods and by enabling 'bonus' lot subdivision entitlements.

The Operative District Plan (Waikato and Franklin sections) does not identify SNAs. In the Franklin section there are some SNA equivalents identified through the use of criteria in Schedule 5A. Indigenous vegetation/habitat is protected through blanket regulation and regulation applied through landscape overlays. The landscape overlays of both the Waikato and Franklin sections of the district plan are focused on natural character and landscape values rather than ecological merit. However it is noted that

with the Landscape Policy Area, discretion is restricted to matters that seeks a range of ecological and landscape outcomes (eg 24.41A).

Much land protected by landscape overlays have been identified as SNAs (for example, Hakarimata, Mt. Karioi, Whangamarino Wetland, Hunua Ranges, and the Waikato River wetlands). Outside of these areas, significant vegetation/habitat has been protected by blanket regulation in both the Waikato and Franklin sections of the Operative District Plan.

Section 15.6.3.1 of the Franklin section sets out the circumstances in which indigenous vegetation can be cleared without resource consent (permitted activity). These activities mainly relate to providing for the ongoing operation of agricultural and forest activities. However, there is also a provision that allows for clearing 2.5% of canopy cover where the indigenous bush is over 1ha in area (as it existed in November 2009).

If the felling or clearance of vegetation fails to qualify as a permitted activity, resource consent would be required for a restricted discretionary activity (Rule 15.6.3.2). The matters over which Council had restricted their discretion would require an analysis of the value of the vegetation to indigenous biodiversity and includes provision to enhance value.

The objective and policies of Part 2 of the Waikato section of the District Plan (Indigenous Vegetation and Habitat) are given effect to by rules that are nestled within the activity rule tables that apply to Pa, Industrial, Rural, Coastal, and Country Living zones.

By way of an example, within the Rural Zone, there are rules that apply specifically to indigenous vegetation clearance in the Landscape Policy and Conservation Areas (Rule 25.43), and there are blanket rules that apply to indigenous vegetation clearance on land outside of these overlay areas (Rule 25.43A). Outside of the overlay areas, up to 3000m² or 1% of the contiguous vegetation/habitat could be cleared within a 3-year period without resource consent (subject to controls). There are also several exclusions relating to fire risk management and pest control, etc.

For Rural Zone sites within the landscape overlays, the list of permitted activities are similar, but with reduced thresholds (for instance up to 1000m² can be cleared to establish a building platform without resource consent).

If the felling of the vegetation did not comply with the conditions for a permitted activity, resource consent would be required for a restricted-discretionary activity.

A matter raised during the consultation phase for the Proposed Plan was a desire to allow for some clearance of Manuka and Kanuka for firewood purposes. In this regard, the Franklin section provides for the clearance of scattered stands of Manuka and Kanuka as a permitted activity; while the Waikato section provides for clearance of Kanuka and Manuka as a permitted activity (subject to conditions). Within landscape overlay areas, up to 3000m² of Kanuka or 3% (whichever is the lesser) can be removed in a 3 year period.

Outside of the landscape overlay area, there is provision for vegetation to be cleared if Council certifies that the vegetation to be cleared is not significant indigenous vegetation or the significant habitat of indigenous fauna (Rule 25.43A(b)).

Both sections of the District Plan contain provisions to incentivise the protection and ongoing management of natural features by enabling 'bonus' lot subdivision entitlements.

Importantly the onus (and cost) would be on the landowner to determine the value of the indigenous vegetation or habitat to indigenous fauna through expert analysis. However, there is provision for Council to meet the cost of providing an ecological assessment in some instances.

Non-regulatory methods (such as contestable funds and rate remissions), are listed as ways to assist in funding stock-proof fencing and ongoing pest management measures in both Waikato and Franklin sections of the District Plan.

1.5 Information and Analysis

Indigenous biodiversity spans much of the district. In regards to SNAs, approximately 12% of the District's properties (3,800 properties or 68,445 ha) contain an SNA. The land value is \$3,809M and the capital value is \$5,458M (<23% of the District's total land and capital value).

By ward, the highest areas of SNA are located in: Whangamarino 21,580 Ha, Whaingaroa (21,430 Ha), and Raglan (8,350 Ha).

District wide the communities with the highest areas of SNA are: Mangatangi (12,055 Ha), Waitetuna (11,150 Ha), Waitetuna- Te Uku (7,410 Ha), Waingaro (5,750 Ha) and Port Waikato (3,850 Ha).

Table I below describes the background assessment and reports considered for this section 32 report.

Table I List of relevant background assessments and reports

Title	Author	Description of Report
Significant Natural Areas – Summary of Inputs from the Community Consultation Process	Kessels Ecology Limited, (Appendix 2)	Report on initial engagement with landowners in 2015-16 and description of resulting changes to SNA draft dataset following desktop reviews and site visits.
Significant Natural Areas of the Waikato District	Waikato Regional Council and Kessels Ecology Limited (Appendix 3)	Technical report confirming Significant Natural Areas of the Waikato District. Also identifies biodiversity issues in the district and

		management mechanisms by ecological zones.
N/A	Consultant – Tonkin and Taylor. Consideration of Landowner feedback.	<p>Desktop review and site visits and updating the SNA dataset for district plan notification considering land owner feedback. This included:</p> <ul style="list-style-type: none"> • 146 property checks (desktop) • 16 site visits • Refinements to SNA boundaries on 118 properties.

1.6 Consultation Undertaken

Specific consultation commenced on this topic with land owner letters seeking feedback on potential SNAs in September 2015 to February 2016. Further consultation took place with land owners in May 2018 after the completion of the Waikato Regional Councils Technical Report “Significant Natural Areas of the Waikato District: Terrestrial and Wetland ecosystems”. These processes are described in more detail below.

1.6.1 Initial Land Owner Engagement

In September 2015 – February 2016 Waikato District Council staff engaged with landowners with SNAs through letters inviting feedback through contacting Council staff, providing written feedback on the accuracy of the mapping and were also invited to meetings with Council staff, consultant ecologists and, when available, the support of Waikato Biodiversity Coordinator and Regional Council staff. During the meetings with land owners, an overview was presented of the direction of the RPS and SNA mapping. Information was also shared on available funding streams and pest control. Over 200 people met with staff during 10 days of one on one meetings. An additional drop in session was held in Tamahere which over 70 people attended.

Also during this period:

- Over 350 landowners provided written feedback
- Over 400 people contacted council via phone to capture feedback on the areas identified including general species composition and weed and pest animal issues

Land owner feedback on suggested mapping changes of was reviewed by Kessels Ecology Limited and integrated into the SNA data set. 50 site visits were also carried out of SNA sites to refine the SNA mapping and a desktop review was undertaken considering all initial feedback. The resulting changes to the SNA dataset are described further in Kessels Ecology report prepared for Waikato District Council, compiled prior to the completion of the Waikato Regional Council technical report on Significant Natural Areas.

1.6.2 Land Owner Engagement following the Release of the Waikato Regional Council Technical Report

On May 10 2018, following the publication of the Waikato Regional Council Report: Significant Natural Areas of the Waikato District, letters were again sent to land owners seeking further feedback by 5 June 2018. Approximately 300 landowners attended drop-in sessions held in Ngaruawahia, Tuakau, Raglan and Tamahere. At these, one-on-one discussions were held with landowners to discuss what the draft provisions would mean for them. This also provided the opportunity for land owners to further describe the areas and identify and suggested mapping changes. Information on assistance available to landowners was also shared in these discussions. Over this engagement period Council also received written feedback

from the owners of 100 properties and Council planning staff spoke to 100 land owners on the phone.

Feedback from landowners is summarized as follows:

- Queries as to why Council is mapping SNAs
- Requests for mapping changes
- Queries and concerns regarding regulatory controls people requesting the ability to, as a permitted activity:
 - remove Manuka and Kanuka for firewood, arts and crafts
 - clear vegetation to establish or re-instate pasture
 - maintain areas of existing pasture by clearing vegetation in open area
 - create small walking tracks and vehicular access through SNAs
 - maintain existing tracks and fences
 - remove and trim vegetation for new fence lines
 - remove exotic species and planted woodlots
- Requests for more restrictive rules and not to permit the clearance of Significant Natural Areas
- Requests for funding and assistance or enhancement and restoration projects
- Objections on the principle of identifying areas on private land
- Requests for rates relief or for council to purchase land.

Mapping changes arising from land owner feedback and a subsequent review of this feedback by Tonkin and Taylor Ltd during the week of the 11th of June 2018 resulted in changes to SNA boundaries on 118 properties (see Table 1).

Table 2 Specific consultation processes

Date	Group	Subject Matter	Feedback
September 2015 to February	Landowners	Potential Significant Natural Areas identification	<p>Information on species in Significant Natural Areas (SNAs), existing protection and fencing of areas, detailed feedback on mapping accuracy.</p> <p>Landowner concerns about SNAs infringing property rights and potentially limiting future development opportunities.</p> <p>Feedback provided through phone discussions, written feedback and one-on-one meetings with land owners.</p>
November 2017 to February 2018	General public, stakeholders and Residents and Ratepayers	Draft district plan provisions	<p>Feedback received on draft objectives, policies and draft rules from Department of Conservation, Waikato Regional Council and Fish & Game. Generally seeking amendments to objectives and policies and a strengthening of draft rules related to biodiversity.</p> <p>Feedback from landowners supporting retaining subdivision lot subdivision provisions.</p> <p>Feedback from surveying firms on conservation subdivision provisions and providing detailed feedback on related rural subdivision provisions.</p>
May 2018 to June 2018	Land owners	Significant Natural Area (SNA) identification and an overview of the draft district plan rules ahead of notification	<p>Information on species in SNAs, existing protection and fencing of areas, detailed feedback on mapping accuracy. Feedback provided through phone discussions, written feedback and one on one meetings with land owners (feedback described in section 1.6.2).</p>

1.7 Iwi Authority Consultation and Advice

1.7.1 Consultation

Clause 3 of Schedule 1 of the RMA sets out the requirements for local authorities to consult with tangata whenua through and iwi authorities. Clause 3 also requires Local Authorities to consult with any person, group or ministry that may be affected by changes made to the District Plan.

Council used the following methods to create an Iwi Reference Group:

- Joint Management Agreement
- Tai Tumu Tai Pari Tai Ao (Waikato Tainui Environmental Plan)
- Partnerships
- Collaboration

The purpose of the Iwi Reference Group was to provide Council with a single forum to socialise the proposed changes to the Operative District Plan.

The Iwi Reference group was made up of all iwi and hapuu within the district that council currently consults with via the Resource Consent Process.

Engagement and consultation with the Iwi Reference group took place between December 2014 and December 2017. (See Part I Section 32 Report – Introduction to the Evaluation Report)

1.7.2 Advice

Clause 4A of Schedule 1 of the RMA sets out the requirements for local authorities to consult with iwi authorities before notifying a proposed plan. Clause 4A(1)(b) requires Council to have particular regard to any advice received on a draft proposed policy statement or plan from those iwi authorities.

Council held with discussions with the relevant Iwi and Hapuu and through Te Kahui Mangai website:

Iwi authorities within Waikato District:

- Waikato Tainui
- Ngaati Tamaoho

Iwi for the purpose of RMA list on Te Kahui Mangai

- Tainui o Tainui

Iwi that have relationship from other districts

- Hauraki
- Ngaati Maniapoto
- Ngaati Paoa - Hauraki

The above Iwi groups were consulted with and a summary of their comments issues and Council's consideration are listed in Part I Section 32 Report – Introduction to the Evaluation Report.

1.8 Decision-making

A series of presentations and discussion documents have been presented to Councillors on the content and focus of the draft proposed district plan provisions with a specific focus on the Indigenous Biodiversity Topic. These are described in Table 3 below

Table 3 Summary of decision-making processes

Meeting	Document	Overview and Direction
30 March 2015 Councillor workshop – overview of Significant Natural Area identification.	Councillor workshop presentation	Summary: Overview of Significant Natural Areas (SNAs) identification including description and limitations of desktop mapping. Overview of proposed land owner engagement. Direction: Questions around Councils function in biodiversity. Direction to engage directly with landowners.
Councillor Workshop – Proposed SNA landowner engagement 28/07/2015	Councillor workshop presentation	Summary: Overview of proposed engagement approach. Direction: General approval of engagement approach.
Councillor workshop District Plan, Discussion Document 14/12/2015	Presentation on Discussion document (Indigenous Biodiversity)	Summary: Presentation of Discussion document highlighting current district plan provisions, RPS requirements, and an update on landowner feedback received on SNA engagement.
Councillor workshop District Plan, Issue Statements – 15/03/2016	Councillor presentation	Summary: Presentation of draft issue statement for the topic. Feedback and questions: <ul style="list-style-type: none"> • Issue statement looks really clear • Done right, subdivision can also enhance biodiversity in the environment. • The Franklin section issue statement has examples. Why doesn't the Waikato have examples? • The Franklin section mentions things other than biodiversity.

Councillor workshop District Plan, Draft Objectives – 05/07/2016	Councillor workshop presentation Draft objectives	<p>Summary: Presentation of draft objectives statement for the topic.</p> <p>Feedback and questions:</p> <ul style="list-style-type: none"> • Will there be two objectives not just one? • There is a lot of work being done on maintaining, but the objective seems to set a low benchmark. 'Existing levels' is not progressive. • RMA sets out to protect what we have. • Is there consistency with neighbouring Councils? • Must think about the costs to Council. • Concern about the word enhancement.
Councillor workshop District Plan, Draft Policies – 16/08/2016	Councillor workshop presentation Draft policies	<p>Summary – Draft policies presented to Council.</p> <p>Feedback and questions:</p> <ul style="list-style-type: none"> • Ensure consistency of wording - "should" or "is to be?" • Question around general use of terms such as pest control and animal control. • Why have certain parts of policies been deleted? • Are urban areas included in SNAs?
Councillor workshop District Plan, Overview of Draft Rules – 23/05/2017	Councillor workshop presentation Draft rules	<p>Summary: overview of process and presentation of draft rules.</p> <p>Feedback and questions:</p> <ul style="list-style-type: none"> • Did we get any feedback regarding vegetation clearance from land owner engagement? • Acknowledgement of previous land owner engagement on SNAs (2015-16) and community interested in this. • Pleased to know we are going back to landowners. • Discussions on the conservation fund and that Council could strengthen this in the LTP.
Councillor workshop District Plan review ,	Councillor workshop presentation	General support for proposed land owner engagement.

Update on project 17/04/2018.		
Engagement update on feedback received - 13/06/2018.	Councillor workshop presentation.	Summary of the landowner engagement and feedback received presented.

1.9 Reference to Other Relevant Evaluations

This s32 topic report should be read in conjunction with the following evaluations:

- Tangata Whenua
- Infrastructure
- Renewable Electricity Generation
- National Grid
- Residential Zone
- Rural Zone
- Transport
- Water Supply, Stormwater and Wastewater
- Rangitahi Peninsula Zone
- Country Living Zone
- Village Zone
- Business Zone
- Industrial Zone

2 ISSUES, OBJECTIVES, POLICIES AND RULES

2.1 Higher Level Planning Documents and Legislation

2.1.1 Resource Management Act 1991 (RMA)

Section 75 of the RMA, requires territorial authorities to prepare a district plan that provides objectives, policies and rules (if any) to fulfil its function under Section 31 of the RMA, which includes the control of any actual or potential effects of the use, development, or protection of land for the purpose of the maintenance of indigenous biodiversity (Section 31(1)(b)(iii)).

Section 75(3)(a)-(c) of the RMA states that a district plan must give effect to any national policy statement, any New Zealand coastal policy statement, any national planning standard and any regional policy statement. Section 75(4) of the RMA states that a district plan must not be inconsistent with a regional plan.

In effect, the RMA creates a hierarchy of documents that add greater clarity around the interpretation of the principles of Section 5 of the RMA. Sections 6-8 of the RMA

contributes to Section 5, by assigning weight to matters that are “to be recognised and provided for” (Section 6), “have regards to” (Section 7) and “take into account” (Section 8).

Section 5(1) states that the purpose of the RMA is to “promote the sustainable management of natural and physical resources” and the purpose of the RMA infuses the approach taken in decision making and policy making.

