

# SECTION 32 REPORT

## Ecosystems and Indigenous Biodiversity

May 2022

### Table of Contents

<b>1</b>	<b>Executive Summary .....</b>	<b>1</b>
<b>2</b>	<b>Introduction and Purpose .....</b>	<b>3</b>
2.1	Purpose of report .....	3
2.2	Overview of topic.....	3
<b>3</b>	<b>Statutory and Policy Context .....</b>	<b>5</b>
3.1	Resource Management Act 1991 .....	5
3.2	Higher order planning instruments .....	6
3.2.1	National Planning Standards.....	6
3.2.2	National Policy Statements.....	7
3.2.3	National Environmental Standards.....	8
3.2.4	Regional Policy Statement for Northland .....	9
3.3	Regional Plan for Northland .....	11
3.4	Iwi and Hapū Environmental Management Plans .....	11
3.5	Other Legislation and Policy Documents .....	11
3.5.1	Te Mana o te Taiao – Aotearoa New Zealand National Biodiversity Strategy 2020 .....	11
<b>4</b>	<b>Current state and resource management issues.....</b>	<b>13</b>
4.1	Operative District Plan Approach .....	13
4.1.1	Summary of current management approach .....	13
4.1.2	Limitation with current approach.....	14
4.2	Key issues identified through consultation.....	14
4.2.1	Initial phase of targeted engagement programme.....	14
4.2.2	Summary of issue raised through consultation .....	14
4.2.3	Summary of advice from iwi authorities.....	15
4.3	Summary of Resource Management Issues.....	16
<b>5</b>	<b>Proposed provisions .....</b>	<b>17</b>
5.1	Strategic objectives.....	17
5.2	Proposed management approach .....	17
5.3	Summary of proposed objectives and provisions.....	18
5.3.1	Summary of objectives .....	18

5.3.2	Summary of provisions .....	18
5.3.3	Responding to advice from Iwi authorities.....	20
<b>6</b>	<b>Approach to evaluation .....</b>	<b>21</b>
6.1	Introduction.....	21
6.2	Evaluation of scale and significance .....	21
6.3	Summary of scale and significance assessment .....	23
<b>7</b>	<b>Evaluation of objectives.....</b>	<b>24</b>
7.1	Evaluation of existing objectives .....	24
7.2	Evaluation of proposed objectives .....	25
<b>8</b>	<b>Evaluation of Provisions to Achieve the Objectives .....</b>	<b>31</b>
8.1	Introduction.....	31
8.2	Quantification of benefits and costs.....	31
8.3	Evaluation of options.....	32
8.3.1	Option 1: Identifying Significant Natural Areas through mapping .....	32
8.3.2	Option 2: Status quo.....	34
8.3.3	Option 3: Proposed approach.....	36
<b>9</b>	<b>Summary .....</b>	<b>40</b>

## 1 Executive Summary

This report provides an evaluation undertaken by the Far North District Council (**Council**) of the 'Ecosystems and indigenous biodiversity' chapter in the Proposed Far North District Plan (**PDP**). This assessment is required under section 32 of the Resource Management Act 1991 (**RMA**). The maintenance of indigenous biological diversity is a core function of territorial authorities under section 31(1)(b)(iii) of the RMA. The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna ('**Significant Natural Areas or SNA**')<sup>1</sup> is a matter of national importance under section 6(c) of the RMA.

In the Far North District (**District**), there are large tracts of indigenous vegetation, with approximately 42% of the District being identified as having potentially significant indigenous biodiversity in terms of section 6(c) of the RMA. The management of indigenous biodiversity is therefore a significant resource management issue for the District.

The approach in the PDP seeks to align the policy framework of the 'Ecosystems and indigenous biodiversity' chapter in the PDP with the New Zealand Coastal Policy Statement 2010 (**NZCPS**), the Regional Policy Statement for Northland 2016 (**RPS**) and the proposed National Policy Statement for Indigenous Biodiversity (**proposed NPSIB**) currently being developed by central government. To give effect to this higher-level policy direction, the 'Ecosystems and indigenous biodiversity' chapter will have indigenous vegetation clearance rules for SNAs and all other areas of indigenous vegetation that are not scheduled but could potentially have significant ecological values.

The management approach for the 'Ecosystems and indigenous biodiversity' chapter has more stringent rules for indigenous vegetation clearance within SNAs (generally 100m<sup>2</sup> per calendar year with some exceptions). As the PDP does not include district-wide SNA mapping, the PDP will require an ecological assessment when indigenous vegetation clearance over 100m<sup>2</sup> per calendar year is proposed which will result in either one of the following two scenarios:

1. The ecological assessment confirms that the area is not a SNA in which case the more enabling indigenous vegetation clearance thresholds apply (500-5,000m<sup>2</sup> depending on zone); or
2. The ecological assessment confirms that the area is a SNA in which case a discretionary activity consent is required to clear over 100m<sup>2</sup> of indigenous vegetation. The more stringent policy framework for managing effects on SNAs within and outside the coastal environment would also apply.

This proposed approach is to ensure that both mapped and unmapped SNA (i.e. SNA that are identified by an assessment by a suitably qualified ecologist against the ecological significance criteria in Appendix 5 of the RPS) are managed consistently to meet obligations under section 6(c) of the RMA and give effect to higher-order policy direction.

The proposed approach also seeks to ensure that the protection of SNAs is done in a way that does not impose unreasonable restrictions on primary production, recognises the operational and functional need of certain activities to be located in SNAs, allows for continued operation and maintenance of existing activities, and enables Māori land to be developed to provide for the well-being of tangata whenua. This is achieved through:

---

<sup>1</sup> The definition of Significant Natural Area in the PDP is "means an area that is:

a) identified in Schedule x of the District Plan as an area of significant indigenous vegetation or significant habitat of indigenous fauna; or

b) assessed by a suitably qualified ecologist as meeting the one of the criteria for ecological significance in Appendix 5 of the Northland RPS 2016 or ecological significance criteria within any more recently gazetted National Policy Statement.

- A permitted activity rule for indigenous vegetation clearance within and outside SNAs for a range of essential activities, including clearance to establish a residential unit and associated infrastructure (up to 1,000m<sup>2</sup> of clearance), to address health and safety, for new tracks and fences, to maintain existing infrastructure, and to clear regenerating indigenous vegetation less than 10 years old.
- A more enabling rule framework for indigenous vegetation clearance within SNAs for papakāinga within the Māori Purpose zone, Treaty Settlement Overlay and Rural Production zone (permitted clearance of indigenous vegetation of up to 1,500m<sup>2</sup> for marae complex, 500m<sup>2</sup> per residential unit).
- A consent threshold for indigenous vegetation clearance within SNAs and to trigger a requirement for an ecological assessment that allows for some level of indigenous vegetation clearance (100m<sup>2</sup>) while ensuring this will not have significant adverse effects on SNAs.

The PDP also provides for ‘environment benefit’ subdivisions which will provide landowners with the ability to subdivide their land to create rural lifestyle lots in the Rural Production zone when they protect and schedule SNAs. This is intended to provide incentives for landowners to protect SNAs in return for the economic gain that they will get from the ability to subdivide their land which would not otherwise exist.

In addition to the ‘Ecosystems and indigenous biodiversity’ chapter, there are also more stringent controls for indigenous vegetation clearance in the Coastal Environment, Natural Features and Landscapes, and Natural Character chapters of the PDP to manage impacts on indigenous biodiversity, the natural character in the coastal environment, outstanding natural landscapes and features, and waterbodies.

Overall, the ‘Ecosystems and indigenous biodiversity’ chapter seeks to protect, maintain and restore indigenous biodiversity in a way that does not impose unreasonable restrictions on the use of land and enables people and communities to provide for their economic, social and cultural well-being. The provisions give effect to the requirement in section 6(c) of the RMA to protect SNA and the provisions in the NZCPS and RPS relating to indigenous biodiversity. On this basis, the section 32 evaluation concludes that the objectives in the ‘Ecosystems and indigenous biodiversity’ chapter in the PDP are the most appropriate way to achieve the purpose of the RMA and the proposed provisions are the most appropriate way to achieve the objectives, based on an assessment of effectiveness, efficiency, benefits and costs.

## 2 Introduction and Purpose

### 2.1 Purpose of report

This report provides an evaluation undertaken by the Far North District Council (**Council**) of the 'Ecosystems and indigenous biodiversity' chapter in the PDP. This assessment is required under section 32 of the RMA.

Section 32 of the RMA requires Councils to examine whether the proposed objectives are the most appropriate to achieve the purpose of the RMA and whether the provisions (i.e. policies, rules and standards) are the most appropriate way to achieve the objectives. This assessment must identify and assess environmental, economic, social, and cultural effects, benefits and costs anticipated from the implementation of the provisions. Section 32 evaluations represent an on-going process in RMA plan development and a further evaluation under section 32AA of the RMA is expected throughout the review process in response to submissions received following notification of the PDP.

### 2.2 Overview of topic

Council has obligations under section 6(c) of the RMA to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna, and to maintain indigenous biodiversity under section 31(1)(b)(iii) of the RMA. The management and protection of indigenous biodiversity is a significant resource management issue in the District, with over 42% of the District being identified as a potential SNA in terms of section 6(c) of the RMA through mapping undertaken between 2019 and 2020. This mapping was a desktop exercise, and the next stage of SNA identification involving ground-truthing to confirm the extent and values of SNAs has not been completed.

This section 32 report relates to the provisions in the PDP that manage indigenous biodiversity and sit in the 'Ecosystems and indigenous biodiversity' chapter of the PDP. The management approach for the 'Ecosystems and indigenous biodiversity' chapter includes policies that give effect to higher order policy direction and a rule framework focused on indigenous clearance rules with more stringent thresholds (generally 100m<sup>2</sup> per calendar year with some exceptions) within SNAs. As the PDP does not include district-wide SNA mapping, the PDP will require an ecological assessment when indigenous vegetation clearance over 100m<sup>2</sup> per calendar year is proposed which will result in two scenarios:

1. The ecological assessment confirms that the area is not a SNA in which case the more enabling indigenous vegetation clearance thresholds apply (500-5,000m<sup>2</sup> depending on zone); or
2. The ecological assessment confirms that the area is a SNA in which case a discretionary activity consent is required to clear over 100m<sup>2</sup> of indigenous vegetation. The more stringent policy framework for managing effects on SNAs within and outside the coastal environment would also apply.

If an area is identified as SNA through the resource consent process, or through voluntary identification by a landowner, there will also be a mechanism within the 'Ecosystems and indigenous biodiversity' chapter to add SNAs to Schedule 4 in the PDP.

The policy framework also provides stronger recognition of tangata whenua as kaitiaki of and landowners as stewards of indigenous biodiversity, and the need to ensure the protection of indigenous biodiversity is balanced with the ability of people and communities to provide for their social, economic and cultural well-being. This policy direction is reflected in the rule framework which provides:

- A permitted activity rule for indigenous vegetation clearance within and outside SNAs for a range of essential activities, including clearance to establish a residential unit and associated infrastructure (up to 1,000m<sup>2</sup> of clearance), to address health and safety, for new tracks and fences, to maintain existing infrastructure, and to clear regenerating indigenous vegetation less than 10 years old.

- A more enabling rule framework for indigenous vegetation clearance within SNAs for papakāinga within Māori Purpose zone, Treaty Settlement overlay and Rural Production zone (permitted clearance of indigenous vegetation of up to 1,500m<sup>2</sup> for marae complex, 500m<sup>2</sup> per residential unit).
- A consent threshold for indigenous vegetation clearance within SNAs and to trigger a requirement for an ecological assessment that allows for some level of clearance (100m<sup>2</sup>) while ensuring this will not have significant adverse effects on SNAs.

The PDP also provides for 'environment benefit' subdivisions which will provide landowners with the ability to subdivide their land to create rural lifestyle lots in the Rural Production zone

one when they protect and schedule SNAs. This is intended to provide incentives for landowners to protect SNAs in return for the economic gain that they will get from the ability to subdivide their land which would not otherwise exist.

The policy framework in the PDP for SNAs and indigenous biodiversity gives effect to the higher-level policy direction in the NZCPS and the RPS for the protection of SNAs, within and outside the coastal environment. It also seeks to align with the policy direction in the proposed NPSIB. While the proposed NPSIB is still in development, subject to further change<sup>2</sup> and currently has no legal effect, it is expected to come into effect during the PDP submission phase. As such, it is considered effective and efficient to align the PDP approach with the expected policy direction and requirements in the proposed NPSIB.

---

<sup>2</sup> The Ministry for the Environment has indicated that decisions on an exposure draft of the proposed NPSIB will be made in May 2022.

## 3 Statutory and Policy Context

### 3.1 Resource Management Act 1991

The **Section 32 Overview Report** for the PDP provides a summary of the relevant statutory requirements in the RMA relevant to the PDP. This section provides a summary of the matters in Part 2 (purpose and principles) and section 31 of the RMA (functions of territorial authorities) of direct relevance to this topic.

Section 74(1) of the RMA states that district plans must be prepared in accordance with the provisions of Part 2. The purpose of the RMA is the sustainable management of natural and physical resources which is defined in section 5(2) of the RMA as:

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

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

To achieve the purpose of the RMA, all those exercising functions and powers under the RMA are required to:

- Recognise and provide for the matters of national importance identified in section 6.
- Have particular regard to a range of other matters in section 7.
- Take into account the principles of the Treaty of Waitangi in section 8 of the RMA.

The following section 6 matters are directly relevant to the ‘Ecosystems and indigenous biodiversity’ chapter:

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

Section 6(c) has particular relevance for the ‘Ecosystems and indigenous biodiversity’ chapter and directs the PDP policy framework to protect areas of significant indigenous vegetation and habitat. Section 6(e) of the RMA is also directly relevant because many native species are considered taonga and Māori have a unique relationship with indigenous biodiversity in their role as kaitiaki.

The following section 7 matters are directly relevant to the ‘Ecosystems and indigenous biodiversity’ chapter:

- (a) Kaitiakitanga:
  - (aa) The ethic of stewardship:
- (b) The efficient use and development of natural and physical resources:
- (c) The maintenance and enhancement of amenity values:
- (d) Intrinsic values of ecosystems:
- (e) Maintenance and enhancement of the quality of the environment:
- (f) Any finite characteristics of natural and physical resources:
- (g) The effects of climate change:

The Environment Court has attempted to explain (in summary) the scheme of Part 2 of the RMA with respect to indigenous biodiversity in *Director General of Conservation v Invercargill City Council*<sup>3</sup>. Some key extracts from that decision are provided below (emphasis added).

[44] In part 2 of the RMA there are three provisions that are particularly important and relevant to biodiversity issues. They are the obligations: "safeguard ... the life-supporting capacity of ... ecosystems" (section 5(2)(b) RMA); " ... protect ... areas of significant indigenous vegetation and significant habitats of indigenous fauna" (section 6(c)); and ...to have particular regard to the "intrinsic values of ecosystems" (section 7(d) recalling that is a defined term).

[45] Five points should be made here about the scheme of the RMA in relation to indigenous biodiversity. First, the primary responsibility of local authorities when exercising their functions in respect of indigenous biodiversity is part of the very definition of "sustainable management": to safeguard the life-supporting capacity of ecosystems.

[46] Second, **the recognition and protection of areas of significant indigenous vegetation, nationally important as it is, is an extension of that primary obligation. If an ecosystem or part of an ecosystem (being in either case an area of indigenous vegetation or a habitat of indigenous fauna) is found to be significant then that ecosystem is to be protected in itself, not merely to have its life-supporting capacity protected.**

[47] Third, safeguarding (or protecting) the life-supporting capacity of ecosystems includes in each case having particular regard to each of its components including – as the definition of 'intrinsic values' 6 implies.

Section 31 sets out the functions of territorial authorities and this includes:

- (1) *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
  - (b) *the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—*
    - (iii) *the maintenance of indigenous biological diversity.*

## 3.2 Higher order planning instruments

Section 75(3) of the RMA requires district plans to give effect to higher order planning instruments – National Policy Statement (NPS), the New Zealand Coastal Policy Statement (**NZCPS**), National Planning Standards (**Planning Standards**), and the relevant Regional Policy Statement (**RPS**). The **Section 32 Overview Report** provides a more detailed summary of the relevant RMA higher order planning instruments relevant to the PDP. The sections below provide an overview of provisions in higher order planning instruments directly relevant to the 'Ecosystems and indigenous biodiversity' chapter in the PDP.

### 3.2.1 National Planning Standards

Section 75(3)(ba) of the RMA requires that district plans give effect to the National Planning Standards. The National Planning Standards were gazetted in April 2019 and their purpose is to assist in achieving the purpose of the RMA and improve consistency in the structure, format and content of RMA plans. The following standards are of direct relevance to the 'Ecosystems and indigenous biodiversity' chapter.

---

<sup>3</sup> *Director General of Conservation v Invercargill City Council* [2018] NZEnvC 84.



Standard 4 – District Plan Structure Standard requires district plans to include a Natural Environment Values section in Part 2 – District-Wide Matters, with the option to include an ‘Ecosystems and indigenous biodiversity’ chapter under this section. Standard 7 – District-wide Matters Standards sets out more specific directions for the ‘Ecosystems and indigenous biodiversity’ chapter as set out below:

**Natural environment values**

19. If the following matters are addressed, they must be located in the Ecosystems and indigenous biodiversity chapter:

- a. identification and management of significant natural areas, including under s6(c) of the RMA.
- b. maintenance of biological diversity.
- c. intrinsic values of ecosystems and indigenous biodiversity.

The definitions of ‘operational need’ and ‘functional need’ in the National Planning Standards are relevant to the ‘Ecosystems and indigenous biodiversity’ chapter, otherwise the PDP ‘Ecosystems and indigenous biodiversity’ chapter relies on the definitions set out in the RMA and specific PDP definitions in the Definitions chapter.

**3.2.2 National Policy Statements**

Section 75(3)(a) of the RMA requires that district plans give effect to any NPS. The following NPS’s are directly relevant to the ‘Ecosystems and indigenous biodiversity’ chapter:

- New Zealand Coastal Policy Statement 2010.
- Proposed National Policy Statement for Indigenous Biodiversity.

The sections below provide a summary of the key provisions in each NPS that are to be given effect to in the ‘Ecosystems and indigenous biodiversity’ chapter of the PDP.

<b>New Zealand Coastal Policy Statement 2010</b>	
<b>Objective 1</b>	To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems
<b>Policy 6(1)(j)</b>	Activities in the coastal environment
<b>Policy 11</b>	Indigenous biological diversity
<b>Policy 13</b>	Preservation of natural character

In summary, these NZCPS policies require the PDP to:

- Recognise that infrastructure in the coastal environment is important to the social, economic and cultural well-being of people and communities.
- Avoid adverse effects of activities on indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists, and indigenous ecosystems and vegetation types that are threatened in the coastal environment or are naturally rare, and other significant indigenous community types.
- Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on areas of predominantly indigenous vegetation in the coastal environment, as well as vulnerable habitats, habitats that are important for different purposes, migratory species and ecological corridors.
- Preserve the natural character of the coastal environment, which may include protecting areas of indigenous biodiversity that contribute to natural character.

## Proposed National Policy Statement on Indigenous Biodiversity

Public consultation on the proposed National Policy Statement for Indigenous Biodiversity (proposed NPSIB) took place between November 2019 and January 2020. Officials are continuing to work on issues raised through public consultation and the intention is to release an exposure draft of the NPSIB in the first half of 2022. The exposure draft responds to feedback from submissions and hui and will help test the workability of updated provisions, but the general intent and scope of the NPSIB remains broadly consistent with that consulted on.

The proposed NPSIB is highly relevant to the 'Ecosystems and indigenous biodiversity' chapter. While it does not yet have legal effect and is subject to future change, it is expected to come into effect during the submissions and hearings on the PDP and there will be a requirement to give effect to the provisions to the extent that there is scope to. It is therefore considered to be efficient and effective to align the general approach of the 'Ecosystems and indigenous biodiversity' chapter with the expected policy direction and requirements in the proposed NPSIB.

At a high level, the NPSIB objectives seek to maintain indigenous biodiversity, improve the integrated management of indigenous biodiversity, restore or enhance it where possible and recognise the role of landowners, communities and tangata whenua as stewards and kaitiaki of indigenous biodiversity.