The matters within Section 6 contribute towards delivering upon the RMA’s purpose. Council must recognise and provide for the matters in Section 6 of the RMA, which lists “the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna” as a matter of national importance (Section 6(c) of the RMA). Greater weight may be afforded to their protection when making decisions on how resources should be sustainably managed.

Council must also have particular regard to the “intrinsic value of ecosystems” under Section 7(d) of the RMA when preparing a district plan. ‘Intrinsic values’ are defined in Section 2 of the RMA as “those parts of ecosystems and their constituent parts which have value in their own right, including (a) their biological and genetic diversity and (b) the essential characteristics that determine an ecosystem’s integrity, form, functioning, and resilience.” Section 7(d) compliments Section 5(2)(b) of the RMA and recognises that intrinsic values of ecosystems may extend further than those specific areas that have been identified for their significance.

The principles of the Treaty of Waitangi (Section 8) and kaitiakitanga (Section 7(a)) are particularly important as mana whenua have a strong interest in managing indigenous biodiversity for their economic, social and cultural well-being.

2.1.2 Conservation Act 1987

The Conservation Act 1987 promotes the conservation of New Zealand’s natural and historic resources. The Conservation Act established the Department of Conservation to (amongst other things), manage land held under the Conservation Act, preserve indigenous freshwater fisheries and habitat, and advocate and educate conservation.

2.1.3 New Zealand Coastal Policy Statement 2010 (NZCPS)

The NZCPS is prepared by the Minister for Conservation to achieve the purpose of the RMA in relation to the coastal environment. Policy 1 defines the extent of the coastal environment, which includes areas where coastal processes, influences or qualities are significant, such as coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands and their margins. Policy 4 also provides for the coordinated management of activities in the coastal environment with local authorities.

Objective 1 of the NZCPS seeks to sustain the ecosystems of the coastal environment, in part by protecting representative or significant natural ecosystems and sites of biological importance.

Policy 11 (Indigenous biological diversity) and Policy 13 (Preservation of natural character) are particularly relevant to the maintenance and enhancement of

indigenous biodiversity in the district's coastal environment. In particular, Policy 11 establishes a hierarchy of protection where adverse effects are to be avoided on the most significant indigenous ecosystems and vegetation types, while **significant** adverse effects are to be avoided for indigenous biodiversity that has been identified as being not as significant.

2.1.3 Proposed National Policy Statement on Indigenous Biodiversity 2011 (P-NPS) and pending draft NPS on Indigenous Biodiversity

At the outset, it is acknowledged that the documents discussed below have no legal effect at this stage. They are discussed as they provide relevant contextual information.

In 2011 the Minister for Environment invited public comment on a Proposed National Policy Statement on Indigenous Biodiversity 2011 (P-NPS) and outlined the main reasons why the Ministry for the Environment believes that the RMA has not succeeded in arresting the decline on land outside of the conservation estate (Section 4). In particular, the P-NPS noted that there had been continued loss under the RMA and sought to provide greater clarity with how the RMA is administered. The P-NPS identified many desired outcomes, such as providing a uniform level of biodiversity protection, reducing the 'administration churn' for local government and the participants in the process relating to biodiversity, and providing for more flexible management approaches. This is best illustrated by setting out principles to be applied when considering a biodiversity offset (Schedule 2).

The objective of the P-NPS is:

“To promote the maintenance of indigenous biological diversity by protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna, and to encourage protection and enhancement of biodiversity values more broadly while:

- *supporting best practice of local authorities*
- *recognising the positive contribution of landowners as guardians/kaitiaki of their land*
- *recognising that the economic, social and cultural well-being of people and communities depends on, amongst other things, making reasonable use of land.”*

The objective is supported by eight policies, including Policy 5 which clearly requires that when preparing district plans, local authorities are required to manage the effects of activities to ensure “no net loss” of biodiversity of areas of significant indigenous vegetation and the habitat of indigenous species. Policy 4 also requires that district plans identify areas of significant vegetation in maps and/or schedules.

Policy 6 seeks to promote the maintenance of biodiversity outside areas of identified the significant vegetation and significant habitats. Policy 6(h) also suggests that in order to maintain and enhance indigenous biodiversity, a local authority may wish to consider using both non-regulatory and regulatory incentives (such as a bonus development right in exchange for a protecting or enhancing vegetation or habitats).

A new NPS on Indigenous Biodiversity is currently being drafted and it is likely to be released for public comment in August 2018. The purpose of the NPS will be to provide clear direction to local authorities on how to fulfil their function to maintain and enhance indigenous biodiversity under the RMA. The draft is being prepared by the Biodiversity Collaborative Group, a stakeholder group that has been formed by the Ministry for the Environment..

2.1.4 National Policy Statement for Freshwater Management 2014 (Amended 2017) (NPSFM)

The NPSFM provides national direction for the management of freshwater resources under the RMA. This includes allocation and quality issues, and in part includes the management of land use and development of margins to maintain the sustainability of freshwater quality habitat (for example, Objective A1).

In addition, “ecosystem health” is identified as a Compulsory National Value in Appendix I of that document.

2.1.5 National Environmental Standards for Plantation Forestry

The National Environmental Standards for Plantation Forestry (NES-PF) were published on 3 August 2017 and came into force on 1 May 2018.

Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2018 (which include changes to the Erosion Susceptibility Classifications) were published on 26 April 2018 and commenced on 1 May 2018.

The NES-PF objectives are to:

- maintain or improve the environmental outcomes associated with plantation forestry activities
- increase the efficiency and certainty of managing plantation forestry activities.

The objectives are achieved through a single set of regulations under the RMA that apply to foresters throughout New Zealand.

The NES-PF regulations cover 8 core plantation forestry activities that have potential environmental effects:

- afforestation (planting new forest)
- pruning and thinning to waste (selective felling of trees where the felled trees remain on site)
- earthworks
- river crossings
- forestry quarrying (extraction of rock, sand, or gravel within a plantation forest or for operation of a forest on adjacent land)
- harvesting
- mechanical land preparation
- replanting.

The NES-PF applies to any forest of at least one hectare that has been planted specifically for commercial purposes and will be harvested.

Some examples of the conditions under the NES-PF regulations are:

- setbacks when planting next to rivers, lakes, wetlands, and coastal areas. These unplanted strips protect against erosion and sedimentation from afforestation
- management plans for earthworks, forest quarrying, and harvesting activities to identify environmental risks and how they'll be managed
- identification and maintenance of storm water and sediment control measures for forestry activities.

If forest operators can meet the conditions, the activity is permitted. If not, they must seek a resource consent from their council.

The NES-PF recognises the need for flexibility to protect sensitive local environments. Regional and district councils plans can be more stringent to:

- manage their unique and sensitive environments such as geothermal areas and drinking water supplies
- protect significant natural areas and outstanding natural features and landscapes
- give effect to other national RMA mechanisms like the:
- National Policy Statement for Freshwater Management
- New Zealand Coastal Policy Statement.

2.1.6 New Zealand Biodiversity Action Plan 2016-2020

The NZ Biodiversity Action Plan 2016-2020 is a non-statutory document that builds upon the original NZ Biodiversity Strategy 2000 and sets national targets that take into account key initiatives such as 'Predator Free NZ 2050,' the 'Battle for our Birds,' and the 'War on Weeds.' Community and tangata whenua participation in the management and enhancement indigenous biodiversity is emphasised throughout the document.

2.1.7 Waikato Regional Policy Statement 2016 (RPS)

The RPS provides an overview of the resource management issues that apply to the Waikato Region and outlines how the integrated management of the region's natural and physical resources will be achieved. In particular, Objective 3.1 of the RPS recognises the interrelationship between natural resources with the built environment, the complex interactions between air, water, land and living things, as well as the need to work with agencies, landowners, resource users and communities in order to manage the Region's resources in an integrated manner.

Many RPS objectives require the promotion of positive indigenous biodiversity outcomes or the maintenance and enhancement of indigenous biodiversity, such as Objective 3.16 (Riparian Areas and Wetlands) and Objective 3.12 (Built Environment). Of particular importance to this Topic Report is Objectives 3.8 (Ecosystem Services) and 3.9 (Relationship of tangata whenua with the environment). The RPS also states that the WRC will establish an inventory for use in advocacy, education, policy development and decision-making, which will be implemented through regional and district plans (Section 1 B of the RPS).

Chapter 11 provides the strategic framework upon which to achieve the maintenance and enhancement of indigenous biodiversity and to work towards achieving “no net loss” for indigenous biodiversity at a regional scale. There are two policies that frame the region-wide approach of Chapter 11. Policy 11.1 seeks to maintain and enhance indigenous biodiversity across the region; while Policy 11.2 and associated methods apply specifically to significant indigenous biodiversity. This establishes a hierarchy to inform decision-making processes, both under the RMA and in terms of resourcing/ financing for their on-going protection. For instance, in the non-significant areas (Policy 11.1), Method 11.1.3 provides some flexibility to consider ways of providing for on-site and off-site mitigation (ie biodiversity offsets). Conversely, the focus for the significant areas (Policy 11.2) is on avoiding adverse effects. Mitigation, remediation and biodiversity offsets can only be considered when the adverse effect is unavoidable. In such instances, Method 11.2.2 also expects that the proposal will need to reasonably demonstrate that ‘no net loss’ has been achieved.

To ensure consistency across the region, the Regional Council has responsibility for identifying SNAs for protection by applying the assessment criteria in Section 11A. However, SNAs are to be managed and protected through a combination of regional and district plan rules and non-regulatory methods. Chapter 11 also allows for continuous monitoring and review of indigenous vegetation within the region, with the potential for indigenous vegetation or the habitat of indigenous species to be identified as an SNA, using the criteria within Section 11A.

Chapter 11 will be implemented through a combination of both regulatory and non-regulatory measures. In this regard, Method 11.1.1 states that Waikato Regional Council will assist territorial authorities to prepare local indigenous biodiversity strategies, which amongst other things, acknowledges that the enhancement of indigenous biodiversity requires ongoing management and coordination across agencies, including the community, tangata whenua, landowners and other stakeholders. The desire for the Regional Council to work collaboratively with the community and stakeholders is also clearly stated in Policy 11.3 of the RPS, while Method 11.10.1 asks that local authorities ensure that there is appropriate funding available through the long-term plan and annual plan processes to protect and enhance indigenous biodiversity.

2.1.8 Waikato Regional Coastal Plan 2005 (RCP)

The RCP has been prepared by Waikato Regional Council and ultimately approved by the Minister of Conservation to achieve the sustainable management and integrated management of the coastal environment, which includes the Coastal Marine Area (CMA), which applies from the Mean High Water Springs (MHWS) to the 12 mile nautical limit of territorial sea.

The RCP contains policies that apply to the coastal environment, which includes the CMA, but at a district level, applies to the management of land above the MHWS. Objective 3.2 of the RCP acknowledges that the inappropriate use of land above the MHWS can result in adverse effects on vulnerable habitat, species and ecosystems within the coastal environment, including the CMA.

The RCP adopts a strategy of identifying coastal areas with significant conservation value (ASCV) for protection. Where adverse effects upon an ASCV cannot be practicably avoided, they must be mitigated under Policy 3.2.1 of the RCP. In areas outside of an ASCV, adverse effects on conservation values can be mitigation or remedied, to the extent practicable. There are other related policies, such as Policy 3.2.3 (Maintain and enhance transitional environments), and Policy 3.4.3 (ensure the protection of biodiversity and the interrelatedness of coastal ecology and movement of biota within the CMA).

2.1.9 Waikato Regional Plan 2010 (WRP)

The WRP has been prepared to assist Waikato Regional Council to carry out its functions in order to achieve the purpose of the RMA. The WRP contains objectives and policies relating to the maintenance and enhancement of indigenous biodiversity around the use of resources and discharges to air, land and water. For instance, Objective 3.1.2 that relates to managing water bodies to avoid significant adverse effects on aquatic ecosystems, and Policy 3.7.3(1) that seeks to control land drainage activities adjacent to and within identified wetlands of indigenous vegetation and/or habitats of indigenous fauna.

2.1.10 Relevant Conservancy Management Strategies (2014-2024)

Under the Conservation Act 1987, the Department of Conservation (DOC) has a responsibility to prepare Conservation Management Strategies (CMS). CMS are in place for both the Auckland (2014-2024) and Waikato (2014-2024) Conservancies which contain land in the Waikato District. The purpose of both strategies is to establish objectives for the integrated management of natural and historical resources managed by the Department and to implement policies prepared under s17B of the Conservation Act. Waikato District Council must have regard to the DOC's statutory plans when preparing planning documents under the RMA.

These CMS sets out DOC's long-term vision for each conservancy and identifies a range of objectives relating to management of natural heritage and biodiversity within these areas. These CMS also sets out the main threats to indigenous biodiversity and those areas of habitat and natural character within the Waikato that are of national importance.

Both CMS outlines the partnerships that DOC have with tangata whenua to manage natural resources.

2.1.1 Iwi Management Plans

2.1.1.1 Vision and Strategy

As set out in Section 2 of the WRPS, the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (the Settlement Act) gives effect to the Deed of Settlement signed by the Crown and Waikato-Tainui on the 17 December 2009. The Settlement Act has an overarching purpose to restore and protect the health and

wellbeing of the Waikato River for future generations. Section 9(2) of the Settlement Act confirms that the vision and strategy for Waikato River (Te Ture Whaimana o Te Awa o Waikato) applies to the Waikato River and activities within its catchment affecting the Waikato River.

Whilst the entirety of the Waikato-Tainui Environment Plan (WTEMP) is relevant, Section 15, specifically, addressed issues and objectives and policies relating Natural Heritage and Bio security. Section 15 highlights habitat loss and introduced pests as the major reason for the decline and extinction of many native plants and animals since 1840.

The WTEMP captures the intricate relationship of Waikato-Tainui and the environment in the following issue statement:

'Waikato-Tainui culture, tikanga and kawa has evolved with the indigenous flora and fauna of the tribal area. Waikato-Tainui are part of the natural heritage of the land and are at risk when the resources and taonga around them become depleted degraded or destroyed..'

A summary of the relevant objectives, policies and methods are outlined below:

<p>Objective 15.3.1 The full range of Waikato ecosystem types found throughout the Waikato-Tainui rohe are robust and support representative native flora and fauna.</p>	<p><i>Policy 15.3.1.1</i> To Ensure the full Range of Waikato ecosystem types found throughout the Waikato-Tainui rohe are robust and support representative native flora and fauna.</p> <p>Methods</p> <p>(a) Policies, planning, and best practice ensures no further net losses of 'Priority Ecosystems',⁴ and a measurable expansion of areas of Regionally and Culturally Significant Vegetation. These are areas of vegetation that Waikato-Tainui recognises as regionally, culturally and/or spiritually significant.</p> <p>(b) Waikato Regional Council and Waikato-Tainui work together to apply areas of significance to Waikato-Tainui to the Significant Natural Areas baseline to fill gaps (such as for smaller habitats that are difficult to detect at the regional scale).</p> <p>(c) All permanent waterways within the rohe shall be fenced from livestock and planted, where appropriate, with indigenous vegetation to minimise the effects of land use practices, and enhance biodiversity.</p> <p>(d) Locally sourced (eco-sourced) indigenous plant material shall be used for all plantings into or adjacent to areas of high ecological and conservation value in the region, and shall be encouraged for all landscape plantings in the tribal area. 'Eco-sourced' indigenous plant material may need to be sourced at some distance from the actual area to be planted to increase genetic resilience and diversity.</p> <p>(e) Remnant stands of indigenous vegetation shall be retained, enhanced, and extended by fencing and planting and by the encouragement of landowners to take out protective covenants.</p>
--	---

	<p>(f) The establishment and enhancement of ecological corridors linking areas of known high value indigenous habitat to be treated as a high priority within the relevant regional and local plans and strategies. These corridors should include, but are not limited to appropriate riparian margins, gully systems, esplanade reserves, and vegetation planted alongside road corridors.</p> <p>(g) Waikato-Tainui involvement in local indigenous biodiversity strategies.</p>
--	---

2.1.1.2 Maniapoto Environmental Management Plan

The Maniapoto Environmental Management Plan was prepared by Maniapoto Māori Trust Board on behalf of the people of Maniapoto and is a high level direction setting document and describes issues, objectives, policies and actions to protect, restore and enhance the relationship of Maniapoto with the environment including their economic, social, cultural and spiritual relationships.