A key part of the NPSIB is the requirement to map SNAs and the draft NPSIB sets out detailed principles and ecological criteria with the intention to map SNAs in a nationally consistent, robust manner. However, it is not clear what the proposed NPSIB SNA mapping requirements will be when it comes into force and how these requirements may have changed following public consultation. In particular, there is some uncertainty on:

- The extent to which SNA mapping will require ground-truthing. This is a significant issue in the District where approximately 42% of total land area has the potential to be a SNA.
- Whether there will be different classifications of SNA and if these classifications need to be mapped accordingly (the draft NPSIB proposed 'medium' and 'high' SNA categories).
- The ecological significance criteria to identify whether an area is a SNA and how this may have changed following public consultation.

Identifying and mapping SNA prior to the proposed NPSIB being gazetted therefore has a high risk of not aligning with the NPSIB requirements which could have a number of implications, including the need to withdraw and rework maps during the Schedule 1 process or undertake a future plan change after the PDP process. This would result in additional costs to ratepayers and increased frustration and opposition from landowners to an issue that is already highly contentious in the District. This issue is discussed further in the evaluation of options in section 8 of this report.

### 3.2.3 National Environmental Standards

Section 44 of the RMA requires local authorities to recognise NES by ensuring plan rules do not conflict with or duplicate provisions in a NES. The following NES are directly relevant to the 'Ecosystems and indigenous biodiversity' chapter:

- National Environmental Standard for Plantation Forestry (NES-PF) – the NES-PF controls the full life cycle of plantation forestry from afforestation, harvesting through to replanting. The below regulations of the NES-PF are relevant to the 'Ecosystems and indigenous biodiversity' chapter in the PDP:
  - Regulation 6(2)(b) enables plan rules to be more stringent than the NES-PF when it relates to the protection of SNAs.
  - Regulations 93 and 94 set out permitted standards for the clearance of indigenous vegetation that is not within a SNA (except clearance of forestry tracks).

- National Environmental Standard for Freshwater (NES-F) – the NES-F regulate activities that pose risks to the health of freshwater and freshwater ecosystems. The below regulations of the NES-F are relevant to the provisions of the PDP:
  - Regulation 5 sets out that the NES-F deals with the functions of regional councils under section 30 of the RMA and not the functions of territorial authorities under section 31 of the RMA.
  - Regulation 6 stipulates that a district rule may be more stringent than the regulations of the NES-F and may only be more lenient in relation to regulations 70 to 74 of the NES-F (which relates to fish passages).

### 3.2.4 Regional Policy Statement for Northland

Section 75(3)(c) of the RMA requires district plans to ‘give effect’ to any RPS. The Northland RPS was made operative on 14 June 2018. The table below outlines the provisions in the RPS that are directly relevant to the ‘Ecosystems and indigenous biodiversity’ chapter. These are summarised below.

RPS	
<b>Objective 3.4</b>	<p><b>Indigenous ecosystems and biodiversity</b>  <i>Safeguard Northland’s ecological integrity by:</i></p> <ul style="list-style-type: none"> <li><i>a) Protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna;</i></li> <li><i>b) Maintaining the extent and diversity of indigenous ecosystems and habitats in the region; and</i></li> <li><i>c) Where practicable, enhancing indigenous ecosystems and habitats, particularly where this contributes to the reduction in the overall threat status of regionally and nationally threatened species.</i></li> </ul>
<b>Objective 3.15</b>	<p><b>Active management</b>  <i>Maintain and / or improve;</i></p> <p>...</p> <p><i>(d) Areas of significant indigenous vegetation and significant habitats of indigenous fauna (including those within estuaries and harbours);</i></p> <p>...</p> <p><i>by supporting, enabling and positively recognising active management arising from the efforts of landowners, individuals, iwi, hapū and community groups.</i></p>
<b>Policy 4.4.1</b>	<p><b>Maintaining and protecting significant ecological areas and habitats</b>          In the coastal environment:</p> <ul style="list-style-type: none"> <li>• Avoid adverse effects on SNA (as assessed under the criteria in Appendix 5)</li> <li>• Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on areas of predominately indigenous vegetation, important habitat, vulnerable ecosystems</li> </ul> <p>Outside of the coastal environment:</p> <ul style="list-style-type: none"> <li>• Avoid adverse effects on SNAs so they are no more than minor</li> <li>• Avoid, remedy and mitigate adverse effects on areas of predominantly indigenous vegetation, important habitat, vulnerable ecosystems so they are not significant</li> <li>• Consider the next steps in effects management hierarchy for unavoidable adverse effects, including offsetting and compensation to manage residual effects</li> </ul>
<b>Policy 4.4.2</b>	<p><b>Supporting restoration and enhancement</b>  <i>Support voluntary efforts of landowners and community groups, iwi and hapū, to achieve Objective 3.15.</i></p>
<b>Method 4.4.3</b>	<p><b>Statutory plans and strategies</b></p> <p>...</p> <p><i>(2) Subject to Method 4.4.3(3), within two years after the Regional Policy Statement becomes operative the district councils shall amend district plans to the extent needed to ensure the plans implement Policy 4.4.1 on land outside of the beds of rivers and lakes, wetlands, and the coastal marine area. Methods of implementation include:</i></p>

	<p>a) <i>Controls on the disturbance of land and the clearance of vegetation; and</i></p> <p>b) <i>Controls on the introduction or keeping of species with recognised pest potential.</i></p> <p>(3) <i>In implementing Policy 4.4.1 regional and district plans shall:</i></p> <p>a) <i>Allow activities undertaken for the purposes of pest control or habitat maintenance or enhancement;</i></p> <p>b) <i>Consider biodiversity offsets in appropriate circumstances;</i></p> <p>c) <i>Allow the maintenance and use of existing structures including infrastructure; and</i></p> <p>d) <i>(d) Not unreasonably restrict the existing use of production land, including forestry.</i></p>
--	---

In summary, the RPS objectives, policies and methods require the PDP to:

- Avoid adverse effects on SNAs in the coastal environment.
- Avoid, remedy or mitigate adverse effects on SNA outside the coastal environment to be no more than minor.
- Avoid, remedy or mitigate adverse effects of land use and subdivision on areas of predominantly indigenous vegetation, important habitat and vulnerable ecosystems.
- Consider the use of biodiversity offsetting or compensation outside the coastal environment where adverse effects cannot reasonably be avoided, remedied or mitigated.
- Identify areas that are SNA by using the assessment criteria set out in Appendix 5 of the RPS.
- Support efforts to restore and enhance areas of indigenous vegetation by landowners, community groups, iwi and hapū.
- Support the active management of areas of indigenous vegetation.
- Control vegetation clearance, land disturbance and introduction of pest species in SNA and in areas of indigenous vegetation, habitats for indigenous species and vulnerable ecosystems.
- Ensure that the protection and management of SNAs and indigenous biodiversity:
  - Allow for activities undertaken for pest control and restoration/enhancement
  - Allow for maintenance and use of existing structures, including infrastructure
  - Do not impose unnecessary restrictions on the use of productive land, including forestry.

The provisions in the PDP give effect to the above policy direction of the RPS. The provisions are based on the identification of SNA through the criteria in Appendix 5 of the RPS, but will rely on vegetation clearance thresholds as the trigger for undertaking the SNA assessment through resource consenting processes (as opposed to district-wide mapping). The thresholds are intended to ensure that significant changes to indigenous vegetation are assessed through the resource consent process and more stringent policies apply to areas that meet the criteria for ecological significance in Appendix 5 of the RPS. The PDP also gives effect to the RPS through:

- More stringent provisions for SNA and indigenous vegetation/indigenous species habitats in the coastal environment.
- More support for restoration/enhancement projects and pest management, which will support the active management efforts of Council, landowners, community groups, iwi and hapū.
- A policy and rule framework that recognises that there are activities that have a functional and/or operational need to locate in areas that are either SNA or have areas of indigenous vegetation, in particular primary production, infrastructure, and use/development of Māori land. The proposed approach provides permitted pathways for these activities to ensure they are not subject to unreasonable restrictions.

### 3.3 Regional Plan for Northland

Section 75(4)(b) of the RMA states that any district plans must not be inconsistent with a regional plan for any matter stated in section 30(1) of the RMA. The operative Northland Regional Plans and proposed Northland Regional Plan are summarised in the **Section 32 Overview Report**. The table below provides an overview of provisions in the Northland Regional Plan (appeals version – March 2022) directly relevant to the ‘Ecosystems and indigenous biodiversity’ chapter.

Northland Regional Water and Soil Plan	
D.4.27	Land preparation, earthworks and vegetation clearance
C.8.4.1	Vegetation clearance and coastal dune restoration within the coastal riparian and foredune management area
C.8.4.2	Vegetation clearance in riparian areas

In summary, these regional plan provisions aim to avoid adverse effects on vegetation in riparian and dune areas. The PDP ‘Ecosystems and indigenous biodiversity’ provisions are considered to be consistent with these provisions.

### 3.4 Iwi and Hapū Environmental Management Plans

When preparing and changing district plans, section 74(2A) of the RMA requires Council to take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. At present there are fourteen iwi planning documents accepted by Council which are set out and summarised in the **Section 32 Overview Report**.

Each plan is comprehensive and covers a range of issues of importance to the respective iwi or hapū. The plans contain statements of identity and whakapapa and identify the rohe over which mana whenua is held. The cultural and spiritual values associated with the role of kaitiaki over resources within their rohe are articulated.

Many of the identified issues within the various management plans relate to concerns over sites of cultural significance and indigenous flora and fauna, particularly with regards to subdivision and development activities.

In summary, these plans note the key issues as being the protection of indigenous biodiversity from inappropriate development and subdivision, the role of iwi and hapū in being kaitiaki and the contribution that thriving areas of indigenous biodiversity have on the wellbeing of people. The issues, values and objectives in these iwi management plans have been taken into account in the development of the ‘Ecosystems and indigenous biodiversity’ chapter in the PDP.

### 3.5 Other Legislation and Policy Documents

When preparing or changing a district plan, section 74(2)(b)(i) of the RMA requires territorial authorities to have regard to management plans and strategies prepared under other Acts to the extent that it has a bearing on resource management issues of the District. The **Section 32 Overview Report** provides a more detailed overview of strategies and plans prepared under legislation that are relevant to PDP. The section below provides a high-level summary of Te Mana o te Taiao – The Aotearoa New Zealand Biodiversity Strategy 2020.

#### 3.5.1 Te Mana o te Taiao – Aotearoa New Zealand National Biodiversity Strategy 2020

Te Mana o te Taiao sets out a strategic direction for the maintenance, protection and restoration of indigenous biodiversity in New Zealand for the next 30 years (2020-2050). Te Mana o te Taiao aims to stop the degradation of New Zealand’s biodiversity and is coupled with an implementation plan which is still being developed. Te Mana o te Taiao is an outcome focussed strategy that aims to

improve biodiversity outcomes in New Zealand to enhance the wellbeing of communities, while putting the Treaty of Waitangi at the forefront of its policies. The Strategy includes an overall vision *“The mauri of nature is vibrant and vigorous”* with five key outcomes to achieve by 2050:

- Ecosystems, from mountain tops to ocean depths, are thriving.
- Indigenous species and their habitats across Aotearoa New Zealand and beyond are thriving.
- People’s lives are enriched through their connection with nature.
- Treaty partners, whānau, hapū and iwi are exercising their full role as rangatira and kaitiaki.
- Prosperity is intrinsically linked with a thriving biodiversity.

It is considered that the proposed provisions of the PDP are in line with the overarching aim of Te Mana o te Taiao.

## 4 Current state and resource management issues

This section provides an overview of the relevant context for the current approach to manage indigenous biodiversity through the ODP, and key issues raised through consultation. It concludes with a summary of the key resource management issues for indigenous biodiversity to be addressed through the PDP.

### 4.1 Operative District Plan Approach

#### 4.1.1 Summary of current management approach

The management of indigenous biodiversity is covered in Chapter 12.2 of the ODP (Indigenous Flora and Fauna). The policies and objectives of the ODP aim to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna through identifying these areas in line with the RPS that was operative at the time. The policy framework also aims to avoid, remedy or mitigate adverse effects on areas of significant indigenous vegetation and significant habitats by managing the scale, intensity, type and location of subdivision, use and development in these areas. There is also an emphasis on active management of areas of indigenous vegetation, as well as on enhancement and restoration.

The ODP also has a number of non-statutory methods to achieve the protection and maintenance of indigenous biodiversity, including the establishment of a SNA committee to assist in the identification of Significant Natural Areas (Method 12.2.5.10). The SNA Committee is not active and there is currently no organisation or body within Council tasked with driving voluntary registration of SNAs or supporting their identification or registration. Although the intention was to create a database of indigenous vegetation and habitat that was protected by way of a covenant, consent notice or other voluntary method (Method 12.2.5.11), collection of data has been sporadic and there is no clear information about the extent to which indigenous biodiversity in the District is legally protected in perpetuity or voluntarily protected by landowners.

The primary mechanism for managing indigenous biodiversity in the ODP is through rules that set vegetation clearance thresholds for zones of the ODP. These rules are located in Section 12.2.6 of the ODP, and also consist of permitted clearance rules for certain purposes. In particular, the ODP allows for the clearance of indigenous vegetation without a threshold limit, provided that vegetation is less than 10 years old, to allow for re-breaking of land that has naturally revegetated after being cleared previously. Other permitted uses of indigenous vegetation clearance not subject to the clearance thresholds include (but are not limited to) creating fire breaks, maintenance of existing open space within 20m of an existing building, creation of walking tracks less than 1.2m wide, removal of trees that are a risk to the safety of people or property, and sustainable harvest of plant material for rongoa Māori (customary medicine).

The vegetation clearance thresholds in the ODP are generally set at a maximum clearance of 500m<sup>2</sup> of indigenous vegetation over a 10-year period and consent for a restricted discretionary activity is required if this threshold is exceeded. The exceptions are the Rural Production and Minerals zones, which allow for clearance of up to 2ha (non-remnant forest), or 500m<sup>2</sup> of remnant forest, within a 10-year period. The other exception is the General Coastal zone, where there is greater protection for trees over 6m in height and 600mm in girth and there are different maximum clearance rules depending on the percentage of the site that is covered in indigenous vegetation. Exceedance of these thresholds generally defaults to a discretionary activity resource consent, except that the need to get consent can be avoided in the Rural Production and Minerals zones if an approved ecologist and the now defunct SNA Committee confirm that the area does not contain significant indigenous vegetation or habitat.

As a discretionary activity rule 13.9.3 'Development bonus' provides that *"where any proposed plan of subdivision provides for the formal protection of ... areas of significant indigenous vegetation or significant habitats of indigenous fauna (refer to criteria in Method 12.2.5.6 of the Plan<sup>4</sup>) ... the Council may grant a development bonus, on application for a resource consent. Notwithstanding the rules referred to below, bonus lots may not be located in Natural Resource Overlay Areas<sup>5</sup> or in the General Coastal Zone"*.

#### 4.1.2 Limitation with current approach

The Council has reviewed the current ODP approach, which has been informed through technical advice, internal workshops, and feedback from the community. A number of limitations with the ODP provisions have been identified through this process, including:

- The ODP does not identify SNAs or have a statutory mechanism to do so which means the location and extent of SNAs is not known and these areas are not given the level of protection envisaged by the RPS. Not mapping SNAs will also not give effect to the proposed NPSIB when this takes effect as SNA mapping is central to its implementation. The approach in the ODP is to identify SNAs through non-statutory methods, however this has not resulted in a schedule of identified SNAs.
- The ODP does not give effect to the effects management policies in the NZCPS and RPS, in relation to indigenous biodiversity and SNAs. In particular, the ODP does not differentiate between how to manage effects on indigenous biodiversity and SNAs inside and outside the coastal environment or set out a more stringent rule framework to avoid adverse effects on SNAs within the coastal environment.

## 4.2 Key issues identified through consultation

The **Section 32 Overview Report** provides a detailed overview of the consultation and engagement Council has undertaken with tangata whenua, stakeholders and communities throughout the District to inform the development of the PDP and the key issues identified through this consultation and engagement. This section provides an overview of key issues raised through consultation in relation to indigenous biodiversity and a summary of advice received from iwi authorities on indigenous biodiversity.

### 4.2.1 Initial phase of targeted engagement programme

In 2018, Council collaborated with Whangarei and Kaipara District Councils to identify and map SNAs using a desk-top approach and the criteria set out in Appendix 5 of the RPS. Wildlands Consultants were engaged to undertake this work, which consisted of a literature review and desktop analysis to identify draft SNAs in the Northland region. Council was supplied draft SNA maps at the end of 2020. A letter and information pack were sent to approximately 10,000 landowners who had a potential SNA identified on their property in April 2021. This signalled the start of a targeted engagement program which aimed to refine the SNA mapping, including ground-truthing through physical inspection of sites, for inclusion in the PDP (discussed further below).

### 4.2.2 Summary of issue raised through consultation

There was a high level of interest in indigenous biodiversity from the community through consultation and engagement of the PDP. This feedback came through in both the main consultation period for the draft district plan in March 2020, and also the targeted engagement on SNAs which ran from April-June 2020.

---

<sup>4</sup> Criteria in Appendix III of the Northland Regional Policy Statement

<sup>5</sup> Outstanding landscape, outstanding landscape feature, outstanding natural feature, site of cultural significance to Māori, registered archaeological site



During the two-month targeted consultation period on the draft SNA maps, Council received approximately 4,000 responses that raised numerous concerns. Key issues identified through this process include:

- Issues with the methodology used to map SNAs. This was largely because the project to that point was a desktop exercise with further refinement of the SNA mapping needed through landowner engagement and site visits. This refinement did not occur due to the amount of public concern around the SNA maps.
- Concern about legislation overreach in terms of identifying SNAs and enforcing land use rules for these areas.
- Concerns about restrictive vegetation clearance rules being applied to SNAs.
- Issues with how subdivision in SNA areas may be treated.
- Concerns from Māori landowners about the impact on the use of their land and not being recognised as kaitiaki of indigenous biodiversity.
- Requests for Council to assist with active maintenance of indigenous biodiversity.
- Requests to further protect North Island Brown kiwi and their habitats.

In response to these issues raised through public consultation, a paper was tabled at the July 2021 Policy and Strategy Committee meeting to determine whether to proceed with mapping of SNAs. Based on the overwhelming negative public feedback on the extent of SNA mapping, the process for identifying SNA, no ground truthing of potential SNA sites, uncertainty about proposed NPSIB timeframes and mapping requirements, and the potential implications for private and Māori landowners, it was decided not to include the SNA maps in the PDP. Instead, the agreed approach was to develop a framework for the protection and management of SNAs and indigenous biodiversity that does not include district-wide mapping but instead provides a process where SNAs can be identified, assessed and managed using indigenous vegetation clearance thresholds and resource consent processes. This framework is also to provide a process for landowners to voluntarily add SNAs to the PDP and to provide incentives (e.g. subdivision rights) and assistance (e.g. ecological assessments) to landowners to encourage this.

#### 4.2.3 Summary of advice from iwi authorities

Section 32(4A)(a) of the RMA requires that evaluation reports include a summary of advice on a proposed plan received from iwi authorities. The **Section 32 Overview Report** provides an overview of the process to engage with tangata whenua and iwi authorities in the development of the PDP and key issues raised through that process. In relation to ecosystems and indigenous biodiversity, iwi authorities provided the following advice on the Draft District Plan (**DDP**):

- Māori have been disadvantaged in their ability to utilise their land. Māori whenua should have different rules on what can be done in areas with high biodiversity values. The District should look at incentives rather than restrictive rules. Incentivising landowners to protect biodiversity utilising options that are not costly to the landowners is more likely to lead to more uptake.
- Māori land and settlement land should be excluded from the standards as Māori have not had the same opportunities to develop these lands in the same manner general landowners have had.
- The provisions should be enabling for Māori.
- Tangata whenua do not support the proposed approach by Council and Central Government in the mapping and associated rules with SNAs. The rules associated with SNA's are reasonably strict for earthworks and vegetation. If Council could accept the testimony or expert evidence of local kaitiaki/kuia/kaumatua regarding vegetation clearance and effects of flora and fauna this may be more tenable.