Specific for the Waikato District the Maniapoto Environmental Management Plan notes the Aotea harbour as being an important feeding ground for threatened endemic bird species. It further recognises the natural heritage and biodiversity values of Pirongia.

The following objective, policy and methods most relevant to biodiversity is outlined below:

<p><i>Objective</i> 19.3.1.1 The diversity of natural heritage areas, habitats and ecosystems are preserved in a healthy state alongside more modified ecosystems to ensure indigenous species and subspecies maintain genetic diversity and viable population densities</p>	<p><i>19.3.1.2 Policy:</i> Indigenous biodiversity is maintained, restored, enhanced and protected throughout Maniapoto rohe.</p> <p><i>19.3.1.2 Actions:</i> (a) Ensure natural resource use and development, including land use, occurs in such a way that indigenous biodiversity is enhanced and protected (b) Develop regional biodiversity initiatives (e.g., local indigenous biodiversity strategies) to ensure that indigenous biodiversity is maintained, enhanced and protected (c) Develop inventories and biodiversity monitoring frameworks (d) Strengthen regulatory mechanisms to protect and enhance the biodiversity of ecosystems within Maniapoto rohe (e) Develop an inter-connected network of indigenous forest, shrub land, wetland, river and stream habitats and ecosystems to enable species to roam in their natural ranges (f) Manage such inter-connected networks so they do not become corridors for pest species to exploit. (g) Protect and restore forests, wetlands, coastal dune lands, species and ecosystems (h) Protect and sustain seed stocks for species endemic to Maniapoto rohe for future generations (i) Implement conservation initiatives, including wetland and coastal habitat protection and enhancement, threatened species protection and remnant forest restoration (j) Protect and enhance ecosystems and indigenous species near</p>
--	--

	harbours, river mouths and estuaries (k) Protect intellectual property rights of Maniapoto with respect to indigenous flora and fauna, and derived products (l) Replant indigenous species as appropriate in ecological corridors along rivers and streams, rural shelterbelts, roadsides, subdivisions, and urban and amenity plantings throughout Maniapoto rohe
--	--

2.2 Issues

2.2.1 Issue 1

The evaluation of objectives and provisions in the following sections relate to the resource management issue stated below:

Issue Statement	Biodiversity and Habitats <i>Land use and development can result in the loss and degradation of ecosystems and habitats, fragmentation and isolation of habitats, and the reduction of species abundance and biodiversity.</i>
------------------------	--

The continued loss of indigenous vegetation and habitats of significant fauna is well-documented and is expressed within a number of high-level documents prepared under the RMA and in the technical reports that are relevant to this topic. The continued loss of indigenous biodiversity within the district is currently stated as a resource management issue in the Waikato and Franklin sections of the district plan and the RPS.

The continued loss of indigenous biodiversity has been identified as an issue in the RPS and as a matter to be included within district plans. The maintenance of indigenous biodiversity is also a function of territorial authorities under Section 31(1)(b)(iii) of the RMA.

Council must have particular regard to the “intrinsic value of ecosystems” under Section 7(d) of the RMA when preparing a district plan. ‘Intrinsic values’ are defined in Section 2 of the RMA as “those parts of ecosystems and their constituent parts which have value in their own right, including (a) their biological and genetic diversity and (b) the essential characteristics that determine an ecosystem’s integrity, form, functioning, and resilience.” Section 7(d) compliments Section 5(2)(b) of the RMA and recognises that intrinsic values of ecosystems may extend further than those specific areas that have been identified for their significance.

2.2.2 Issue 2

The evaluation of objectives and provisions in the following sections relate to the resource management issue stated below:

Issue Statement	<p>Significant Natural Areas (SNAs)</p> <p><i>Land use, subdivision and development can affect the high biodiversity value of significant indigenous vegetation and significant habitats of indigenous fauna.</i></p>
------------------------	--

This issue implies that some areas of indigenous vegetation and habitat of indigenous fauna are more significant than others and therefore warrant a higher level of protection. The identification and mapping/scheduling areas of significance is an approach that is consistent with the P-NPS and RPS.

Section 6(c) of the RPS states that the protection of significant indigenous vegetation and significant habitats of indigenous fauna is a matter of national importance. Section 6 matters carry significant weight when balancing issues and making decisions on how resources should be sustainably managed. It requires an informed judgement on why the vegetation or habitat is significant to warrant protection.

Identifying the significance of indigenous vegetation or habitat enables decision-makers to consider the significance of the vegetation and habitat under the decision-making processes of the RMA and to establish a rule framework that supports the importance of the vegetation/habitat and its vulnerability. It is an approach to managing significant features that is relatively common and is applied in the RCP under the direction of the NZCPS.

The issue has been identified in the RPS as a matter to be included within district plans. The maintenance of indigenous biodiversity is a function of territorial authorities under Section 31(1)(b)(iii) of the RMA.

Following technical reviews to date (up to July 2018) 697 SNAs within the district meet the criteria under Section 11A of the RPS. The SNAs comprise of a range of vegetation and habitat types, of which some are representative of threatened or vulnerable environments or are habitat to threatened animal and plant species. Examples of threatened species found within the Waikato district include the king fern, long-tailed bats, kokako, bog clubmoss and the spotless crane.

3 SCALE AND SIGNIFICANCE EVALUATION

The level of detail undertaken for the evaluation of the proposed District Plan provisions has been determined by an assessment of the scale and significance of the implementation of the proposed District Plan provisions. The scale and significance assessment considered the environmental, economic, social and cultural effects of the provisions. In making this assessment regard has been had to the following, namely whether the provisions:

- (a) Are of regional or district wide significance;
- (b) Have effects on resources that are considered to be a matter of national importance in terms of Section 6 of the Act;
- (c) Adversely affect people's health and safety;
- (d) Result in a significant change to the character and amenity of local communities;
- (e) Adversely affect those with particular interests including Maaori;
- (f) Limit options for future generations to remedy effects;
- (g) Whether the effects have been considered implicitly or explicitly by higher order documents; and
- (h) Include regulations or other interventions that will impose significant costs on individuals or communities.

The evaluation has focused on those provisions of the Proposed Plan that will result in a substantial change in policy direction to the operative indigenous biodiversity provisions of the current Waikato and Franklin sections of the Operative District Plan. The majority of changes proposed to the current indigenous vegetation/ indigenous biodiversity provisions involve:

- Providing a consistent regulatory framework across the whole district. There are several differences between the Waikato and Franklin sections of the District Plan.
- Establishing a hierarchy of protection, areas assessed against the RPS assessment criteria and mapped/scheduled in the Proposed Plan as “*Significant Natural Areas*” (SNAs). There are no SNAs in the Waikato and Franklin sections of the Operative District Plan. The SNAs replace district wide blanket provisions or provisions within landscape/character overlays that required a site by site assessment of their indigenous biodiversity value.
- SNAs exist in both urban and rural zones. While some SNAs overlap areas that are subject to Landscape Overlays, the ecological significance of the latter areas are recognised in addition to the value that they contribute towards the wider landscape.
- There are policies, applicable to, and rules in the Rural Zone and Country Living Zone relating to the management of indigenous vegetation and habitat of indigenous fauna outside of the SNA areas. These provisions strengthen the level of protection offered by existing blanket provisions of the Waikato section of the Operative Plan in those zones.
- The Proposed Plan provides a regulatory framework that recognises the significance of SNAs in the decision-making process. Policy 3.2.3 of the Proposed Plan establishes a “*Management Hierarchy*” that seeks to avoid

significant adverse effects; remedying any effects that cannot be avoided, then mitigating effects that cannot be remedied, then offsetting adverse effects that cannot be mitigated. The management hierarchy does not apply to the areas outside of the SNAs.

Policies and rules have been evaluated as a package, as together they address a particular issue and seek to meet a specific objective. Some rules implement more than one policy, for example Rule 21.4.5, and have therefore been referred to multiple times.

The following table (Table 4) contains a summary of the policies and rules considered to be of a scale and significance to justify a more comprehensive evaluation of options.

Table 4 Scale and significance assessment

Issue	Provisions Evaluated	Scale and Significance Reasoning
Land use and development can result in the loss and degradation of ecosystems and habitats, fragmentation and isolation of habitats, and the reduction of species abundance and biodiversity.	<p>Objective 3.1.1</p> <p>Policy 3.1.2</p> <p>Infrastructure and Energy chapter rules – General Infrastructure 14.3.3(RD4 and RD5) National Grid 14.4.2(RD1 and RD2);14.4.3(D1 and D2); 14.4.4 (NC1 and NC2). Electrical distribution 14.5.3 (D2 and D3) Electricity Generation 14.6.2(RD1-RD3); 14.6.3 (D1);14.6.4(NC1). Liquid Fuel & Gas 14.7.1(P2);14.7.2(D1 & D2). Meteorological 14.8.2(RD1 & RD2);14.8.3(D1 & D2) Amateur Radio 14.9.3(D2) Telecommunications and Radio communications 14.10.2(C6 – C10); 14.10.4(D1 and D3 –D8). Water, wastewater and stormwater 14.11.1(P5); 14.11.2(RD5 – RD7 & RD9); 14.11.3 (D3); 14.11.4 (NC1-NC3). Transportation 14.12.2 RDI – RD8; 14.12.3 D2.</p>	<p>The maintenance and enhancement of indigenous biodiversity is of national, regional and district wide significance. As stated earlier in this report, WDC has a regulatory function to maintain and enhance indigenous biodiversity under the RMA.</p> <p>The costs of safeguarding and managing indigenous vegetation and habitat falls mostly on the landowner while the benefits of enhanced indigenous biodiversity is experienced at a local and regional scale. The provisions must therefore carefully consider how Objective 3.1.1 can be implemented without imposing significant costs on the land owner.</p> <p>In this regard, the Proposed Plan must also provide sufficient scope for the land owner to manage their landholding without having to apply for resource consent or pay for specialist input when the effects on biodiversity are likely to be relatively minor. Chapter 11 of the RPS provides guidance in this regard.</p> <p>Conversely, the provisions must also promote the sustainable management of indigenous vegetation/habitat in a manner that is consistent with the purpose of the RMA.</p> <p>The provisions must therefore have sufficient regulatory teeth to prevent the further loss and degradation of ecosystems, which are particularly prone to cumulative effects.</p>

Issue	Provisions Evaluated	Scale and Significance Reasoning
	<p>Residential Zone Rules 16.2.4.3; 16.2.8; 16.3.9.3; 16.4.2; 16.4.8; 16.4.16.</p> <p>Business Zone Rules – 17.2.5.3; 17.2.9; 17.4.1.4.</p> <p>Industrial zone – 20.2.5.2; 20.2.9; 20.4.6.</p> <p>Industrial Heavy Zone – 21.2.5.2; 21.2.9; 21.4.5.</p> <p>Village Zone – 24.2.4.2; 24.2.8; 24.4.1; 24.4.2; 24.4.6.</p> <p>Reserve Zone Rules – 25.2.4.3; 25.2.8.</p> <p>Rural Zone rules: 22.2.3.3; 22.2.7; 22.4.1.6; 22.4.3; 22.4.1.6; 22.2.8.</p> <p>Country Living Zone rules: 23.2.3.3; 23.2.8; 23.4.5; 23.4.1.1.</p>	
<p>Land use, subdivision and development can affect the high biodiversity value of significant indigenous vegetation and significant habitats of indigenous fauna.</p>	<p>Objectives 3.1.1 and 3.2.1; Policy 3.1.2 and Policies 3.2.2 through to 3.2.8.</p> <p>Residential Zone Rules – 16.2.5; 16.2.8; 16.3.9.3; 16.4.2; 16.4.8; and 16.4.16.</p> <p>Business Zone Rules – 17.2.6.3; 17.4.1.4; 17.4.1.5.</p>	<p>The protection of areas of significant indigenous vegetation and significant habitat for indigenous fauna is identified as a matter of national importance in Section 6 of the RMA that Council shall recognise and provide for in their policy and decision-making.</p> <p>Adverse effects and further erosion of the values that make an SNA significance would be challenging to remediate, and as</p>

Issue	Provisions Evaluated	Scale and Significance Reasoning
	<p>Business Town Centre Zone Rules – 18.4.5</p> <p>Industrial zone – 20.2.5.2; 20.2.9; 20.4.6.</p> <p>Industrial Heavy Zone – 21.2.5.2; 21.2.9; 21.4.5</p> <p>Village Zone – 24.2.4.2; 24.2.8; 24.4.1; 24.4.2; 24.4.6.</p> <p>Reserve Zone Rules – 25.2.4.3; 25.2.8.</p> <p>Rural Zone rules: 22.2.3.3; 22.2.7; 22.4.1.6; 22.4.3.</p> <p>Country Living Zone rules: 23.2.3.3; 23.2.8; 23.4.5.</p>	<p>such, the priority is on avoiding adverse effects from occurring, then remediation and mitigation (potentially through mitigation offsets).</p> <p>The provisions relating to SNAs should set down a clear policy direction that equates to their significance.</p>

4 EVALUATION OF OBJECTIVES

Below are the objectives that have been identified as the most appropriate to address this resource management issue and achieve the purpose of the Resource Management Act 1991.

Table 5 Summary of objectives

Objective	Evaluation
<p>Objective 3.1.1 – Biodiversity and Ecosystems</p> <p>Indigenous biodiversity values and the life-supporting capacity of indigenous ecosystems are maintained or enhanced.</p>	<p>The objective is considered to be the most appropriate way to achieve the purpose of the RMA and the identified issue, for the reasons set out below.</p> <p>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 Waikato environment by maintaining habitats and ecosystems, thus achieving Section 5(2)(b).</p> <p>This Objective is focused on maintenance and enhancement. Maintenance of areas of biodiversity values and indigenous ecosystems will require that adverse effects of activities are avoided in accordance with Section 5(2)(c). Restoration and enhancement of ecological integrity, ecosystem health and mauri will remedy the effects of past development on the natural environment.</p> <p>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 (Section 5(2)).</p> <p>Objective 3.1.1 is similar to Objective 2.2.1 of the Waikato section of the District Plan and has a similar intent to Objective 5.2.1 of the Franklin section of the District Plan.</p> <p>The proposed wording of Objective 3.1.1 incorporates elements of Sections 7(d), 7(f) and 5(2)(b) of the RMA. It also reflects most of the wording in Section 31(1)(b)(iii) of the RMA, which states that a territorial authority must maintain indigenous biological diversity to give effect to the RMA.</p> <p>Absent from Section 31(1)(b)(iii) is the requirement to “enhance” indigenous biodiversity. However, all persons exercising powers under the RMA shall have particular regard to Section 7(f) of the RMA, being the “<i>maintenance and enhancement of the quality of the environment.</i>” 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.</p>

	<p>These sections of the RMA guide the functions of Councils and their decisions. These sections have also informed higher-level documents that the Proposed Plan must vertically align with. In this regard, Objective 3.1 of the Proposed Plan aligns with Objective 3.19 of the RPS that states “the full range of ecosystem types, their extent and the indigenous biodiversity that those ecosystems can support exist in a healthy and functional state.”</p>
<p>Objective 3.2.1 – Significant Natural Areas</p> <p>Significant biodiversity in Significant Natural Areas is protected and enhanced.</p>	<p>The objective is considered to be the most appropriate way to achieve the purpose of the RMA and the other relevant provisions of Part 2, as well as the identified issue. The objective will also fulfil the requirements of Section 31(1)(b)(ii) of the RMA.</p> <p>In particular, the objective gives effect to Section 6(c) of the RMA. Section 6(c) recognises “the protection of areas of significant vegetation and significant habitats of indigenous fauna” as a matter of national importance. It is appropriate for a district plan to protect areas of significant indigenous biodiversity value.</p> <p>The term “SNA” is derived from the RPS as the method to consistently and fairly determine the value of an SNA against the criteria within Section 11A of the RPS. The RPS criteria allow for consideration of both significant vegetation and significant habitat, as is required by Section 6(c). It is appropriate that the term is integrated into the proposed objective.</p> <p>The identification of significant vegetation/habitat (as Significant Natural Areas) is a common approach in the other district plans within the Waikato region and it is one that is encouraged by Chapter 11 of the RPS. A similar approach has also been adopted in the New Zealand Coastal Policy Statement 2010 (NZCPS) and the Waikato Regional Plan (RCP).</p> <p>It is also an approach advocated by the P-NPS. This indicates that there is strong vertical alignment with this objective and the higher-order documents that have been prepared under the RMA.</p> <p>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 Waikato environment by maintaining significant biodiversity, thus achieving Section 5(2)(b).</p> <p>This Objective is focused on protection and enhancement. Protection of areas of significant biodiversity 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</p>

	<p>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 (Section 5(2)).</p> <p>All persons exercising powers under the RMA shall have particular regard to Section 7(f) of the RMA, being the “<i>maintenance and enhancement of the quality of the environment.</i>” 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.</p> <p>When read together, Objectives 3.1.1 and 3.2.1 provide a hierarchy of protection that reflects the direction of the RPS to fulfil the purpose of the RMA.</p>
--	--

5 EVALUATION OF PROPOSED POLICIES, RULES AND 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 – for Achieving Objective(s)

The following assessment, in Table 6, consists of an examination of all reasonably practicable options for achieving Objectives 3.1.1 and 3.2.1 of the Proposed Plan. This high-level screening process considers the effectiveness of each option. Only those options considered to be reasonably practicable will be evaluated in this section.