- Overall, the proposed approach whether imposed by central government or not, fundamentally ignores the hardship that successive and unrelenting government policy has had on tangata whenua to develop their land and if imposed will largely counter a number of positive and appropriate land developments on Māori land for future generations. In that sense, the proposed rules are likely to counter weigh any of the positive elements of the plan.
- Protection and preservation supported; approach is not.

Section 5 of this report outlines how the proposed management approach responds to this advice in accordance with section 32(4A)(b) of the RMA.

### **4.3 Summary of Resource Management Issues**

Indigenous biodiversity was identified as a 'Significant resource management issue' (SMRI) in the development of the PDP, as protecting SNAs is a matter of national importance under section 6(c) of the RMA and maintaining indigenous biodiversity is a core function of territorial authorities under section 31(1)(b)(iii) of the RMA. The importance of protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna is reinforced through both the NZCPS, the Northland RPS and the proposed NPSIB which is expected to come into effect during the PDP submission and hearings. Indigenous biodiversity is a particularly significant issue for the Far North as there is a large proportion of the District (approximately 42%) which is covered by potential SNAs and the District also has a large coastal environment to manage with extensive and unique indigenous biodiversity.

Based on the analysis of relevant context, current management approach, and feedback from consultation, the key resource management issues for indigenous biodiversity to be addressed through the PDP are:

- The need for a statutory mechanism to identify SNAs using the criteria outlined in Appendix 5 of the RPS in order to fulfil the obligations of higher order statutory documents. The PDP also needs a rule framework which applies to SNAs whether these are mapped or assessed using the RPS ecological assessment criteria.
- A recognition of tangata whenua as kaitiaki and landowners as stewards of indigenous biodiversity.
- A stringent policy and rule framework applied to indigenous biodiversity in the coastal environment in order to satisfy the requirements of the NZCPS and RPS.
- Enabling and supporting non-statutory methods and voluntary efforts to achieve the protection, maintenance and restoration of indigenous biodiversity through incentivising protection.
- The need to ensure that the protection and management of indigenous biodiversity is done in a way that provides for the well-being of people and communities and does not impose unreasonable restrictions on the use of land.
- Ensuring that there are permitting pathways for essential activities, including to construct a residential unit and associated infrastructure, primary production and existing infrastructure.

## 5 Proposed provisions

The proposed provisions are set out in the 'Ecosystems and indigenous biodiversity' chapter of the PDP. These provisions should be referred to in conjunction with this evaluation report.

### 5.1 Strategic objectives

The PDP includes a strategic direction section which provides high level direction on the strategic or significant matters for the District, and objectives to guide strategic decision-making under the PDP. The strategic objectives of direct relevance to the 'Ecosystems and indigenous biodiversity' chapter are as follows:

- **SD-EP-01** - A culture of stewardship in the community that increases the District's biodiversity and environmental sustainability.
- **SD-EP-02** - Collaborative relationships with iwi and hapū in order to support tangata whenua to carry out their obligation and responsibility as kaitiaki.
- **SD-EP-03** - Active management of ecosystems to protect, maintain and increase indigenous biodiversity for future generations.
- **SD-EP-05** - Land use practices reverse climate change by enabling carbon storage and reducing carbon emissions.

### 5.2 Proposed management approach

This section provides a summary of the proposed management approach for the 'Ecosystems and indigenous biodiversity' chapter in the PDP focusing on the key changes from the ODP. The **Section 32 Overview Report** outlines and evaluates general differences between the PDP provisions and ODP, includes moving from an effects-based plan to a 'hybrid plan' that includes effects and activities-based provisions and an updated plan format and structure to give effect to the National Planning Standards.

The main changes in the overall proposed management approach for ecosystems and indigenous biodiversity are:

- An effects management policy framework that gives effect to the direction of the NZCPS and RPS and better aligns with the anticipated policy direction of the proposed NPSIB. This includes a more stringent policy framework for avoiding adverse effects on SNAs to give effect to the NZCPS and RPS.
- The introduction of indigenous vegetation clearance rules for both scheduled SNA and other areas of indigenous vegetation (which may or may not have significant ecological values).
- A mechanism to assess the ecological significance of areas of indigenous vegetation through indigenous vegetation clearance thresholds which will determine the level of permitted clearance based on whether the area is a SNA or not. This assessment is to be undertaken by a suitably qualified and experienced ecologist using the criteria in Appendix 5 of the RPS and a report on the assessment must be submitted prior to the clearance being undertaken.
- A mechanism to add SNAs to Schedule 4 of PDP where there is agreement from the landowner and providing incentives (e.g. subdivision rights) and assistance to landowners to assistance to.
- Refinement of the indigenous vegetation clearance thresholds outside SNAs to be based on a 5-year period (rather than 10 years).
- Changes to the policy and rule framework to help ensure the protection of SNA's is done in a way that does not impose unreasonable restrictions on primary production, recognises the operational and functional need of certain activities to be located in SNAs, allows for continued operation and maintenance of existing activities, and enables Māori land to be developed to provide for the well-being of tangata whenua. This includes:

- A permitted activity rule for indigenous vegetation clearance within and outside SNAs for a range of essential activities, including clearance to establish residential unit and associated infrastructure, to address health and safety, for new tracks and fences, to maintain existing infrastructure, and to clear regenerating indigenous vegetation less than 10 years old.
- A more enabling rule framework for indigenous vegetation clearance within SNAs for papakāinga within the Māori Purpose Zone, Treaty Settlement Overlay and Rural Production Zone.

The sections below provide a high-level summary of the objectives, policies, and rules and other methods for the 'Ecosystems and indigenous biodiversity' chapter in the PDP.

### 5.3 Summary of proposed objectives and provisions

This section provides a summary of the proposed objectives and provisions which are the focus of the section 32 evaluation in sections 7 and 8 of this report.

#### 5.3.1 Summary of objectives

The proposed management approach for indigenous biodiversity includes objectives that seek to:

- Identify and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna so they are protected for current and future generations.
- Recognise and provide for the relationship between tangata whenua and indigenous biodiversity.
- Manage and maintain indigenous biodiversity values, extent and diversity in a way that provides for the social, economic and cultural well-being of people and communities.
- Provide for the role of tangata whenua as kaitiaki and landowners as stewards of indigenous biodiversity.
- Promote and enable restoration and enhancement of indigenous biodiversity.

#### 5.3.2 Summary of provisions

For the purposes of section 32 evaluations, 'provisions' are the *"policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change"*.

The proposed management approach for the 'Ecosystems and indigenous biodiversity' chapter includes policies that:

- Identify SNAs by:
  - Using the criteria in Appendix 5 of the RPS
  - Including areas that meet the ecological significance criteria as SNAs in Schedule 4 of the PDP where this is agreed with the landowner and verified by physical inspection
  - Encouraging landowners to include identified SNAs in Schedule 4 of the District Plan at the time of subdivision and development
  - Providing assistance to landowners to add SNAs to Schedule 4 of the PDP
  - Requiring an assessment of the ecological significance for indigenous vegetation clearance which does not meet purposes or permitted activity thresholds in the rules.
- Require adverse effects on SNAs to be avoided in the coastal environment and adverse effects on SNAs outside the coastal environment to be avoided, remedied or mitigated so these are no more than minor.
- Require consideration of the effects management hierarchy for the management of adverse effects on indigenous biodiversity outside the coastal environment, including whether it is appropriate to apply biodiversity offsetting and/or compensation where more than minor adverse effects cannot be reasonably avoided, remedied, or mitigated.
- Require that the protection of SNAs and maintenance of indigenous biodiversity is done in a way that:

- Does not impose unreasonable restrictions on primary production activities
- Recognises the operational and functional need of some activities, including regionally significant infrastructure, to be located within SNAs
- Allows for maintenance, use and operation of existing activities and structures, including infrastructure;
- Enables Māori land to be used and developed to support the social, economic and cultural well-being of tangata whenua.
- Encourage the protection, maintenance and restoration of indigenous biodiversity through non-regulatory methods, including consideration of:
  - Assisting landowners with physical assessments by suitably qualified ecologists to determine whether an area is a SNA
  - Reducing or waiving resource consent application fees
  - Providing, or assisting in obtaining funding from other agencies and trusts
  - Sharing and helping to improve information on indigenous biodiversity
  - Working directly with iwi and hapū, landowners and community groups on ecological protection and enhancement projects.
- Encourage and support active management of pest plants and animals.
- Promote the protection of species that are endemic to Northland by eco-sourcing plants from within the ecological district.
- Require landowners to manage pets and pest species to avoid risks to threatened indigenous species.
- Outline assessment criteria when assessing proposals for land use and subdivision that exceed the indigenous vegetation clearance thresholds.

The proposed management approach for the 'Ecosystems and indigenous biodiversity' chapter in the PDP includes rules and standards that:

- Provide permitted pathways for indigenous vegetation clearance within and outside SNAs for a range of essential activities, including clearance to establish residential unit and associated infrastructure (up to 1,000m<sup>2</sup> of clearance), to address health and safety, for new tracks and fences, to maintain existing infrastructure, and to clear regenerating indigenous vegetation less than 10 years old.
- A more enabling rule framework for indigenous vegetation clearance within SNAs for papakāinga within the Māori Purpose Zone, Treaty Settlement Overlay and Rural Production Zone (permitted clearance of indigenous vegetation of up to 1,500m<sup>2</sup> for marae complex, 500m<sup>2</sup> per residential unit).
- Provide a more stringent permitted activity threshold indigenous vegetation clearance within SNAs (100m<sup>2</sup> per calendar year) with a discretionary activity consent required when this threshold is exceeded.
- As the PDP does not include district-wide SNA mapping, a rule that requires ecological assessment when indigenous vegetation clearance over 100m<sup>2</sup> per calendar year is proposed and this report must be provided to Council prior to the clearance being undertaken. The results of the ecological assessment will determine the rule/threshold that apply:
  - Area is not a SNA - the more enabling indigenous vegetation clearance thresholds apply (500-5,000m<sup>2</sup> depending on zone); or
  - Area is a SNA - discretionary activity consent is required to clear over 100m<sup>2</sup> of indigenous vegetation. The more stringent policy framework for managing effects on SNAs within and outside the coastal environment would also apply.