Table 6 Reasonably practicable options

Objective(s)	<p>3.1.1 – Indigenous Biodiversity Values and the life-supporting capacity of Indigenous Ecosystems are maintained or enhanced.</p> <p>3.2.1 – Indigenous Biodiversity in Significant Natural Areas is protected and enhanced.</p>				
Options Approach to achieve objective(s)	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
Option 1 - Do nothing – (remove all policies and associated methods)	<p>Under this option there would be no requirement for landowners to protect or manage adverse effects on indigenous biodiversity.</p> <p>No incentive to protect, maintain or enhance areas of significance through ‘bonus’ conservation lot entitlements.</p>	<p>A “do nothing” approach would rely upon measures outside of Council’s control.</p> <p>Approximately 49% of SNAs enjoy some form of existing protection (eg QEII covenants and public conservation land managed by DOC), however other SNAs would have no form of legal protection. Significant vegetation that is not an SNA would not be legally</p>	<p>Removing all policies and methods would remove all regulatory safeguards. (However, approximately 49% of SNAs enjoy some form of existing protection).</p> <p>Ongoing protection and management of features without legal protection would rely entirely upon the goodwill of the landowner. This automatically places sites of local and regional importance</p>	<p>A “do nothing” approach is likely to be inconsistent with the RPS because it would rely upon measures outside of Council’s control and wouldn’t contribute to achieving “no net loss” across the region.</p> <p>A “do-nothing” approach may be partly acceptable to landowners.</p> <p>It would not be culturally or environmentally acceptable to have no controls on</p>	<p>Discard</p> <p>Doing nothing would not give effect to the RPS.</p> <p>Relying solely upon the goodwill of landowners to manage and protect a resource that is cited in Part 2 of the RMA as being a matter of national importance is an unacceptable risk.</p>

Objective(s)	<p>3.1.1 – Indigenous Biodiversity Values and the life-supporting capacity of Indigenous Ecosystems are maintained or enhanced.</p> <p>3.2.1 – Indigenous Biodiversity in Significant Natural Areas is protected and enhanced.</p>				
Options Approach to achieve objective(s)	Description (brief) Describe the option and acknowledge the source of this option (if there is one e.g. feedback from consultation, suggestions from workshops with elected members etc).	Relevance How effective provisions are in achieving the objective(s).	Feasibility Within council's powers, responsibilities and resources, degree of risk and uncertainty of achieving objectives, ability to implement, monitor and enforce.	Acceptability Level of equity and fair distribution of impacts, level of community acceptance. Where possible identify at a broad level social, economic, environmental, cultural effects.	Recommendation Discard or evaluate further (with brief explanation).
		<p>protected.</p> <p>It is likely that Council would fail in its regulatory function of maintain and enhance biodiversity values (s31 of the RMA), if all forms of regulatory protection were removed.</p> <p>The identification and protection of significant biodiversity gives effect to the relevant provisions of Part 2 of the RMA, including</p>	<p>at risk.</p> <p>It also threatens the habitat of a range of indigenous species and may undermine community conservation initiatives that are underway to enhance indigenous biodiversity.</p> <p>Many SNAs span multiple properties. As such the goodwill of one landowner may not secure a positive outcome for the feature.</p> <p>.</p>	<p>vegetation clearance or earthworks, or other activities that could adversely affect indigenous biodiversity.</p> <p>Removing regulatory controls may result in short-term economic gain from removing vegetation and putting the land into other uses.</p> <p>This approach is inconsistent with the approaches of other district Councils in</p>	

Objective(s)	3.1.1 – Indigenous Biodiversity Values and the life-supporting capacity of Indigenous Ecosystems are maintained or enhanced. 3.2.1 – Indigenous Biodiversity in Significant Natural Areas is protected and enhanced.				
Options Approach to achieve objective(s)	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
	Describe the option and acknowledge the source of this option (if there is one e.g. feedback from consultation, suggestions from workshops with elected members etc).	How effective provisions are in achieving the objective(s).	Within council's powers, responsibilities and resources, degree of risk and uncertainty of achieving objectives, ability to implement, monitor and enforce.	Level of equity and fair distribution of impacts, level of community acceptance. Where possible identify at a broad level social, economic, environmental, cultural effects.	Discard or evaluate further (with brief explanation).
Option 2 - Status quo – (retain existing policies from the Waikato and Franklin sections of the District Plan)	This would require applying two regulatory frameworks to two different parts of the District, as currently occurs. For the Waikato section, this means general vegetation	Section 6(c) where the protection of significant indigenous vegetation and significant habitats of indigenous fauna is identified as a matter of national importance. Objective 3.2.1 would not be met as no SNAs would be identified in the plan by applying the criteria of Section 11A of the RPS. The hierarchy of significance envisaged by	It would be confusing to administer two sets of rules across the District. The status quo does not provide the same degree of certainty that an identified SNA	the Region. The status quo is inconsistent with the other approaches of district Councils in the Regions. Identification of SNAs bring certainty upon which to base decisions on the integrated	Discard The status quo would not give effect to the RPS. Objective 3.2.1 would not be met and neither would Section 6(c) of the RMA be met

Objective(s)	<p>3.1.1 – Indigenous Biodiversity Values and the life-supporting capacity of Indigenous Ecosystems are maintained or enhanced.</p> <p>3.2.1 – Indigenous Biodiversity in Significant Natural Areas is protected and enhanced.</p>				
Options Approach to achieve objective(s)	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
	<p>clearance controls by zone and stricter controls in the vicinity of watercourses, mapped gullies and Landscape Policy Areas.</p> <p>For Franklin section, this means general vegetation controls district wide and more specific controls for landscape areas and Wetland and Forest Conservation zoned sites.</p> <p>Franklin has identified some areas</p>	<p>Objectives 3.1.1 and 3.2.2 would not exist.</p>	<p>provides.</p>	<p>management of the District's resources. Without identification, the maintenance of SNAs is likely to be inadequate, with a loss of indigenous biodiversity.</p> <p>Without the supporting regulatory framework for the SNAs, it is unlikely to be culturally or environmentally acceptable in terms of managing adverse effects upon SNAs.</p> <p>Status quo may be favoured by some</p>	<p>Discard or evaluate further (with brief explanation).</p>

Objective(s)	<p>3.1.1 – Indigenous Biodiversity Values and the life-supporting capacity of Indigenous Ecosystems are maintained or enhanced.</p> <p>3.2.1 – Indigenous Biodiversity in Significant Natural Areas is protected and enhanced.</p>				
Options Approach to achieve objective(s)	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
	<p>of natural/biological significance.</p> <p>Conservation lot/ Environmental lot subdivision provisions would remain.</p>			<p>landowners who may feel that SNAs place restrictions on land without fair or equitable compensation.</p>	
<p>Option 3 – Apply the operative Waikato provisions across the entire District.</p>	<p>The approach would involve rolling out the provisions of the Waikato section that relate to the maintenance and enhancement of indigenous biodiversity to the Franklin section. This may include streamlining zone</p>	<p>Objective 3.2.1 would not be met as no SNAs would be identified.</p> <p>Significant sites in Schedule 5A of the Franklin section may lose their status for the sake of producing a consistent plan</p>	<p>May not give effect to the direction of the RPS as there would be no rule framework around the SNAs, which means no hierarchy of protection.</p>	<p>The approach is inconsistent with the other approaches of district Councils in the region and is likely to be inconsistent with the RPS.</p> <p>The approach would effectively continue the status quo, losing the lack of certainty</p>	<p>Discard</p> <p>The status quo would not give effect to the RPS.</p> <p>Objective 3.2.1 would not be met.</p>

Objective(s)	<p>3.1.1 – Indigenous Biodiversity Values and the life-supporting capacity of Indigenous Ecosystems are maintained or enhanced.</p> <p>3.2.1 – Indigenous Biodiversity in Significant Natural Areas is protected and enhanced.</p>				
Options Approach to achieve objective(s)	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
	<p>and overlay provisions.</p> <p>Franklin section provisions would be superseded.</p>	<p>across the entire district. If retained, there would still be inconsistency of approach within the district.</p>		<p>provided by identifying SNAs and having a related hierarchy of protection.</p> <p>Depending on how the provisions of each section are integrated into a single plan, there may be inconsistency (ie treatment of Schedule 5A features in the Franklin section).</p>	
<p>Option 4 – Apply the Franklin section provisions across the entire district</p>	<p>The approach would involve rolling out the provisions of the Franklin section that relate to the enhancement and</p>	<p>While some areas of significance are identified in the Franklin section (Schedule 5A), there would be no</p>	<p>May not achieve RPS with regards to the SNAs – no requirement to identify SNAs.</p> <p>Schedule 5 was</p>	<p>Other sections of the Franklin section (including the complex subdivision provisions incentivising the</p>	<p>Discard</p> <p>Uncertainty about the relevance of the criteria used to identify sites in Schedule 5 and</p>

Objective(s)	<p>3.1.1 – Indigenous Biodiversity Values and the life-supporting capacity of Indigenous Ecosystems are maintained or enhanced.</p> <p>3.2.1 – Indigenous Biodiversity in Significant Natural Areas is protected and enhanced.</p>				
Options Approach to achieve objective(s)	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
	<p>maintenance of indigenous biodiversity to the Waikato section. This would involve increasing the number of sites in Schedule 5.</p> <p>Waikato section provisions would be superseded.</p>	<p>SNAs in the Waikato section and no supporting regulatory framework that is consistent with the RPS.</p> <p>Related subdivision provisions used to provide incentives to protect, maintain and enhance areas of significance would need to be reviewed to ensure consistency across the district and to ensure consistency with the RPS growth model.</p>	<p>devised using criteria that pre-dated the / criteria in Section 11A of the RPS. Schedule 5 was originally created to give effect to the objectives of the Franklin District Plan and the Auckland Regional Policy Statement 1999 (both superseded by the Auckland Unitary Plan 2016 (Operative in Part).</p> <p>Protection is case-by-case outside of Schedule 5 – lack of</p>	<p>protection and maintenance of significant areas), would need to be overhauled to make the incentivising provisions consistent with other parts of the plan.</p> <p>It would still represent a missed opportunity to implement an approach that is consistent with the RPS – Schedule 5 would still need to be reassessed against the criteria of Section 11A of the RPS.</p>	<p>future SNAs.</p> <p>Uncertainty of criteria to identify new sites.</p> <p>Policies and supporting provisions of the Franklin section are inconsistent with the RPS.</p>

Objective(s)	<p>3.1.1 – Indigenous Biodiversity Values and the life-supporting capacity of Indigenous Ecosystems are maintained or enhanced.</p> <p>3.2.1 – Indigenous Biodiversity in Significant Natural Areas is protected and enhanced.</p>				
Options Approach to achieve objective(s)	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
		<p>How effective provisions are in achieving the objective(s).</p> <p>There is no related policy that requires Council to identify SNAs. It is unclear how new sites qualify for inclusion in Schedule 5.</p>	<p>Within council's powers, responsibilities and resources, degree of risk and uncertainty of achieving objectives, ability to implement, monitor and enforce.</p> <p>certainty for landowners and decision makers on the number and quality of sites, with related risk of habitat loss.</p>	<p>Level of equity and fair distribution of impacts, level of community acceptance.</p> <p>Where possible identify at a broad level social, economic, environmental, cultural effects.</p> <p>Policies in the Franklin section do not specifically allow for Biodiversity Offsets to ensure that there is no net loss of indigenous biodiversity.</p>	<p>Discard or evaluate further (with brief explanation).</p>
<p>Option 5 – Non-regulatory approach</p>	<p>This approach would rely upon non-regulatory measures only to ensure the maintenance and enhancement of indigenous biodiversity.</p> <p>This may include a contestable fund for landowners and</p>	<p>Non-regulatory measures can be effective but it is generally accepted that they work best in conjunction with regulation.</p> <p>A non-regulatory approach would be inconsistent with the direction of the</p>	<p>This approach would rely upon landowners implementing measures that are outside of Council's control. Protection and enhancement would rely on the goodwill of property owners to volunteer protection and to</p>	<p>Issues of fairness would arise when redistributing contestable funds and providing rate relief. Issues of fairness may arise because some SNAs are owned by multiple landowners and the reduction of the feature effects its overall ecological</p>	<p>Discard</p> <p>A non-regulatory approach would not give effect to the RPS.</p> <p>The approach would rely upon the goodwill of landowners to manage and protect a resource that is cited in Part 2 of the</p>

Objective(s)	<p>3.1.1 – Indigenous Biodiversity Values and the life-supporting capacity of Indigenous Ecosystems are maintained or enhanced.</p> <p>3.2.1 – Indigenous Biodiversity in Significant Natural Areas is protected and enhanced.</p>				
Options Approach to achieve objective(s)	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
	<p>community groups for fencing and pest control, rate relief policy, etc.</p> <p>This approach would also rely upon landowners covenanting areas of indigenous vegetation or habitats of indigenous species.</p>	<p>RPS which requires rules around indigenous vegetation to ensure that loss of vegetation is avoided, remedied and mitigated, with residual effects offset.</p> <p>Non-regulatory methods are important measures to enhance indigenous biodiversity, where landowners and community groups often lack the knowledge and resources for their</p>	<p>enhance the feature.</p> <p>Council would need to ensure that there are sufficient resources available to provide incentives that will sufficiently support to maintain and enhance biodiversity values.</p> <p>Without protection, it is possible that the habitat becomes more fragmented, compromising the direction of the RPS across the region, and Objectives 3.1.1</p>	<p>value.</p> <p>A non-regulatory approach is likely to be unfair to landowners in other districts who are regulated within the same ecological district.</p> <p>Politically it is unlikely to be supported as the approach is likely be expensive and the effectiveness of relying on such incentives is likely to be limited.</p> <p>Funding is subject to annual plan and long-term cycles</p>	<p>Discard or evaluate further (with brief explanation).</p> <p>RMA as being a matter of national importance. This approach presents an unacceptable risk.</p> <p>It is also likely to be an expensive approach, and the effectiveness of the approach is likely to be limited.</p>

Objective(s)	<p>3.1.1 – Indigenous Biodiversity Values and the life-supporting capacity of Indigenous Ecosystems are maintained or enhanced.</p> <p>3.2.1 – Indigenous Biodiversity in Significant Natural Areas is protected and enhanced.</p>				
Options Approach to achieve objective(s)	Description (brief) Describe the option and acknowledge the source of this option (if there is one e.g. feedback from consultation, suggestions from workshops with elected members etc).	Relevance How effective provisions are in achieving the objective(s).	Feasibility Within council's powers, responsibilities and resources, degree of risk and uncertainty of achieving objectives, ability to implement, monitor and enforce.	Acceptability Level of equity and fair distribution of impacts, level of community acceptance. Where possible identify at a broad level social, economic, environmental, cultural effects.	Recommendation Discard or evaluate further (with brief explanation).
		ongoing management. Stock exclusion (fencing) and pest eradication are often cited as an important step towards enhancing features.	and 3.2.1 of the Proposed Plan across the district. Indigenous biodiversity values can be affected by inappropriate land use and subdivision at the margins of features. This would be difficult for Council to enforce if relying entirely on incentives and other non-regulatory methods.	(uncertainty). This approach is inconsistent with the RPS and other district councils in the region. It is unlikely to achieve 'no net loss' of indigenous biodiversity across the region, as sought by the RPS. This approach would also would be unfair for those landowners who have existing subdivision potential owing to the presence of significant vegetation or habitat under the operative	

Objective(s)	<p>3.1.1 – Indigenous Biodiversity Values and the life-supporting capacity of Indigenous Ecosystems are maintained or enhanced.</p> <p>3.2.1 – Indigenous Biodiversity in Significant Natural Areas is protected and enhanced.</p>				
Options Approach to achieve objective(s)	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
				rules.	
Option 6 – Regulation only approach	Protect SNAs and indigenous biodiversity outside of the identified SNAs with rules, without complementary non-regulatory methods.	<p>A regulation-only approach is unlikely to succeed in maintaining and enhancing the protected features.</p> <p>The Kessell Ecology Report stated that some protected areas were found to be unfenced and affected by weeds and animal pests.</p> <p>The RPS promotes</p>	<p>A regulation-only approach would not support landowners who seek financial assistance to enhance or maintain the feature.</p> <p>Without a focus on 'enhance' there is likely to be a net loss in indigenous biodiversity across the region through a case-by-case effects-based</p>	<p>Non-regulatory approaches are desired to achieve enhancement, in line with current provisions and the direction of the RPS.</p> <p>The approach may not be supported by the community or politically as the Council consultation during the development of the plan has shown a</p>	<p>Discard</p> <p>Regulation on its own is unlikely to achieve Objectives 3.1.1 and 3.2.1, which promotes the enhancement of features.</p>

Objective(s)	3.1.1 – Indigenous Biodiversity Values and the life-supporting capacity of Indigenous Ecosystems are maintained or enhanced. 3.2.1 – Indigenous Biodiversity in Significant Natural Areas is protected and enhanced.				
Options Approach to achieve objective(s)	Description (brief) Describe the option and acknowledge the source of this option (if there is one e.g. feedback from consultation, suggestions from workshops with elected members etc).	Relevance How effective provisions are in achieving the objective(s).	Feasibility Within council's powers, responsibilities and resources, degree of risk and uncertainty of achieving objectives, ability to implement, monitor and enforce.	Acceptability Level of equity and fair distribution of impacts, level of community acceptance. Where possible identify at a broad level social, economic, environmental, cultural effects.	Recommendation Discard or evaluate further (with brief explanation).
		a combined regulatory and non-regulatory approach.	assessment of proposals. Enhancement through the district plan would need to be achieved through regulatory incentives (such as conservation lot subdivision).	strong willingness of landowners and the community to maintain and enhance indigenous biodiversity values. A lack of knowledge and resources is preventing greater uptake. A 'regulation only' approach could unfairly push the full cost of maintaining and enhancing features onto the landowner.	
Option 7 – Develop provisions aimed at maintaining and enhancing	Apply land use and subdivision rules to the SNAs only.	It would clearly state private and public	Although a rigorous process has been followed to identify	Could be seen as not acceptable and a biased approach by	Discard This approach would not give

Objective(s)	<p>3.1.1 – Indigenous Biodiversity Values and the life-supporting capacity of Indigenous Ecosystems are maintained or enhanced.</p> <p>3.2.1 – Indigenous Biodiversity in Significant Natural Areas is protected and enhanced.</p>				
Options Approach to achieve objective(s)	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
the SNAs only.	No rules for the non-SNA areas that may have indigenous biodiversity value.	<p>responsibilities. Features would be identified through standardised criteria applying across the region.</p> <p>It would mean reduced protection of indigenous biodiversity for non-SNA areas or areas that are yet to be assessed or had significance confirmed.</p> <p>Potential loss of indigenous biodiversity where a species may have a wide-ranging</p>	<p>all areas that qualify as an SNA, some areas of value may not have been identified. This also includes those areas noted in the WRC SNA inventory with “indeterminate” or “Likely” significance levels.</p> <p>It is unlikely that this approach would give effect to all of the objectives and policies of the RPS.</p> <p>There are</p>	<p>only applying regulatory controls to SNA areas.</p> <p>Areas of value where maintenance and enhancement has occurred may not be protected because they are not an SNA.</p> <p>SNAs may be unreasonably imposed if not properly evaluated or if their condition worsens over time. Success of the approach relies on the accuracy of the validation procedures to ensure that it has</p>	<p>Discard or evaluate further (with brief explanation).</p> <p>effect to the direction of the RPS to work towards no net loss of indigenous biodiversity at a regional scale.</p> <p>In particular, the hierarchy approach in the RPS seeks to maintain or enhance non-SNA areas in recognition of cumulative effects on indigenous biodiversity (Policy 11.1.2).</p>

Objective(s)	<p>3.1.1 – Indigenous Biodiversity Values and the life-supporting capacity of Indigenous Ecosystems are maintained or enhanced.</p> <p>3.2.1 – Indigenous Biodiversity in Significant Natural Areas is protected and enhanced.</p>				
Options Approach to achieve objective(s)	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
	Describe the option and acknowledge the source of this option (if there is one e.g. feedback from consultation, suggestions from workshops with elected members etc).	How effective provisions are in achieving the objective(s).	Within council's powers, responsibilities and resources, degree of risk and uncertainty of achieving objectives, ability to implement, monitor and enforce.	Level of equity and fair distribution of impacts, level of community acceptance. Where possible identify at a broad level social, economic, environmental, cultural effects.	Discard or evaluate further (with brief explanation).
Option 8 – Combination of regulatory and non-regulatory methods for maintaining and enhancing SNAs and indigenous vegetation	This approach involves developing new district wide policies and rules that apply to SNAs.	habitat. The approach may come at a cost of losing the opportunity to enhance indigenous biodiversity via corridors and other linkages.	efficiencies in enforcing and administering a regulatory framework based upon a thorough upfront identification of SNAs.	been fairly applied. Approach would provide certainty – decisions can be made without commissioning ecological reports and consultation with stakeholders to demonstrate its importance (e.g. conservation lot/ environmental lot subdivision).	Preferred Approach This approach is the most effective option to achieve Objectives 3.1.1 and

Objective(s)	<p>3.1.1 – Indigenous Biodiversity Values and the life-supporting capacity of Indigenous Ecosystems are maintained or enhanced.</p> <p>3.2.1 – Indigenous Biodiversity in Significant Natural Areas is protected and enhanced.</p>				
Options Approach to achieve objective(s)	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
outside of SNAs	<p>The approach would also involve retaining and amend existing rules that apply to indigenous vegetation outside of SNAs.</p> <p>The approach would retain and amend conservation lot entitlements and applying these across the entire Rural Zone.</p> <p>The approach would retain non-regulatory methods.</p>	<p>RPS.</p> <p>It is the best option to promote enhancement through the district plan (subdivision entitlements) and outside the plan (conservation fund).</p>	<p>Franklin sections of the District Plan.</p> <p>This approach is consistent with the RPS, in particular Policies 11.1, 11.2 and 11.4 of the RPS.</p> <p>Resources can still be prioritised to SNAs, however resources would need to stretch to non-SNA areas.</p> <p>Mapped SNAs will always be easier to administer and monitor than non-SNAs.</p>	<p>SNA-only approach.</p> <p>The value of each feature would need to be assessed for each proposal.</p> <p>There is wide community support for non-regulatory methods and regulatory incentives (eg conservation lot subdivision).</p> <p>Achieves the best environmental and cultural outcome.</p> <p>An economic cost is that land containing indigenous</p>	<p>Discard or evaluate further (with brief explanation).</p> <p>3.2.1, and is consistent with higher-order documents.</p> <p>The approach is likely to be the option acceptable to the community based on consultation that has been undertaken to date.</p> <p>The approach is consistent with the approaches of other district Councils within the region.</p>

Objective(s)	3.1.1 – Indigenous Biodiversity Values and the life-supporting capacity of Indigenous Ecosystems are maintained or enhanced. 3.2.1 – Indigenous Biodiversity in Significant Natural Areas is protected and enhanced.				
Options Approach to achieve objective(s)	Description (brief) Describe the option and acknowledge the source of this option (if there is one e.g. feedback from consultation, suggestions from workshops with elected members etc).	Relevance How effective provisions are in achieving the objective(s).	Feasibility Within council's powers, responsibilities and resources, degree of risk and uncertainty of achieving objectives, ability to implement, monitor and enforce.	Acceptability Level of equity and fair distribution of impacts, level of community acceptance. Where possible identify at a broad level social, economic, environmental, cultural effects.	Recommendation Discard or evaluate further (with brief explanation).
			Protection of non-SNAs provides a back-stop to capture areas of value that may not have been confirmed as an SNA but has value as indigenous vegetation or as a habitat for indigenous species and may satisfy the RPS criteria in IIC.	biodiversity features is limited from being used for other uses.	

5.2 Evaluation of Selected Options

This section contains an evaluation of the preferred options identified above that have been developed further to include (where relevant) policies, rules and methods. In some instances, provisions have been bundled where they are expected to work together to achieve the objective(s). For efficiency, this second tier evaluation focuses on the approach and the policies and rules which implement that approach as a package, rather than a detailed analysis of every policy and every rule.

The indigenous biodiversity provisions have been split into three packages for this evaluation. The packages that are being evaluated are:

- a) **Package #1** – Provisions to maintain and enhance indigenous biodiversity in the Residential Zone, Business Zone, Village Zone, Industrial Zone and Industrial Heavy Zone
- b) **Package #2** – Provisions to maintain and enhance indigenous biodiversity in the Rural Zone and Country Living Zone
- c) **Package #3** - Provisions to maintain and enhance indigenous biodiversity in the Reserve Zone

The evaluation has been organised in recognition that Objectives 3.1.1 and 3.2.1 establish a hierarchy of protection, with Objective 3.2.1 seeking to protect and enhance SNAs and Objective 3.1.1 seeking to maintain and enhance the life-supporting capacity of indigenous ecosystems more generally. This approach to managing indigenous biodiversity is different depending on site zoning. The packages acknowledge that:

- The SNAs apply to most zones (both urban and rural).
- Rules relating to the protection of indigenous vegetation/habitat outside of the identified SNAs only apply to Rural and Country Living zones.
- Rural zoned properties incentivise the protection, maintenance and enhancement of indigenous vegetation/habitat through conservation entitlements.
- Sites zoned 'Reserve' may already protect and maintain indigenous vegetation through other legislation, but are also subject to SNA provisions under the Proposed Plan.

Infrastructure Chapter rules relating to SNAs

Chapter 14 contains rules that are specific to infrastructure and energy activities that apply district wide and have been considered in the evaluation in Sections 5.3.1, 5.3.2 and 5.3.3 of this report. The underlying zone provisions (including rules relating to the clearance of indigenous vegetation) do not apply to infrastructure and energy activities unless specifically referred to in a Chapter 14 rule.

The rules of Chapter 14 seek to achieve a balance between the requirement to provide infrastructure as a common good and enabler of development and activities, against the goal of achieving 'no net loss' of indigenous biodiversity region-wide.

With respect to indigenous biodiversity, Chapter 14 generally provides for infrastructure and energy activities without requiring a resource consent unless new infrastructure is located within an SNA. In this regard, the rules align with Objective 3.1.1 and 3.2.1 of the RPS.

In circumstances where resource consent is required outside of an SNA, resource consent is needed for a more restrictive activity class (for example, under Rule 14.4, overhead high-voltage distribution lines typically require resource consent for a restricted-discretionary activity but would require consent for a discretionary activity within an SNA). This would allow for all adverse effects to be considered (including those on indigenous biodiversity within the SNA). This approach is consistent with both Objectives 3.1.1 and 3.2.1 and supporting objectives and policies.

Minor upgrades of existing infrastructure are also provided for within SNAs without requiring resource consent, subject to conditions. This approach is consistent with the intent of Policy 3.2.6 to provide for vegetation clearance in SNAs where the adverse effects on indigenous biodiversity is likely to be minor and acceptable.

The costs and benefits are quantified in the attached report from Market Economics (Appendix 4).

5.3 Package I

Package description: Maintaining and enhancing indigenous biodiversity in urban zones (Residential Zone; Business Zone; Village Zone; Industrial Zone and Industrial Zone Heavy).

Provisions included in package:

- Objectives 3.1.1 & 3.2.1; Policies 3.1.2; Policies 3.2.2 through to 3.2.7.
- Residential Zone Rules – 16.2.4.3; 16.2.8; 16.3.9.3; 16.4.2; 16.4.8; 16.4.16.
- Business Zone Rules – 17.2.5.3; 17.2.9; 17.4.1.4.
- Industrial Zone – 20.2.5.2; 20.2.9; 20.4.6.
- Industrial Zone Heavy – 21.2.5.2; 21.2.9; 21.4.5.
- Village Zone – 24.2.4.2; 24.2.8; 24.4.1; 24.4.2; 24.4.6.
- Infrastructure chapter rules – Rules of chapter 14 as per Appendix I (cascade table).

5.3.1 Identification of Options

In considering options for this package a number of factors were taken into account including the higher-order planning documents in Section 2 of this report and feedback through consultation in Section 1.6 of this report.

As set out in Section 5.1, Table 6, the preferred option to achieve Objective 3.1.1 and 3.2.1 is a combination of regulatory and non-regulatory methods applying to both SNAs and to indigenous vegetation and habitat outside of SNA areas.

The question arises for each of the packages (zone types) is what combination is appropriate. For the urban zones in Package #1, the two main options are:

- The hierarchy approach (combination of SNA protection and blanket rules)
- SNAs only protected

Evaluation:

The sustainable management of urban land is challenging, with decision-makers and policy makers balancing the need to protect indigenous vegetation/habitat where the most development pressure is likely to exist.

Waikato district is primarily rural, with a relatively small portion of land occupied by urban land uses. Therefore it is anticipated that much of the land within these zones has been developed and the areas of indigenous vegetation/habitat that do exist are typically fragmented and in areas that are either difficult or uneconomic to develop, such as gully faces. Of note only 3% of urban zoned properties contain SNAs, comprising 7% of the total SNA cover. Many of the SNAs in urban areas are either within the coastal environment (in places like Raglan), or they effect land already protected by District Plan overlays (eg Landscape Policy Area).

Most urban sites are likely to be small in size (less than 0.5ha) and are unlikely to contain areas of indigenous vegetation/habitat that is of significance that in themselves constitute a viable ecological habitat. Where larger landholdings exist, there is an opportunity to identify areas of vegetation/habitat during the subdivision process and to maintain and protect these areas on a case-by-case basis.

Therefore, the risk of incremental loss of indigenous vegetation/ habitat in urban areas is likely to be low, especially when compared to the opportunities for protecting and enhancing indigenous vegetation/habitat on rural sites. As a consequence, the SNA-only approach for urban areas is the most appropriate to ensure that there is no net loss of indigenous biodiversity district wide, when considered alongside the provisions for maintaining and enhancing indigenous vegetation/habitat in rural areas.

Policy and Rule Analysis

Section 5.3.2 of this report further evaluates the policies and provisions applying to the maintenance and enhancement of indigenous biodiversity in urban areas, using the SNA-only approach. The approach below focuses upon the need to protect the integrity of the SNAs whilst balancing the needs of the landowners to use and develop their properties.

Policies

Policy 3.1.2 seeks to enable activities that maintain or enhance indigenous biodiversity. This is entirely consistent with Objective 3.1.1 and provides for sufficient flexibility to make decisions that give effect to the purpose of the RMA.

Policy 3.2.2 seeks to identify and recognise that SNAs are protected. This is entirely consistent with Objective 3.2.1 and will ensure consistency with the RPS.

Policy 3.2.3 establishes a management hierarchy to protect SNAs to avoid, remedy and only then, offset to implement the RPS direction.

Policy 3.2.4 sets out the direction of biodiversity offsetting and where this is considered appropriate.

Policy 3.2.5 seeks to avoid adverse effects of subdivision, use and development within SNAs of the coastal environment. This is consistent with the RCP and the NZCPS.

Policy 3.2.6 seeks to provide for some vegetation clearance as a permitted activity. This is consistent with Method 11.1.4 of the RPS (Recognition of activities having minor adverse effects on indigenous biodiversity). Of particular relevance to the development and use of small urban sites is the desire to provide for the clearance of vegetation in SNAs to provide for practicable building platforms, access and on-site manoeuvring.