This rule framework is intended to ensure that both mapped and unmapped SNA (i.e. SNA that are identified by an assessment by a suitably qualified ecologist against the ecological significance criteria in Appendix 5 of the RPS) are protected and managed consistently to meet obligations under section 6(c) of the RMA and give effect to higher-order policy direction.

- Responding to advice from iwi authorities

### **5.3.3 Responding to advice from iwi authorities**

Section 32(4A) of the RMA requires evaluation reports to summarise advice received from iwi authorities on a proposed plan and the response to that advice, including any provisions that are intended to give effect to the advice. Section 4.3.2 of this report provides a summary of advice received from iwi authorities on the 'Ecosystems and indigenous biodiversity' chapter.

The revised chapter changes the approach from mandatory District-wide mapping to voluntary mapping, encouraging (but not requiring) landowners on a case-by-case basis to include their SNA in a schedule in the PDP and by assessing the ecological significance of indigenous vegetation and habitats using Appendix 5 of the RPS when indigenous clearance above a certain threshold is proposed. The revised provisions aim to recognise the role of tangata whenua as kaitiaki, and the unique relationship between Māori and indigenous biodiversity. In particular, the need for Māori land to be used and developed to support the social, economic and cultural well-being of tangata whenua is recognised at the policy level and through the more enabling rule framework for indigenous vegetation clearance within SNAs for Marae and papakāinga within the Māori Purpose Zone, Treaty Settlement Overlay and Rural Production Zone. This approach addresses the matters raised by iwi authorities about the extent of mapped SNAs in the District and potential restrictions on the use of Māori land.

## 6 Approach to evaluation

### 6.1 Introduction

The overarching purpose of section 32 of the RMA is to ensure all proposed statements, standards, regulations, plans or changes are robust, evidence-based and are the most appropriate, efficient and effective means to achieve the purpose of the RMA. At a broad level, section 32 requires evaluation reports to:

- Examine whether the objectives in the proposal are the most appropriate to achieve the purpose of the RMA
- Examine whether the provisions are the most appropriate way to achieve the objectives through:
  - Identifying reasonably practicable options for achieving the objectives.
  - Assessing the efficiency and effectiveness of the provisions, including an assessment of environmental, economic, social and cultural economic benefits and costs.

These steps are important to ensure transparent and robust decision-making and to ensure stakeholders and decision-makers can understand the rationale for the proposal.

### 6.2 Evaluation of scale and significance

Section 32(1)(c) of the RMA requires that evaluation reports contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of this proposal. This step is important as it determines the level of detail required in the evaluation of objectives and provisions so that it is focused on key changes from the status quo.

The scale and significance of the environmental, economic, social and cultural effects of the provisions for the 'Ecosystems and indigenous biodiversity' chapter are evaluated in the table below. It is also important to note that indigenous biodiversity was identified as a significant resource management issue (SRMI) through the development of the PDP, which was reinforced throughout consultation on the DDP.

Criteria	Comment	Assessment
Raises any principles of the Treaty of Waitangi	The new provisions are considered to have a high impact on the principles of the Treaty of Waitangi, particularly as the provisions for indigenous vegetation clearance impact tangata whenua, both as landowners with a high proportion of indigenous vegetation on their property and as kaitiaki of indigenous biodiversity across the district. The provisions aim to recognise the role of tangata whenua as kaitiaki, and the unique relationship between Māori and indigenous biodiversity. In particular, the need for Māori land to be used and developed to support the social, economic and cultural well-being of tangata whenua is recognised at the policy level and through the more enabling permitted activity rules to clear indigenous vegetation for papakāinga.	High
Degree of change from the Operative Plan	The policy direction for the PDP has had a relatively significant change in order to give effect to the NZCPS and RPS, particularly with respect to the overall effects management approach and applying more stringent policies to avoid adverse effects on SNAs in the coastal environment. Refining the indigenous vegetation clearance thresholds for some zones and being more specific about using Appendix 5 of the RPS to	Medium

Criteria	Comment	Assessment
	identify SNA areas are also key changes from the ODP.	
Effects on matters of national importance	The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna is a matter of national importance under section 6(c) of the RMA. The approach of the PDP to managing SNAs and indigenous biodiversity is therefore a critical component of meeting obligations under section 6 of the RMA and the requirement for territorial authorities to prepare district plans in accordance with Part 2 of the RMA.	High
Scale of effects – geographically (local, district wide, regional, national).	The District has a large proportion of its total land area covered in indigenous vegetation, with 42% of the District being identified as having indigenous vegetation cover that is potentially significant (based on the criteria in the RPS)). All indigenous vegetation (whether identified as SNA or not) will be subject to the indigenous vegetation clearance provisions in this chapter – either as a permitted use, permitted clearance under the specified thresholds for SNAs and outside SNAs, or through a resource consent application when the permitted thresholds are exceeded. In some instances, an ecological assessment will be required to determine the relevant thresholds that apply based on whether the area is ecologically significant or not. As such, the need to assess the ecological significance of indigenous vegetation prior to it being cleared will impact a larger number of landowners in the District than if the SNA had been mapped upfront (and shifting the costs of the assessment from Council to landowners).	High
Scale of people affected – current and future generations (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?).	A large proportion of landowners in the District are likely to be affected by the new provisions, particularly as the rules are designed to treat scheduled SNA and unmapped SNA identified through ecological assessments/the resource consent process using the RPS criteria in the same way. This means that a greater number of properties will be required to engage an ecologist to assess the value of their indigenous vegetation prior to clearance than if the SNA had been mapped at a district-wide level upfront. This will have the greatest impact in Rural Production and the Māori Purpose zones, where the thresholds have been reduced for the amount of non-remnant indigenous vegetation that can be removed at any one time to minimise the chance that significant areas of SNA are lost as a permitted activity.	High
Scale of effects on those with specific interests, e.g., Tangata Whenua	Māori landowners have a specific interest in the 'Ecosystems and indigenous biodiversity' chapter, both as landowners and as kaitiaki of indigenous biodiversity. The potential for these provisions to impact the ability of Māori to use and develop their land has been a key area of feedback and a likely contentious issue through the Schedule 1 process.	High
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents?	The protection of SNAs is a matter of national importance under section 6(c) of the RMA and specific direction on how to protect SNAs it is provided by the NZCPS and the RPS. There is also the proposed NPSIB, which is expected to come into effect during the PDP submission and hearing process. Although the proposed 'Ecosystems and indigenous biodiversity' chapter is	High



Criteria	Comment	Assessment
Does it involve effects addressed by other standards/commonly accepted best practice?	<p>more aligned with these higher order documents and gives better effect to them compared to the ODP, there are still some significant policy risks associated with not mapping SNAs in the PDP, particularly the need for landowners to engage an ecologist to assess the ecological significance of indigenous vegetation to determine the thresholds that apply and if resource consent is required.</p> <p>Mapping of SNAs is considered to be best practice nationally to provide certainty on the location and extent of these areas to all parties. Mapping of SNAs at a district-wide level also enables indigenous biodiversity provisions to be targeted to specifically identified properties, as opposed to applying more blanket vegetation clearance provisions to capture potential SNA areas. The risk of mapping SNAs in the PDP is balanced with the risk of this process not aligning with the mapping approach that is expected in the proposed NPSIB, including ground-truthing sites where practicable. The risks of acting or not acting are discussed more fully in Section 8 of this report.</p>	

### 6.3 Summary of scale and significance assessment

Overall, the scale and significance of the effects from the proposal is assessed as being **high**. Consequently, a high level of detail is appropriate for the evaluation of the objectives and provisions for the 'Ecosystems and indigenous biodiversity' chapter in accordance with section 32(1)(c) of the RMA. This evaluation focuses on key changes in the proposed management approach compared to the ODP and areas of identified policy and implementation risk.

## 7 Evaluation of objectives

Section 32(1)(a) of the RMA requires that the evaluation report examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA. The assessment of the appropriateness of the objectives for the 'Ecosystems and indigenous biodiversity' chapter is against four criteria to test different aspects of 'appropriateness' as outlined below.

Criteria	Assessment
Relevance	<ul style="list-style-type: none"> <li>Is the objective directly related to a resource management issue?</li> <li>Is the objective focused on achieving the purpose of the RMA?</li> </ul>
Usefulness	<ul style="list-style-type: none"> <li>Will the objective help Council carry out its RMA functions?</li> <li>Does the objective provide clear direction to decision-makers?</li> </ul>
Reasonableness	<ul style="list-style-type: none"> <li>Can the objective be achieved without imposing unjustified high costs on Council, tangata whenua, stakeholders and the wider community?</li> </ul>
Achievability	<ul style="list-style-type: none"> <li>Can the objective be achieved by those responsible for implementation?</li> </ul>

Section 32 of the RMA encourages a holistic approach to assessing objectives rather than necessarily looking each objective individually. This recognises that the objectives of a proposal generally work inter-dependently to achieve the purpose of the RMA. As such, some of the objectives for the 'Ecosystems and indigenous biodiversity' chapter have been grouped in the evaluation below.