Policy 3.2.7 seeks to promote the management of SNAs in a way that protects their long-term functioning. This is entirely consistent with Objectives 3.1.1 and 3.2.1 of the Proposed Plan, and will give effect to the RPS methods.

Rules

The rules that are nestled within the activity tables in the zone chapters are similar to give effect to the above policies. They cover subdivision and land use activities. Of note:

- Earthworks thresholds within SNAs is much lower than would apply outside of SNAs. Resource consent is required for a discretionary activity if the proposal cannot meet the conditions for a permitted activity.
- Provision for the removal of up to 5m³ of manuka and/or kanuka from an SNA per site per year for domestic firewood, arts or crafts.
- Up to 250m² of vegetation clearance is provided as a permitted activity for buildings, access, and car parking/manoeuvring areas, when there is no alternative development area outside of the SNA.
- Provision for fence and track maintenance, pest eradication, gathering plants in accord with Maaori customs, and clearing vegetation that endangers human life and existing buildings.
- Subdivision provisions that encourage landowners to achieve a subdivision layout that controls further division of the SNA. Resource consent is required for a non-complying activity if land is further divided into separate ownership.

5.3.2 Policy, Rule and Method Evaluation

Table 7 below assists to identify the provisions (ie policies, rules and methods) that are the most appropriate to achieve the objective.

Table 5 Evaluation of provisions

Provisions most appropriate to achieve Objective	Effectiveness and Efficiency	
	Benefits	Costs
<p>Package #1 – Maintaining and enhancing indigenous biodiversity in the Residential Zone, Business Zone, Village Zone, Industrial Zone, Industrial Zone Heavy</p> <ul style="list-style-type: none"> Objectives 3.1.1 & 3.2.1 Policies 3.1.2; Policies 3.2.2 through to 3.2.8. Residential Zone Rules – 16.2.4.3; 16.2.8; 16.3.9.3; 16.4.2; 16.4.8; 16.4.16. Business Zone Rules – 17.2.5.3; 17.2.9; 17.4.1.4. Industrial Zone – 20.2.5.2; 20.2.9; 20.4.6. Industrial Heavy Zone – 21.2.5.2; 21.2.9; 21.4.5. Village Zone – 24.2.4.2; 24.2.8; 24.4.1; 24.4.2; 24.4.6. Infrastructure chapter rules – Rules of chapter 14 as per Appendix I (cascade table). 	<p>Environmental: Benefit in identifying, maintaining and enhancing SNAs within built/urban areas, which are often under the most development pressure.</p>	<p>Environmental: No environmental cost has been identified in relation to the preferred option of identifying and protecting SNAs in these urban zones.</p>
	<p>Economic: Economic benefits include improved water quality, erosion mitigation, and landscape/ character/amenity value.</p> <p>Vegetation outside of the SNAs is not otherwise protected. This provides a degree of flexibility for landowners and developers.</p>	<p>Economic: The cost of implementing and enforcing these provisions falls on both the Council and the landowner/ resource user.</p> <p>Subdivision provisions encourage the SNA to be included entirely within the same lot. This may come at the expense of yield, an efficient subdivision layout or other development opportunities. It also raises issues of ownership once the land has been subdivided.</p> <p>The SNA provisions do not provide conservation lot entitlements in these zones.</p> <p>Economic costs are mitigated to the extent that the Proposed Plan also provides for some activities without triggering a consent requirement. For instance, within the SNA and in all of these zones, vegetation can be cleared for buildings, access, parking and manoeuvring areas where it is unavoidable (provided that the works meet the permitted activity thresholds for earthworks).</p>
	<p>Social: Indigenous biodiversity benefits</p>	<p>Social: SNAs require regular upkeep.</p>

Provisions most appropriate to achieve Objective	Effectiveness and Efficiency	
	Benefits	Costs
	<p>personal well-being and contributes to our national identity.</p> <p>SNAs within urban areas provide community groups and landowners with an opportunity to enhance a significant ecological value.</p>	
	<p>Cultural: The importance of indigenous biodiversity to tangata whenua is acknowledged. SNAs will protect and recognise the value of significant indigenous vegetation/ habitat to tangata whenua.</p> <p>The rules that apply to SNAs provide for the gathering of plants to maintain traditional Maaori cultural practices.</p> <p>The provisions also provide flexibility for developing building platforms, vehicle parking and on-site manoeuvring on Maaori Freehold Land without resource consent.</p>	<p>Cultural: No effects upon cultural values have been identified.</p>

Opportunities for economic growth and employment

There are fewer opportunities for economic growth or employment than if the land were developed in accordance with the zone.

Options less or not as appropriate to achieve the objective

The preferred alternative is discussed in Section 5 of this topic report. The alternatives were:

- Do nothing approach – Have no requirement for landowners to protect or manage actual and potential adverse effects on indigenous biodiversity.
- Status quo – Roll over the existing provisions in the Waikato and Franklin sections of the district plan.
- Apply the provisions of the Waikato section of the district plan across the whole district.
- Apply the provisions of the Franklin section of the district plan across the whole district.

Provisions most appropriate to achieve Objective	Effectiveness and Efficiency	
	Benefits	Costs
<ul style="list-style-type: none"> • Non-regulatory – Rely upon non-regulatory measures to ensure the maintenance and enhancement of indigenous biodiversity. • Regulation only approach – Protect SNAs and indigenous vegetation/habitat outside of the identified SNAs with rules, without complementary non-regulatory methods. • Combination of protecting, maintaining and enhancing SNAs across the district and retaining and amending rules that relate to vegetation outside of SNAs. Augmenting regulatory approach with non-regulatory approach. 		

The last approach was deemed to be the most appropriate. It involves identifying SNAs and providing these areas with a higher level of protection than areas of indigenous biodiversity value outside the SNA areas, balanced with non-regulatory measures.

Risk of acting or not acting

It is considered that there is sufficient information on which to base the above policies and methods. Council has undertaken a comprehensive approach to identifying the SNAs against the criteria listed in Section 11A of the RPS involving two rounds of land owners engagement and technical reviews,.

Efficiency and effectiveness

The above approach will be effective and efficient at achieving Objectives 3.1.1 and 3.2.1 in these zones. The approach of identifying SNAs (through either mapping or scheduling), by applying consistent assessment criteria, reflects best practice and is a clear and consistent approach of administering Objectives 3.1.1 and 3.2.1. The provisions provide the strongest regulations for those areas of indigenous vegetation/habitat that are deemed to be the most significant.

The above provisions are an appropriate means of achieving the objectives as they balance the need to protect SNAs while being fair and reasonable to landowners. The Proposed Plan provides for a limited range of permitted activities where they will have minor adverse effects in relation to the maintenance and protection of indigenous biodiversity. For instance, in the zones that are subject to this evaluation, there are proposed rules that would allow the landowner to clear up to 250m² of vegetation for buildings, access, parking and manoeuvring areas where there is no alternative development area outside of the SNA (eg Rule 20.2.9). This is an appropriate method of balancing the right of the landowner to use their property, provided that the rule is administered in such a way that requires that the landowner demonstrates to Council that there is no practical method available.

It is most effective to manage and protect an SNA (and the values that make it significant), by encouraging subdivision layout that would result in the SNA being located entirely within the same lot. (For instance, subdivisions that would result in dividing an SNA into separate ownership would be a non-complying activity under Rule 16.4.8).

The regulatory approach is supported by non-regulatory measures that sit outside of the Proposed District Plan such as the contestable conservation fund, albeit the application of the conservation fund in these urban zones would likely be limited.

5.4 Package 2

Package description: Maintaining and enhancing indigenous biodiversity in the Rural Zone and the Country Living Zone.

Provisions included in package:

- Objectives 3.1.1 & 3.2.1; Policy 3.1.2; Policies 3.2.1 through to 3.2.8.
- Rural Zone rules: 22.2.3.3; 22.2.7; 22.2.8; 22.4.1.6; 22.4.3.
- Country Living Zone rules: 23.2.3.3; 23.2.8; 23.4.5; 23.4.11.
- Infrastructure chapter rules – Chapter 14 Rules as per Appendix I (cascade table).

5.4.1 Identification of Options

In considering options for this package a number of factors were taken into account including the higher-order planning documents in Section 2.1 of this report and feedback through consultation in Section 1.6 of this report.

As set out in Section 5.1, Table 6, the preferred option to achieve Objective 3.1.1 and 3.2.1 is a combination of regulatory and non-regulatory methods applying to both SNAs and to indigenous vegetation and habitat outside of SNA areas.

For the Rural Zones in Package #2, the two main options are:

- The hierarchy approach (combination of SNA protection and blanket rules)
- SNAs only protected

Evaluation:

This approach is deemed to be appropriate as it will provide consistency and clarity to the management of areas of significant indigenous vegetation and the habitat of significant indigenous fauna identified as SNA.

Waikato district is predominantly rural and the rural areas (Rural Zone and Country Living) contain approximately 82% of SNAs (in ha). This equates to 20% of rural zone properties and 16% of country living zone properties containing an SNA.

Overall approximately 46.7% of the total area of SNAs are legally protected. This includes Public Conservation Land (32% of the total SNA area). Of the 698 SNA sites identified in the initial WRC/Kessels Ecology report, there are 104 protected by QEII National Trust Open covenants and a further 509 protected by WDC conservation covenants (Kessels Ecology Ltd, 2017).

Despite this level of protection, many SNAs are threatened by plant and animal pests, and stock intrusion, in addition to land use/human activities. As such, there are real gains to be made by protecting SNAs and restoring the biodiversity values within SNAs through ongoing pest management, stock exclusion and carrying out replacement planting. It was also evident from the consultation undertaken during the development of the Proposed Plan that landowners feel there is a lack of public funding when it comes to fencing, planting and carrying out pest control.

Given the cited threats to the SNAs (some of which are legally protected), it is clear that ongoing management is required to enhance or restore what has been protected. Policy 3.2.7 of the Proposed Plan seeks to promote the long-term management of indigenous vegetation/habitat. This policy is appropriate as it is consistent with Objective 3.2.1 of the Proposed Plan and it gives effect to the RPS.

The identification of significant vegetation/habitat assists with prioritising sites for on-going management and enhancement, through non-regulatory initiatives from either the Council or other organisations. This includes Council's contestable Conservation Fund.

Conservation lot subdivision is another means of incentivising the protection and enhancement of SNAs within the Rural Zone. The benefit of the approach is that an SNA is a qualifying factor for the conservation lot. The conservation lot provisions also provide for fencing and pest management of the SNA at the landowner's expense. It is an approach that has been adopted from both the Waikato section of the district plan.

It is noted that areas that are not SNAs may still qualify for conservation lot subdivisions if it can be demonstrated that the vegetation/habitat meets the criteria of Section 11A of the RPS.

The conservation lot subdivision provisions do not apply to sites within the Country Living Zone. However, blanket protection of indigenous vegetation/ habitat applies in the zone and the protection and ongoing management of SNAs within the Country Living Zone can be considered at the time that any application is made.

Reduced protection for vegetation/habitat outside of the SNAs is outweighed by the benefits of protecting SNAs, equating to 16.4% of the district's land area. The blanket rules also strengthen rules around the clearance of Manuka and Kanuka from what currently exists in the Waikato section of the District Plan, is recognition that that these trees can provide important habitat for many fauna species, such as lizards, and bats, and the current threat Myrtle Rust plays for these species.

The Proposed Plan also removes the uncertainty and administrative complexity of Rule 25.43A.1(b) of the Waikato section of the District Plan, where resource consent is not needed if Council certifies that the vegetation to be cleared is not significant indigenous vegetation or significant habitat of indigenous fauna.

Indigenous vegetation/habitat in rural areas, either within SNAs or outside of SNA areas, will receive greater protection under the Proposed Plan provisions than presently exists in the Operative District Plan. As a consequence, the combined SNA

and blanket rule approach for rural areas is the most appropriate to ensure that there is no net loss of indigenous biodiversity district wide.

Policy and Rule Analysis

Section 5.4.2 of this report further evaluates the policies and provisions applying to the maintenance and enhancement of indigenous biodiversity in rural areas, using the hierarchy approach (combined SNA and blanket provisions). The approach below focuses upon the provisions relating to this approach and the need to balance the needs of the landowners to use and develop their properties.

Policies

Policy 3.1.2 seeks to enable activities that maintain or enhance indigenous biodiversity. This is entirely consistent with Objective 3.1.1 and provides for sufficient flexibility to make decisions that give effect to the purpose of the RMA.

Policy 3.2.2 seeks to identify and recognise that SNAs are protected. This is entirely consistent with Objective 3.2.1 and will ensure consistency with the RPS.

Policy 3.2.3 establishes a management hierarchy to protect SNAs to avoid, remedy and only then, offset to implement the RPS direction.

Policy 3.2.4 sets out the direction of biodiversity offsetting and where this is considered appropriate.

Policy 3.2.5 seeks to avoid adverse effects of subdivision, use and development within SNAs of the coastal environment. This is consistent with the RCP and the NZCPS.

Policy 3.2.6 seeks to provide for some vegetation clearance as a permitted activity. This is consistent with Method 11.1.4 of the RPS (Recognition of activities having minor adverse effects on indigenous biodiversity).

Policy 3.2.7 seeks to promote the management of SNAs in a way that protects their long-term functioning. This is entirely consistent with Objectives 3.1.1 and 3.1.2 of the Proposed Plan, and will give effect to the RPS methods.

Policy 3.2.8 seeks to incentivise subdivision in the Rural Zone when there is the legal and physical protection of SNAs provided that the areas are of a suitable size and quality to achieve a functioning ecosystem.

Rules

The rules that are nestled within the activity tables in the zone chapters are similar to give effect to the above policies. They cover subdivision and land use activities. Of note:

Rural Zone

Within SNAs:

- Rules 22.2.3.3 - Earthworks thresholds within SNAs is much lower than would apply outside of SNAs for the maintenance of existing fences, tracks or drains. Resource consent is required for a restricted-discretionary activity if the proposal cannot meet the conditions for a permitted activity. Discretion is restricted directly to matters relating to effects on indigenous vegetation/habitat.
- Rule 22.2.7 - Up to 250m² of vegetation clearance is provided as a permitted activity within an SNA for buildings, access, and car parking/manoeuvring areas, when there is no alternative development area outside of the SNA.
- Rule 22.2.7 - Provision for track maintenance, pest eradication, gathering plants in accord with Maori customs, and clearing vegetation that endangers human life and existing buildings within an SNA.
- Rule 22.2.7 – The landowner is permitted to remove 5m³ of Kanuka or Manuka per 12 month period per property from any SNA for domestic firewood purposes, arts or crafts.
- Rule 22.4.1.6 – Conservation lot subdivision that results in bonus lot entitlements based on the land area that is to be protected. Subdivision provisions that encourage landowners to achieve a subdivision layout that prevents further division of the SNA. The maximum entitlement is 3 lots if protecting 10ha or more. Land must not already be protected to qualify for the bonus lots and the applicant needs to submit an ecological management plan to demonstrate how the protected areas will be managed in the long-term. A conservation lot subdivision that complies with all of the performance criteria is assessed as a restricted-discretionary activity. A subdivision application that does not comply with the performance criteria is assessed as a non-complying activity.
- 22.4.3 – Controls on subdivision that divides an SNA between allotments.

Outside of SNAs:

- Rule 22.2.8 - Permitted activities are more relaxed for vegetation removal than the SNAs. This includes the ability to remove up to 1000m² of Manuka and Kanuka per year (subject to conditions). Also includes up to 500m² of indigenous vegetation/habitat clearance to provide building platforms, parking and manoeuvring areas. Indigenous vegetation clearance that does not comply with the permitted activity conditions is assessed as a restricted-discretionary activity, with discretion restricted to matters that include cumulative effects, whether the clearance would fragment and isolate ecosystems, loss of corridors or connections, loss of buffering, and the effects on identified landscapes and natural character areas.

Country Living Zone

Within SNAs:

- Rule 23.2.3.3 - Earthworks thresholds within SNAs is much lower (250m² and 50m³ than would apply outside of SNAs.
- Rule 23.2.8 – Vegetation clearance within an SNA limited in a similar way to urban sites (eg up to 250m² of vegetation can be cleared as a permitted

activity where there is no alternative to develop an area outside of the SNA for a building platform and access).