### 7.1 Evaluation of existing objectives

<p><b>Objective:</b> 12.2.3.1 To maintain and enhance the life supporting capacity of ecosystems and the extent and representativeness of the District's indigenous biological diversity.</p> <p>12.2.3.2 To provide for the protection of, and to promote the active management of areas of significant indigenous vegetation and significant habitats of indigenous fauna.</p> <p>12.2.3.3 To recognise issues of wellbeing including equity for landowners in selecting methods of implementation.</p> <p>12.2.3.4 To promote an ethic of stewardship..</p>	
<b>Relevance</b>	These objectives are relevant in that they generally address most key resource management issues relating to indigenous biodiversity. These objectives also cover a range of resource management issues stemming from sections 5 and 6 of the RMA including the use of language directly from sections 5(2)(b) and 6(c). However, the objectives do not provide any clear direction on the outcomes sought for indigenous biodiversity in the District, aside from broad references to protecting it and promoting active management. These objectives also do not give effect to the RPS with respect to supporting and enabling restoration or enhancement activities
<b>Usefulness</b>	While the objectives will assist Council carry out its RMA functions, the language used in the ODP is not entirely consistent with that used in the higher order statutory documents such as the NZCPS and the RPS. Further, the absence of specific language enabling the restoration or enhancement of significant natural areas is a gap in the objectives and does not support a subsequent policy framework that provides enabling pathways for SNA to be restored/enhanced.
<b>Reasonableness</b>	The ODP objectives provide a reasonable degree of flexibility, do not require SNAs to be identified, or impose strong avoid adverse effects approach for protecting SNAs. As such, the requirements and costs associated with the ODP objectives are considered to be reasonable.
<b>Achievability</b>	The broad and generic language used in the ODP objectives means it might be difficult

	to achieve protection and active management of SNAs as the objectives do not require SNA to be identified and protected in any specific way. Without clear direction on pathways to identify SNA it is not clear what the ODP objectives are intending to protect, or at what scale the protection would occur, which will make it difficult to achieve the full intent of section 6(c) of the RMA and the NRPS provisions relating to indigenous biodiversity.
--	---

**Overall evaluation**

The intent of these objectives is appropriate to achieve the purpose of the RMA and section 6(c). However the language used is no longer in line with the higher order statutory documents. Further, they do not provide any direction to identify SNA, which means the subsequent policy and rule framework will unlikely identify and protect SNAs in an effective manner consistent with than anticipated under section 6(c) of the RMA. Further, less intentional language such as ‘provide for’ and ‘recognise’ in objectives in relation to SNAs is unlikely to be effective to identify and protect SNA and achieve the purpose of the RMA.

## 7.2 Evaluation of proposed objectives

<b>Objective(s):</b>	
<p><b>IB-O1</b> Areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Areas) are identified and protected for current and future generations</p> <p><b>IB-O2</b> Indigenous biodiversity is managed to maintain its extent and diversity in a way that provides for the social, economic and cultural well-being of people and communities</p> <p><b>IB-O5</b> Restoration and enhancement of indigenous biodiversity is promoted and enabled</p>	
<b>Relevance</b>	<p><b>Directly related to a resource management issue</b></p> <p>Objectives IB-O1, IB-O2 and IB-O5 are directly related to achieving section 6(c) of the RMA, which states that the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna is a matter of national importance. The NZCPS and RPS also contain strong policy direction that areas of significant indigenous biodiversity should be identified and managed to ensure their protection. These three objectives work together to address the resource management issue of protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna by requiring identification of SNA, protection of that SNA, management of the SNA that takes into account the need to provide for the well-being of people and communities, and support for restoration and enhancement projects.</p> <p><b>Focused on achieving the purpose of the RMA</b></p> <p>The purpose of the RMA is the sustainable management of natural and physical resources as stated in section 5(2) of the RMA. In particular section 5(2)(a) requires that the potential of natural and physical resources be sustained to meet the reasonably foreseeable needs of future generations and section 5(2)(b) requires the life-supporting capacity of ecosystems to be safeguarded. Objectives IB-O1, IB-O2 and IB-O5 seek to achieve this purpose collectively, by specifying that SNAs require protection and indigenous biodiversity needs to be managed to ensure its extent and diversity is maintained. Restoration and enhancement projects also assist with sustainable management of SNAs and the maintenance of indigenous biodiversity overall.</p>
<b>Usefulness</b>	<b>Assists in addressing the identified resource management issue</b>

	<p>Identifying SNAs (as required by IB-O1) is a critical step in protecting significant areas of indigenous biodiversity in the long term. The most useful method to identify SNAs is to spatially identify and map them in a schedule of the district plan. This approach is also consistent with anticipated national policy direction through the NPSIB and best practice for the protection management of SNAs. IB-O1 requires the identification of SNAs but does not specify that these must be mapped and scheduled in the district plan, although this is encouraged where landowners agree. Instead, IB-O1 gives direction to subsequent policies that specify SNAs can be identified either through mapping, through voluntary means, or by assessing the ecological significance of indigenous vegetation using Appendix 5 of the RPS to determine the thresholds that apply and/or at the time a resource consent for indigenous vegetation clearance is applied for.</p> <p>It is acknowledged that there are some disadvantages in relying on significance criteria to identify SNA on a case-by-case basis (rather the district-wide mapping), in that it does not provide certainty on the location and extent of SNAs upfront and can lead to loss of significant indigenous biodiversity. However, given that there is upcoming national direction on how SNAs should be mapped and protected through the proposed NPSIB and no ground-truthing of the desktop SNA assessment, there is also risk in proceeding with a mapping process in advance of this national direction being gazetted. The option of mapping or use of criteria to identify SNA is a balanced approach that assists in meeting the obligations of the RMA and higher order documents (NZCPS, RPS), but postpones district-wide mapping of SNA until the proposed NPSIB is gazetted and the requirements are more certain. In this context, the direction of IB-O1 and implementing policies are considered useful to help protect SNAs for current and future generations.</p> <p>IB-O2 and IB-O5 also assist in the effective management of indigenous biodiversity by focusing on maintaining the extent and diversity of indigenous biodiversity and supporting its restoration and enhancement. IB-O2 is particularly useful from a pragmatic perspective as it recognises that the maintenance of the extent and diversity indigenous biodiversity still need to occur in a manner that provides for the social, economic and cultural well-being of people and communities. This objective is given effect to through the policies and rules that recognise that certain activities can and should continue while still maintaining indigenous biodiversity. This allows for the benefits of these activities (e.g. health and safety works, clearance to construct residential unit, infrastructure, papakāinga) to be realised while achieving the overall objectives to protect SNAs and maintain indigenous biodiversity.</p>
<p><b>Reasonableness</b></p>	<p><b>Consistent with desired community and iwi/Māori outcomes, and will not result in unjustifiably high costs on the community or parts of the community</b></p> <p>The initial approach to identifying SNAs was for these to be mapped and included in a schedule of SNAs in the PDP. The key feedback received from both the wider community and from iwi/hapū was that the process to identify and map SNAs was not robust enough and relied too heavily on desktop analysis without extensive ground-truthing. Due to the scale of the areas picked up in the initial SNA assessment, there was also significant concern around the over-reach of the rules that would accompany any SNA areas and what that would mean for the current use and future development aspirations for land. Other issues with the district-wide mapping approach included concerns about lack of recognition of Māori landowners being kaitiaki of their own land, further restrictions on the use of Māori land, concerns about consequential impacts on subdivision opportunities.</p> <p>The clear message from both the community and iwi/hapū in the District is that the SNA desktop mapping was not appropriate to protect SNAs without further refinement or ground truthing. The proposed approach driven by IB-O1 is a voluntary approach to encourage (but not require) landowners to include their SNA in a schedule in the PDP and by assessing the ecological significance of indigenous</p>

	<p>vegetation and habitats using Appendix 5 of the RPS when indigenous clearance above a certain threshold is proposed. Changing the focus from mandatory to voluntary SNA mapping through the PDP is considered to be more in line with desired community and iwi/Māori outcomes. It also reflects that current uncertainty about NPSIB requirements for SNA mapping.</p> <p>The trade-off for not mapping all SNAs in the District is that indigenous vegetation clearance thresholds need to be lowered in key zones (i.e. Rural Production and Māori Purpose zones) to ensure large areas of potential SNA are not able to be cleared as a permitted activity. It will also require more ecological assessments to be undertaken on a case-by-case basis to determine if an area is ecologically significant and the permitted thresholds for indigenous vegetation clearance that apply. This is necessary to achieve the direction of IB-O1 to 'identify and protect' areas of SNA, otherwise the subsequent rules would not be giving effect to IB-O1. There will be costs to the community and to Māori landowners resulting from the need to obtain more frequent resource consents for indigenous vegetation clearance and engage ecologists to assess the vegetation against the criteria in Appendix 5 of the RPS. However, these costs are not considered to be unjustifiably high, particularly as the alternative is having all SNA areas in the district mapped with extensive ground-truthing.</p> <p>Objectives IB-O2 and IB-O5 align well with community and iwi/hapū feedback as they acknowledge the need to provide for the social, economic and cultural well-being of people and communities through the activities anticipated within SNAs, and the need to support restoration and enhancement projects. Neither of these objectives are considered to impose unjustifiably high costs on communities or iwi/hapū.</p>
<p><b>Achievability</b></p>	<p><b>Ability to achieve the objective with the available powers, skills, and resources of councils</b></p> <p>The identification of SNAs required by IB-O1 using Appendix 5 of the RPS is achievable for Council, particularly as the draft SNA desktop maps prepared as part of the 2021 consultation process can be used as a starting point for identifying when an ecological assessment needs to be undertaken prior to or as part of a resource consent process. The use of indigenous vegetation clearance thresholds as a trigger for ecological assessments and consent requirements is a commonly used approach to identifying non-mapped SNA and Council staff are familiar with using these thresholds in a consenting context.</p> <p>Further, Council resources will be needed to support the collaborative, voluntary approach to identifying and mapping SNAs. In particular, landowners and iwi/hapū are likely to need support in terms of funding ecological assessments of areas to determine whether these are SNAs and Council will need to support the scheduling of SNAs through the Schedule 1 process.</p> <p>IB-O2 and IB-O5 are both able to be achieved within the available powers, skills and resources of Council as they will largely be given effect to by the new policies and rules in the 'Ecosystem and indigenous biodiversity' chapter and supporting non-regulatory methods. These objectives will translate into more support for activities at both the policy and rule level that have either a functional or operational need to occur in a SNA or will benefit the SNA from a restoration or enhancement perspective.</p> <p><b>An acceptable level of uncertainty and risk</b></p>

	<p>There is a high level of uncertainty and risk in not scheduling SNAs in the PDP under IB-O1, particularly as district-wide mapping of SNA is recognised as best practice to ensure these areas are protected. There is also a risk that not mapping SNAs in the PDP will be contrary to the requirements of the proposed NPSIB, which is likely to be gazetted during the Schedule 1 process for the PDP.</p> <p>However, there is also uncertainty as to how the proposed NPSIB will require SNAs to be identified and mapped and the effects management approach that will apply to mapped SNAs. Proceeding with district-wide SNA mapping and ground truthing prior to the proposed NPSIB being gazetted increases the risk that the PDP and proposed NPSIB will not align and significant rework will be required midway through the PDP Schedule 1 process. As such, the proposed approach to support the voluntary scheduling of SNAs over time, while reducing the indigenous vegetation clearance thresholds for ecological assessments and resource consent is considered to have a more acceptable level of risk in the short term. Once the proposed NPSIB is gazetted the requirements to map SNAs will be clear, and Council will be in a more certain and informed position to undertake district-wide SNA mapping and scheduling in accordance with the proposed NPSIB timeframes.</p> <p>NPSIB</p>
--	---

**Overall evaluation**

The above assessment concludes that the proposed objectives IB-O1, IB-O2 and IB-O5 are the most appropriate way to achieve the purpose of the RMA in terms of relevance, usefulness, reasonableness and achievability, and are preferred over the status quo.