- Rule 23.4.5 – Controls on subdivision that divides an SNA between allotments.

Outside SNAs:

- Rule 23.2.9 – Conditions for clearing vegetation as a permitted activity outside of an SNA are similar to Rule 22.2.8 (Rural Zone). Matters over which Council has restricted its discretion also similar.

5.4.2 Policy, Rule and Method Evaluation

This section assists to identify the provisions (ie policies, rules and methods) that are the most appropriate to achieve the objective.

Table 6 Evaluation of provisions

Provisions most appropriate	Effectiveness and Efficiency	
	Benefits	Costs
<p>Package # 2 – Maintaining and enhancing indigenous biodiversity in the Rural Zone and the Country Living Zone</p> <p>Objectives 3.1.1 & 3.2.1; Policies 3.1.2 & Policies 3.2.2 through to 3.2.8.</p> <p>Rural Zone rules: 22.2.3.3; 22.2.7; 22.2.8; 22.4.1.6; 22.4.3.</p> <p>Country Living Zone rules: 23.2.3.3 ; 23.2.8; 23.4.5 and 23.4.11.</p> <p>Infrastructure chapter rules – Rules in Chapter 14 as per cascade table.</p>	<p>Environmental: The combined approach of regulating loss through a combination of blanket protection and SNAs in the Rural Zone and the Country Living zone will be beneficial for the environment. The areas outside of the SNAs will provide for corridors, linkages and stepping stones.</p> <p>Enhancement is incentivised through conservation lot subdivision entitlements in the Rural Zone. Enhancement (non-regulatory) is promoted.</p> <p>Clear hierarchy of protection, with offsets available only after options that avoid, remedy and mitigate effects have been explored.</p> <p>Kanuka and Manuka receive greater protection than under the operative plan sections recognising the ecological values of these areas and the present threat posed by Myrtle Rust.</p>	<p>Environmental: The provisions of the Proposed Plan accept that some areas of indigenous vegetation/habitat outside of the SNAs could gradually be lost through the permitted activity provisions. However, this is outweighed by the stronger protection provided to areas outside of the SNAs (particularly with respect to areas of Manuka and Kanuka).</p>

Provisions most appropriate	Effectiveness and Efficiency	
	Benefits	Costs
	<p>Economic: Ecosystem services benefits including benefits associated with improved water quality, erosion mitigation, and landscape/character/amenity value.</p> <p>Bonus lot subdivision incentives in the Rural Zone mean that land values may increase for properties that have potential for subdivision</p> <p>Economic development is enabled on Maaori Freehold Land including those rural properties (35% of all Maaori Freehold Land properties contain SNAs).</p>	<p>Economic: The cost of implementing and enforcing these provisions falls on both the Council and the landowner/resource user.</p> <p>Costs to council to maintain spatial database of indigenous vegetation and habitats of indigenous fauna.</p> <p>Costs to land owners when applying for consents and preparing necessary consent application material (e.g. ecological management plans/reports).</p> <p>.</p> <p>Vegetation that is outside of the SNA also imposes constraints on the use of the land, possibly without the ability to seek a conservation lot subdivision to gain bonus lots.</p> <p>The rules contain sufficient flexibility to gather firewood (Manuka and Kanuka) and plants for cultural purposes.</p> <p>Landowners will incur the costs of planting exclusively native species need to be planted in subdivisions in Environmental Protection Areas</p> <p>Landowners will incur the costs of planting and management plans being prepared by a suitably qualified person for subdivisions in Environmental Protection Areas</p>
	<p>Social: Indigenous biodiversity benefits personal well-being and contributes to our</p>	<p>Social: Conservation lot subdivision can lead to fragmented, scattered lots, in locations that can be</p>

Provisions most appropriate	Effectiveness and Efficiency	
	Benefits	Costs
	<p>national identity.</p> <p>SNAs provide community groups and landowners with an opportunity to enhance a significant ecological value.</p> <p>Most farming practices will continue unaffected, including the ability to graze areas of SNA and maintain tracks and fences.</p>	<p>unpredictable, making it challenging to plan for social services, schools, etc. However, the cost is relatively minor given the past and expected future uptake of these provisions.</p> <p>Furthermore, it is noted that a significant proportion of the identified SNAs have some form of existing protection and would not meet the necessary conditions for conservation lot subdivision as a restricted-discretionary activity.</p> <p>Restrictions on some desired farming practices including clearing areas of land that were historically grazed but now contain indigenous vegetation.</p>
	<p>Cultural: The importance of indigenous biodiversity to tangata whenua is acknowledged. SNAs will protect and recognise the value of significant indigenous vegetation/habitat to tangata whenua.</p> <p>The rules that apply to SNAs provide for the clearance of material to maintain traditional Maori cultural practices.</p> <p>The provisions also provide flexibility for developing building platforms, vehicle parking and on-site manoeuvring on Maori Freehold Land without resource consent.</p>	<p>Cultural: Costs to Mana whenua for providing advice to Council about kaitiakitanga and the effect on Maori values in the consent process.</p>

Provisions most appropriate	Effectiveness and Efficiency	
	Benefits	Costs
Opportunities for economic growth and employment		

There are fewer opportunities for economic growth or employment than if the land were developed in accordance with the zone.

Options less or not as appropriate to achieve the objective

The preferred alternative is discussed in Section 5 of this topic report. The alternatives were:

- Do nothing approach – Have no requirement for landowners to protect or manage actual and potential adverse effects on indigenous biodiversity.
- Status quo – Roll over the existing provisions in the Waikato and Franklin sections of the district plan.
- Apply the provisions of the Waikato section of the district plan across the whole district.
- Apply the provisions of the Franklin section of the district plan across the whole district.
- Non-regulatory – Rely upon non-regulatory measures to ensure the maintenance and enhancement of indigenous biodiversity.
- Regulation only approach – Protect SNAs and indigenous vegetation/habitat outside of the identified SNAs with rules, without complementary non-regulatory methods.
- Combination of protecting, maintaining and enhancing SNAs (vegetation clearance rules and subdivision incentives) across the Rural and Country Living Zone and retaining and amending rules that relate to vegetation outside of SNAs. Augmenting regulatory approach with non-regulatory approach including Council's contestable conservation fund.

This last approach was deemed to be the most appropriate in rural areas. It involves identifying SNAs and providing these areas with a higher level of protection than areas of indigenous biodiversity value outside the SNA areas, while still providing for appropriate restrictions outside of the SNAs.

Risk of acting or not acting

It is considered that there is sufficient information on which to base the above policies and methods. Council has undertaken a comprehensive approach to identifying the SNAs against the criteria listed in Section 11A of the RPS.

Efficiency and effectiveness

The above approach will be effective and efficient at achieving Objectives 3.1.1 and 3.2.1 in these zones. The approach of identifying SNAs (through either mapping or scheduling), by applying consistent assessment criteria, reflects best practice and is a clear and consistent approach of administering Objectives 3.1.1 and 3.2.1. The provisions provide the strongest regulations for those areas of indigenous vegetation/ habitat that are deemed to be the most significant.

The above provisions are an appropriate means of achieving the objectives as they balance the need to maintain and enhance indigenous biodiversity while

Provisions most appropriate	Effectiveness and Efficiency	
	Benefits	Costs
<p>being fair and reasonable to landowners. The Proposed Plan provides for a limited range of permitted activities where they will have minor adverse effects in relation to the maintenance and protection of indigenous biodiversity.</p>		

5.5 Package 3

Package description: Maintaining and enhancing indigenous biodiversity in the Reserve Zone.

Provisions included in package:

- Objectives 3.1.1 & 3.2.1; Policy 3.1.2; Policies 3.2.2 through to 3.2.7.
- Reserve Zone Rules – 25.2.4.3; 25.2.8
- Infrastructure chapter rules – Chapter 14 as per Appendix 1 (cascade table)

5.5.1 Identification of Options

In considering options for this package a number of factors were taken into account including the higher-order planning documents in Section 2 of this report and feedback through consultation in Section 1.6 of this report.

As set out in Section 5.1, Table 8, the preferred option to achieve Objective 3.1.1 and 3.2.1 is a combination of regulatory and non-regulatory methods applying to both SNAs and to indigenous vegetation and habitat outside of SNA areas.

The question arises for each of the packages (zone types) is what combination is appropriate. For the Reserve zone in Package #3, the two main options are:

- The hierarchy approach (combination of SNA protection and blanket rules)
- SNAs only protected

Evaluation:

Approximately 16% of the SNAs (in ha) are on Reserve Zone property and 29% of reserve properties contain an SNA. Most of the land that is zoned 'Reserve' is gazetted as a reserve under the Reserves Act 1977 or is owned by a public body on behalf of the community (e.g. Waikato District Council or Department of Conservation). As a consequence, there is already a level of protection that exists through management plans and strategies prepared under the Reserves Act 1977 and the Conservation Act 1987.

In this respect, the SNA provides an added level of protection for the areas that have been identified as being of significance. Clearance outside of the permitted activity conditions requires resource consent where unavoidable adverse effects must be remedied and offset through the RMA framework.

As a consequence, the SNA-only approach is appropriate to give effect to higher-order documents such as RPS.

Policy and Rule Analysis

Section 5.5.2 of this report further evaluates the policies and provisions applying to the maintenance and enhancement of indigenous biodiversity on Reserve Zone land,

using the SNA-only approach. The approach below focuses upon the need to protect the integrity of the SNAs whilst balancing the needs of the landowners to use and develop their properties (which is likely to be on behalf of the community).

Policies

Policy 3.1.2 seeks to enable activities that maintain or enhance indigenous biodiversity. This is entirely consistent with Objective 3.1.1 and provides for sufficient flexibility to make decisions that give effect to the purpose of the RMA.

Policy 3.2.2 seeks to identify and recognise that SNAs are protected. This is entirely consistent with Objective 3.2.1 and will ensure consistency with the RPS.

Policy 3.2.3 establishes a management hierarchy to protect SNAs to avoid, remedy and only then, offset to implement the RPS direction.

Policy 3.2.4 sets out the direction of biodiversity offsetting and where this is considered appropriate.

Policy 3.2.5 seeks to avoid adverse effects of subdivision, use and development within SNAs of the coastal environment. This is consistent with the RCP and the NZCPS.

Policy 3.2.7 seeks to promote the management of SNAs in a way that protects their long-term functioning. This is entirely consistent with Objectives 3.1 and 3.2 of the Proposed Plan, and will give effect to the RPS methods.

Rules

- Rule 25.2.4.3 – Lower threshold for earthworks within SNAs than undertaken outside of SNAs.
- Rule 25.2.8 – Resource consent to clear indigenous vegetation in SNAs for specific purposes is permitted without resource consent (e.g. for maintaining tracks, fences etc.).
- Infrastructure chapter rules – Rules in Chapter 14 as per Appendix 4 (cascade table).

5.5.2 Policy, Rule and Method Evaluation

This section assists to identify the provisions (ie policies, rules and methods) that are the most appropriate to achieve the objective.

Table 7 Evaluation of provisions

Provisions most appropriate	Effectiveness and Efficiency	
	Benefits	Costs
<p>Package # 3 – Maintaining and enhancing indigenous biodiversity in the Reserve Zone</p> <p>Objectives 3.1.1 & 3.2.1; Policy 3.1.2; Policies 3.2.1 through to 3.2.7.</p> <p>Reserve Zone Rules – 25.2.4.3; 25.2.8</p> <p>Infrastructure chapter rules – Rules in Chapter 14 as per Appendix 4 (cascade table).</p>	<p>Environmental: Benefit in maintaining and enhancing SNAs (either scheduled or mapped). Subject to the scrutiny provided by the RMA process in addition to any process that may be required under the Reserves Act 1977.</p> <p>Economic: Economic benefits include improved water quality, erosion mitigation, and landscape/character/amenity value.</p> <p>The potential to provide public access to SNAs on public land and the corresponding economic benefit of being a draw for visitors to the local area.</p> <p>Social: Indigenous biodiversity benefits personal well-being and contributes to our national identity.</p> <p>SNAs within urban areas provide community groups and landowners with an opportunity to enhance a significant ecological value.</p>	<p>Environmental: Reduction in habitat and indigenous vegetation outside of SNA areas through providing for ongoing reserve management and development.</p> <p>Economic: The cost of implementing and enforcing these provisions falls on both the Council/landowner of the reserve.</p> <p>The provisions relating to the Reserve Zone does provide for routine maintenance as a permitted activity. (For example, clearing vegetation that may endanger human life, pest eradication and track maintenance).</p> <p>Social: The SNA provisions may restrict land from being used for other purposes. In the case of a reserve, it may limit that portion of the reserve from being redeveloped into active recreation spaces.</p>

Provisions most appropriate	Effectiveness and Efficiency	
	Benefits	Costs
	<p>Cultural: The importance of indigenous biodiversity to tangata whenua is acknowledged. SNAs will protect and recognise the value of significant indigenous vegetation/habitat to tangata whenua.</p> <p>The rules that apply to SNAs provide for the clearance of material to maintain traditional Maaori cultural practices.</p>	<p>Cultural: No effects upon cultural values have been identified.</p>

Opportunities for economic growth and employment

The identification of SNAs provides added support when Council seeks external funding to support ecological enhancement and restoration projects. These enhancement projects source plants from nurseries and engage restoration contractors. This provides for growth and employment in the district and wider afield.

Options less or not as appropriate to achieve the objective

The preferred alternative is discussed in Section 5 of this topic report. The alternatives were:

- Do nothing approach – Have no requirement for landowners to protect or manage actual and potential adverse effects on indigenous biodiversity.
- Status quo – Roll over the existing provisions in the Waikato and Franklin sections of the district plan.
- Apply the provisions of the Waikato section of the district plan across the whole district.
- Apply the provisions of the Franklin section of the district plan across the whole district.
- Non-regulatory – Rely upon non-regulatory measures to ensure the maintenance and enhancement of indigenous biodiversity.
- Regulation only approach – Protect SNAs and indigenous vegetation/habitat outside of the identified SNAs with rules, without complementary non-regulatory methods managed through Council's ecological enhancement projects (such as lowland ecosystem and riparian margin and wetland restoration).
- Combination of protecting, maintaining and enhancing SNAs across the district and retaining and amending rules that relate to vegetation outside of SNAs. Augmenting regulatory approach with non-regulatory approach managed through councils ecological enhancement projects (such as lowland ecosystem and riparian margin and wetland restoration).

Provisions most appropriate	Effectiveness and Efficiency	
	Benefits	Costs
<p>The last approach was deemed to be the most appropriate. It involves identifying SNAs and protecting these areas with a higher level of protection. Areas of indigenous value outside the SNA areas are already somewhat protected by the zone activity and development controls/standards.</p>		
Risk of acting or not acting		
<p>It is considered that there is sufficient information on which to base the above policies and methods. Council has undertaken a comprehensive approach to identifying the SNAs against the criteria listed in Section 11A of the RPS.</p>		
Efficiency and effectiveness		
<p>The above approach will be effective and efficient at achieving Objectives 3.1.1 and 3.2.1 in the Reserve Zone. The approach of identifying SNAs (through either mapping or scheduling), by applying consistent assessment criteria, reflects best practice and is a clear and consistent approach of administering Objectives 3.1.1 and 3.2.1. The provisions provide the strongest regulations for those areas of indigenous vegetation/habitat that are deemed to be the most significant.</p>		
<p>The above provisions are an appropriate means of achieving the objectives as they balance the need to protect SNAs and the ongoing management and operation of the reserve.</p>		

6 CONCLUSION

After undertaking an evaluation as required by Section 32 of the RMA, The Objective is considered the most appropriate way to achieve the Purpose of the RMA (Section 5) for addressing biodiversity.

It is considered that the recommended policies and methods outlined above are the most appropriate way for achieving the objective, having considered:

- (i) other reasonably practicable options for achieving the objective; and
- (ii) assessing the efficiency and effectiveness of the provisions in achieving the objective.

APPENDIX I PROVISION CASCADE

Issue to be addressed	Objective	Policies	Rules	Matters of Discretion or Control
Indigenous Vegetation and Habitats	3.1.1 - Biodiversity and ecosystems (a) Indigenous biodiversity values and the life-supporting capacity of indigenous ecosystems are maintained or enhanced.	3.1.2 Policies a) Enable activities that maintain or enhance indigenous biodiversity including: <ul style="list-style-type: none"> i) Planting using indigenous species suitable to the habitat; ii) the removal or management of pest plant and animal species; iii) for biosecurity works. b) Consider the following when avoiding, remedying or mitigating adverse effects on indigenous biodiversity: <ul style="list-style-type: none"> i) the required range of natural food sources ii) habitats of threatened and at risk species iii) ecological processes and corridors iv) ecological sequences 	Residential Zone 16.2.4.3– Earthworks – Significant Natural Areas 16.2.8– Indigenous vegetation clearance inside a Significant Natural Area 16.3.9.3– Building setback – Environmental Protection Area 16.4.2 – Subdivision – Te Kauwhata Ecological Residential Area 16.4.8 – Title boundaries – Significant Natural Areas 16.4.16 – Subdivision of land containing an Environmental Protection Area. Business Zone 17.2.5.3 – Earthworks within Significant Natural Areas 17.2.9 – Indigenous vegetation clearance inside a Significant Natural Area 17.4.1.4 – Subdivision – Title boundaries – Significant Natural Areas, Maaori Sites and Areas of significance to	Residential Zone – Matters over which Council has restricted discretion (RDA matters) 16.2.4.3(RD1); 16.4.8(RD1); 16.4.16(RD1) Business Zone – RDA matters 17.2.5.3(RD1) Industrial Zone – RDA matters 20.2.5.2(RD1); 20.4.6(RD1) Industrial Heavy Zone – RDA matters 21.2.5.2(RD1); 21.4.5(RD1) Rural Zone – RDA matters 22.2.3.3(RD1); 22.2.8(RD1); 22.4.1.6(RD1); 22.4.3(RD1) Country Living Zone – RDA matters 23.2.9(RD1); 23.4.5(RD1);

Issue to be addressed	Objective	Policies	Rules	Matters of Discretion or Control
		<ul style="list-style-type: none"> v) migratory pathways vi) pest plants and pest animals vii) the Waikato river and its catchment viii) natural character and landscape values of the area ix) natural waterway habitats and hydrology x) ecological corridors, natural processes and buffer areas xi) Legal and physical protection of existing habitat c) Provide for the removal of manuka or kanuka on a sustainable basis. 	<p>Maaori</p> <p>Industrial Zone 20.2.5.2 – Earthworks - Significant Natural Areas 20.2.9 – Indigenous Vegetation Clearance 20.4.6 – Subdivision – Significant Natural Area</p> <p>Industrial Zone Heavy 21.2.5.2 – Earthworks – Significant Natural Areas 21.2.9 – Indigenous vegetation clearance inside a Significant Natural Area 21.4.5 – Subdivision – Significant Natural Areas</p> <p>Rural Zone 22.2.3.3 – Earthworks - Significant Natural Areas 22.2.7 – Indigenous vegetation clearance inside a Significant Natural Area 22.2.8 – Indigenous vegetation clearance – outside a Significant Natural Area 22.3.7.6 – Building setback – Environmental Protection Area 22.4.1.6 – Conservation lot subdivision</p>	<p>23.2.3.3(RD1); 23.4.11(RD1)</p> <p>Village Zone – RDA matters 24.4.6(RD1); 24.4.1(RD1); 24.4.2(RD1 and RD2); 24.4.6 (RD1)</p> <p>Reserve Zone – RDA matters 25.2.4.3(RD1)</p> <p>Infrastructure – RDA & Controlled Activities matters General Infrastructure 14.3.3(RD4 and RD5)</p> <p>National Grid 14.4.2(RD1 and RD2)</p> <p>Electricity Generation 14.6.2(RD1-RD3)</p> <p>Meteorological 14.8.2(RD1 & RD2)</p> <p>Telecommunications and Radio communications 14.10.2(C6 – C10)</p> <p>Water, wastewater and</p>

Issue to be addressed	Objective	Policies	Rules	Matters of Discretion or Control
			<p>22.4.3 – Title boundaries – Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance</p> <p>22.4.6 – Subdivision of land containing all or part of an Environmental Protection Area.</p> <p>Country Living Zone</p> <p>23.2.3.3 – Earthworks within Significant Natural Areas</p> <p>23.2.8 – Indigenous vegetation clearance inside a Significant Natural Area</p> <p>23.2.9 – Indigenous vegetation clearance outside a Significant Natural Area</p> <p>23.3.7.6 – Building setback – Environmental Protection Area</p> <p>23.4.5 – Site boundaries – Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori</p> <p>23.4.11 – Subdivision of land containing all or part of an Environmental Protection Area</p> <p>Village Zone</p>	<p>stormwater 14.11.2(RD5 – RD7 & RD9)</p> <p>Transportation 14.12.2 RDI – RD8</p>

Issue to be addressed	Objective	Policies	Rules	Matters of Discretion or Control
			<p>24.2.4.2 Earthworks – within Significant Natural Areas 24.2.8 – Indigenous vegetation clearance inside a Significant Natural Area 24.4.1 – Subdivision – General 24.4.2 – Subdivision – Te Kowhai and Tuakau 24.4.6 Title boundaries – Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori</p> <p>Reserve Zone 25.2.4.3 Earthworks – within Significant Natural Areas 25.2.8 – Indigenous vegetation clearance in a Significant Natural Area</p> <p>Infrastructure General Infrastructure 14.3.3(RD4 and RD5) National Grid 14.4.2(RD1 and RD2) 14.4.3(D1 and D2) 14.4.4 (NC1 and NC2) Electrical distribution 14.5.3 (D2 and D3) Electricity Generation 14.6.2(RD1-RD3); 16.6.3 (D1) 14.6.4(NC1)</p>	

Issue to be addressed	Objective	Policies	Rules	Matters of Discretion or Control
			Liquid Fuel & Gas 14.7.1(P2) 14.7.2(D1 & D2) Meteorological 14.8.2(RD1 & RD2) 14.8.3(D1 & D2) Amateur Radio 14.9.3(D2) Telecommunications and Radio communications 14.10.2(C6 – C10) 14.10.4(D1 and D3 –D8) Water, wastewater and stormwater 14.11.1(P5) 14.11.2(RD5 – RD7 & RD9) 14.11.3 (D3) 14.11.4 (NC1-NC3) Transportation 14.12.2 RD1 – RD8 14.12.3 D2	
	3.2.1 – Significant Natural Areas Indigenous biodiversity in Significant Natural Areas is protected and enhanced.	3.2.2 Policy - Identify and Recognise a) Identify significant indigenous vegetation and habitats of indigenous fauna in accordance with the Waikato Regional Policy Statement and identity as Significant Natural Areas b) Recognise and protect Significant Natural Areas by ensuring the characteristics that contribute to their significance are not adversely affected.	Residential Zone 16.2.4.3– Earthworks – Significant Natural Areas 16.2.8– Indigenous vegetation clearance inside a Significant Natural Area 16.4.8 – Title boundaries – Significant Natural Areas 16.4.16 – Subdivision of land containing an Environmental Protection Lot	Residential Zone – Matters over which Council has restricted discretion (RDA matters) 16.2.4.3 (RD1); 16.4.8(RD1); 16.4.16 (RD1) Business Zone – RDA matters 17.2.5.3(RD1)

Issue to be addressed	Objective	Policies	Rules	Matters of Discretion or Control
		<p>3.2.3 – Management Hierarchy</p> <p>a) Recognise and protect indigenous biodiversity within Significant Natural Areas by:</p> <ul style="list-style-type: none"> i) avoiding the significant adverse effects of vegetation clearance and the disturbance of habitats unless specific activities need to be enabled; ii) remedying any effects that cannot be avoided, then iii) mitigating any effects that cannot be remedied; and iv) after remediation or mitigation has been undertaken, offset any significant residual adverse effects in accordance with Policy 3.2.4. <p>3.2.4 - Biodiversity Offsetting</p> <p>a) Allow for a biodiversity offset to be offered by a resource consent applicant where an activity will result in significant residual adverse effects on a Significant Natural Area, or on indigenous biodiversity outside such Significant Natural Areas.</p> <p>b) Within a Significant Natural Area, a biodiversity offset will only be considered appropriate where adverse effects have been avoided, remedied or mitigated in accordance with the</p>	<p>Business Zone</p> <p>17.2.5.3 – Earthworks within Significant Natural Areas</p> <p>17.2.9 – Indigenous vegetation clearance inside a Significant Natural Area</p> <p>17.4.1.4 – Subdivision – Title boundaries – Significant Natural Areas, Maaori Sites and Areas of significance to Maaori</p> <p>Industrial Zone</p> <p>20.2.5.2 – Earthworks-Significant Natural Areas</p> <p>20.2.9 – Indigenous Vegetation Clearance</p> <p>20.4.6 – Subdivision – Significant Natural Area</p> <p>Industrial Heavy Zone</p> <p>21.2.5.2 – Earthworks – Significant Natural Areas</p> <p>21.2.9 – Indigenous vegetation clearance inside a Significant Natural Area</p> <p>21.4.5 – Subdivision – Significant Natural Areas</p>	<p>Industrial Zone – RDA matters 20.2.5.2(RD1); 20.4.6(RD1)</p> <p>Heavy Industrial Zone – RDA matters 21.2.5.2(RD1); 21.4.5(RD1)</p> <p>Rural Zone – RDA matters 22.2.3.3(RD1); 22.4.1.6(RD1); 22.4.3(RD1); 22.4.6 (RD1)</p> <p>Country Living Zone – RDA matters 23.2.9(RD1); 23.4.5(RD1); 23.2.3.3(RD1); 23.4.11(RD1)</p> <p>Village Zone – RDA matters 24.4.6(b)</p> <p>Reserve Zone – RDA matters 25.2.4.3(b)</p> <p>Infrastructure – RDA & CA matters General Infrastructure 14.3.3(RD4 and RD5)</p>

Issue to be addressed	Objective	Policies	Rules	Matters of Discretion or Control
		<p>hierarchy established in Policy 3.2.3; and</p> <ul style="list-style-type: none"> i) the biodiversity offset is consistent with the framework detailed in Appendix 6 (Biodiversity Offsetting); and ii) the biodiversity offset can achieve no net loss of indigenous biodiversity: <ul style="list-style-type: none"> A. preferably in the affected area of Significant Natural Area; or B. where that is not practicable, in the ecological district in which the affected area of Significant Natural Area is located. <p>3.2.5 - Biodiversity in the Coastal Environment</p>	<p>Rural Zone</p> <p>22.2.3.3 – Earthworks and Filing within Significant Natural Areas</p> <p>22.2.7 – Indigenous vegetation clearance inside a Significant Natural Area</p> <p>22.4.1.6 – Conservation lot subdivision</p> <p>22.4.3 – Title boundaries – Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance</p> <p>Country Living Zone</p> <p>23.2.3.3 – Earthworks within Significant Natural Areas</p> <p>23.2.8 – Indigenous vegetation clearance inside a Significant Natural Area</p> <p>23.3.7.6 – Building setback – Environmental Protection Area</p> <p>23.4.5 – Site boundaries – Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori</p> <p>23.4.11 – Subdivision – Subdivision of land containing all or part of an Environmental Protection Area.</p>	<p>National Grid 14.4.2(RD1 and RD2)</p> <p>Electricity Generation 14.6.2(RD1-RD3)</p> <p>Meteorological 14.8.2(RD1 & RD2)</p> <p>Telecommunications and Radio communications 14.10.2(C6 – C10)</p> <p>Water, wastewater and stormwater 14.11.2(RD5 – RD7 & RD9)</p> <p>Transportation 14.12.2 RD1 – RD8</p>
		<ul style="list-style-type: none"> a) Avoid the adverse effects of subdivision use and development within Significant Natural Areas of the coastal environment on: <ul style="list-style-type: none"> i) indigenous species that are listed as threatened or at risk in the New Zealand Threat Classification System lists ii) habitats of indigenous species where the species are listed as threatened or at risk, are at the 		

Issue to be addressed	Objective	Policies	Rules	Matters of Discretion or Control
		<p>limit of their natural range, or are naturally rare</p> <p>iii) areas containing nationally significant examples of indigenous community types</p> <p>iv) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare, and</p> <p>v) areas set aside for full or partial protection of indigenous biological diversity under legislation.</p> <p>3.2.6 - Providing for Vegetation clearance</p> <p>a) Provide for the clearance of indigenous vegetation in Significant Natural Areas when:</p> <p>i) maintaining tracks, fences and farm drains</p> <p>ii) avoiding loss of life injury or damage to property</p> <p>iii) collecting material to maintain traditional Maori cultural practices</p> <p>iv) collecting firewood for domestic use</p> <p>b) Provide for the clearance of indigenous vegetation in Significant Natural Areas for the construction of building</p>	<p>Village Zone</p> <p>24.2.4.3 Earthworks – within Significant Natural Areas</p> <p>24.2.8 – Indigenous vegetation clearance inside a Significant Natural Area</p> <p>24.4.1 – Subdivision – General</p> <p>24.4.6 Title boundaries – Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maori</p> <p>Reserve Zone</p> <p>25.2.4.3 Earthworks – within Significant Natural Areas</p> <p>25.2.8 – Indigenous vegetation clearance in a Significant Natural Area</p> <p>Infrastructure</p> <p>General Infrastructure</p> <p>14.3.3(RD4 and RD5)</p> <p>National Grid</p> <p>14.4.2(RD1 and RD2)</p> <p>14.4.3(D1 and D2)</p> <p>14.4.4 (NC1 and NC2)</p> <p>Electrical distribution</p> <p>14.5.3 (D2 and D3)</p> <p>Electricity Generation</p> <p>14.6.2(RD1-RD3); 16.6.3 (D1)</p>	

Issue to be addressed	Objective	Policies	Rules	Matters of Discretion or Control
		<p>platforms, services, access, vehicle parking and on-site manoeuvring and the development of Maaori Freehold Land by:</p> <ul style="list-style-type: none"> i) using any existing cleared areas on a site that is suitable to accommodate new development in the first instance ii) using any practicable alternative locations that would reduce the need for vegetation removal iii) retaining indigenous vegetation which contributes to the ecological significance of a site, taking into account any loss that may be unavoidable to create a building platform, services, access, vehicle parking and manoeuvring on a site. <p>3.2.7 - Managing Significant Natural Areas</p> <ul style="list-style-type: none"> a) Promote the management of significant Natural Areas in a way that protects their long-term ecological functioning and indigenous biodiversity values, through such means as: <ul style="list-style-type: none"> i) permanently excluding stock through voluntary covenants and conservation subdivisions 	<p>14.6.4(NC1) Liquid Fuel & Gas 14.7.1(P2) 14.7.2(D1 & D2) Meteorological 14.8.2(RD1 & RD2) 14.8.3(D1 & D2) Amateur Radio 14.9.3(D2) Telecommunications and Radio communications 14.10.2(C6 – C10) 14.10.4(D1 and D3 –D8) Water, wastewater and stormwater 14.11.1(P5) 14.11.2(RD5 – RD7 & RD9) 14.11.3 (D3) 14.11.4 (NC1-NC3) Transportation 14.12.2 RD1 – RD8 14.12.3 D2</p>	

Issue to be addressed	Objective	Policies	Rules	Matters of Discretion or Control
		<ul style="list-style-type: none"> ii) undertaking plant and animal pest control iii) retaining and enhancing indigenous vegetation cover iv) maintaining and restoring natural wetland hydrology v) avoiding physical and legal fragmentation vi) legal protection of Significant Natural Areas through conservation covenants or similar mechanisms vii) providing for the role of Mana Whenua as kaitiaki and for the practical exercise of kaitiakitanga in restoring, protecting and enhancing areas. <p>3.2.8 – Incentivise subdivision</p> <ul style="list-style-type: none"> a) Incentivise subdivision in the Rural Zone when there is the legal and physical protection of Significant Natural Areas provided the areas are of a suitable size and quality to achieve a functioning ecosystem. 		

APPENDIX 2 SIGNIFICANT NATURAL AREAS – SUMMARY OF INPUTS FROM THE COMMUNITY CONSULTATION PROCESS (DECEMBER 2016)

APPENDIX 3 SIGNIFICANT NATURAL AREAS OF THE WAIKATO DISTRICT: TERRESTRIAL AND WETLAND ECOSYSTEMS (JANUARY 2018)

APPENDIX 4 MARKET ECONOMICS REPORT