**Objective(s):**

**IB-O3** The relationship between tangata whenua and indigenous biodiversity, including taonga species and habitats, is recognised and provided for.

**IB-O4** The role of tangata whenua as kaitiaki and landowners as stewards in protecting and restoring significant natural areas and indigenous biodiversity is provided for.

**Relevance**

**Directly related to a resource management issue**

The relationship between tangata whenua and indigenous biodiversity is a critical component of how indigenous biodiversity is managed as a taonga for future generations. Tangata whenua have a vested interest in how indigenous biodiversity is managed, both from the perspective of their role as kaitiaki of ancestral lands, water, sites, waahi tapu, and other taonga, but also as landowners of sites that contain significant areas of indigenous vegetation. The intention of objectives IB-O3 and IB-O4 is to explicitly recognise this relationship and set the foundation for implementing policies and rules that will allow tangata whenua to exercise their role as kaitiaki. The reference to landowners being stewards of indigenous biodiversity in IB-O4 recognises that the desire of a landowner to take responsibility for protecting indigenous vegetation and fauna habitat on their land is not limited to iwi/hapū. IB-O4 sets the direction for policies and rules that support initiatives from iwi/hapū, private landowners and community groups to drive restoration and enhancement projects that benefit indigenous biodiversity across the district.

**Focused on achieving the purpose of the RMA**

The overarching purpose of the RMA in section 5(1) is the sustainable management of natural and physical resources. Of more relevance to IB-O3 and IB-O4 is section 5(2), which states that *“sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being...”* (emphasis added). Explicitly recognising the relationship

	<p>between tangata whenua and indigenous biodiversity through objectives will enable tangata whenua to provide for their cultural well-being while still ensuring that the use of land containing indigenous biodiversity is managed sustainably. Similarly, recognising that all landowners have a role to play as stewards of land with indigenous biodiversity values supports future efforts from landowners to undertake restoration and enhancement projects, which will help achieve the sustainable management of indigenous biodiversity.</p>
<b>Usefulness</b>	<p><b>Assists in addressing the identified resource management issue</b></p> <p>Objectives IB-O3 and IB-O4 are useful in that they recognise that the responsibility for protecting and managing indigenous biodiversity in the District does not solely lie with the Council. It is useful to acknowledge the critical role that landowners, iwi/hapū and the wider community play in driving indigenous biodiversity protection and restoration, from individual actions taken at a landowner level, through to community or tangata whenua driven initiatives that achieve restoration or enhancement of indigenous vegetation and indigenous fauna habitat. This acknowledgement of shared responsibility at the objective level feeds into policies and rules that are enabling of restoration and enhancement projects, but also support provisions that recognise the need for Māori landowners to be able to use and develop their land through more enabling rules for papakāinga development in the Māori Purpose zone and Treaty Settlement overlay.</p>
<b>Reasonableness</b>	<p><b>Consistent with desired community and iwi/Māori outcomes, and will not result in unjustifiably high costs on the community or parts of the community</b></p> <p>One of the key messages received during the 2021 consultation on the Draft District Plan was that the relationship between tangata whenua and indigenous biodiversity needs to be specifically provided for. In particular, the scheduling and mapping of SNA and development of the rule framework needed to involve tangata whenua and there needs to be specific recognition of the need to use and develop Māori land. The introduction of IB-O3 and IB-O4 are a response to that community and iwi/hapū feedback, as well as a response to direction in both the NZCPS and RPS to recognise the role of tangata whenua as kaitiaki. As such, these objectives are considered consistent with desired community and iwi/Māori outcomes for more involvement in the management of indigenous biodiversity in the future.</p> <p>It is not considered that the objectives will result in unjustifiably high costs on the community or on parts of the community as they simply provide the recognition of the role that tangata whenua and landowners may have in protecting and restoring SNA, should they choose to engage in this role.</p>
<b>Achievability</b>	<p><b>Ability to achieve the objective with the available powers, skills, and resources of councils</b></p> <p>Council will need to actively recognise the relationship between tangata whenua and indigenous biodiversity through the PDP development process, any future alignment process with the proposed NPSIB, and through resource consent applications that impact indigenous biodiversity. To achieve this, Council may require an increase of capacity in this area to both upskill staff and provide support for restoration/enhancement projects and/or identification of SNAs. This will be particularly important when a collaborative approach to identifying SNAs is undertaken with iwi/hapū and/or landowners, as the financial burden for identifying the SNA from a technical perspective and taking it through the Schedule 1 process will largely fall to Council.</p> <p>In terms of the policy and rule framework that fall out of IB-O3 and IB-O4 (e.g. recognition of the need to use/develop Māori land, allowance for vegetation clearance for customary use, support for restoration/enhancement projects), Council is able to implement this framework using available powers, skills and resources, although upskilling in how to balance the need to protect indigenous biodiversity</p>

	<p>values with the need to enable the use and development of land to support the social, economic and cultural well-being of tangata whenua will likely be required.</p> <p><b>An acceptable level of uncertainty and risk</b></p> <p>It is considered that there is an acceptable level of uncertainty and risk with both IB-O3 and IB-O4. Although some of the key concepts (tangata whenua as kaitiaki, explicit support for restoration/enhancement) are not in the ODP provisions, they are well understood concepts and are supported by higher order documents (RMA, NZCPS and RPS), so there is little policy risk involved with these objectives</p>
<p><b><u>Overall evaluation</u></b></p> <p>The above assessment concludes that the proposed objectives IB-O3 and IB-O4 are the most appropriate way to achieve the purpose of the RMA in terms of relevance, usefulness, reasonableness and achievability, and are preferred over the status quo.</p>	



## 8 Evaluation of Provisions to Achieve the Objectives

### 8.1 Introduction

Section 32(1)(b) of the RMA requires the evaluation report to examine whether the provisions are the most appropriate way to achieve the objectives by:

- (i) *identifying other reasonably practicable options for achieving the objectives; and*
- (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
- (iii) *summarising the reasons for deciding on the provisions.*

When assessing the efficiency and effectiveness of the provisions in achieving the objectives, section 32(2) of the RMA requires that the assessment:

- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
  - (i) *economic growth that are anticipated to be provided or reduced; and*
  - (ii) *employment that are anticipated to be provided or reduced; and*
- (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

This section provides an assessment of reasonably practicable options and associated provisions (policies, rules and standards) for achieving the objectives in accordance with these requirements. This assessment of options is focused on the key changes from the status quo as outlined in the 'proposed management approach' in section 5.2 of this report. Each option is assessed in terms of the benefits, costs, and effectiveness and efficiency of the provisions, along with the risks of not acting or acting when information is uncertain or insufficient. For the purposes of this assessment:

- **effectiveness** assesses how successful the provisions are likely to be in achieving the objectives and addressing the identified issues
- **efficiency** measures whether the provisions will be likely to achieve the objectives at the least cost or highest net benefit to society.

The sections below provide an assessment of options (and associated provisions) for achieving the objectives in accordance with sections 32(1)(b) and 32(2) of the RMA.

### 8.2 Quantification of benefits and costs

Section 32(2)(b) of the RMA requires that, where practicable, the benefits and costs (environmental, economic, social and cultural) of a proposal are quantified. The requirement to quantify benefits and costs 'where practicable' recognises it is often difficult and, in some cases, inappropriate to quantify certain costs and benefits through section 32 evaluations, particularly those relating to non-market values.

As discussed in section 6.3 of this report, the scale and significance of the effects of proposed changes for the 'Ecosystems and indigenous biodiversity' chapter are assessed as being high. However, it is inherently challenging to quantify the benefits and costs associated with the protection of indigenous biodiversity and this is discussed in detail in the section 32 evaluation for the proposed NPSIB<sup>6</sup>. Therefore, exact quantification of the benefits and costs of the different options to achieve the objectives is not considered practicable for this topic through the PDP. Rather this evaluation focuses on providing a qualitative assessment of the environmental, economic, social and cultural benefits and costs anticipated from the provisions.

---

<sup>6</sup> Refer: [https://environment.govt.nz/assets/Publications/Files/npisb-section-32-evaluation\\_0.pdf](https://environment.govt.nz/assets/Publications/Files/npisb-section-32-evaluation_0.pdf)

### 8.3 Evaluation of options

Three options are evaluated below, which aim to maintain and protect areas of indigenous biodiversity throughout the District. The options are identifying SNAs and mapping in the PDP, rolling over the ODP provisions, or a third option (proposed approach).

The third option involves updating the policy and rule framework to better give effect to the NZCPS and the RPS, and so that SNAs can be identified either through a collaborative approach to mapping and scheduling SNAs or through the SNA being identified using Appendix 5 of the RPS and the requirement to undertake ecological assessment of indigenous vegetation to determine the permitted thresholds that apply and/or when resource consent is required.

#### 8.3.1 Option 1: Identifying Significant Natural Areas through mapping

<b>Option 1:</b> Significant Natural areas are identified and scheduled in the PDP, with land use and subdivision rules associated with these areas.		
<b>Benefits</b>	<b>Costs</b>	<b>Risk of acting / not acting</b>
<ul style="list-style-type: none"> <li>• Reduces the risks of significant indigenous vegetation and significant habitats of indigenous fauna not being identified and properly protected.</li> <li>• Enables greater strategic oversight and proactive protection and management of SNAs in the District.</li> <li>• Adds a level of specificity to managing effects on indigenous biodiversity as SNAs would be identified and known.</li> <li>• Allows for both landowners and Council staff to be aware of the location of SNAs and apply consistent policies and rules to these areas.</li> <li>• SNAs are identified in a consistent manner at District scale rather than in an ad hoc manner through resource consent process. This provides greater certainty to landowners and developers as to the location and extent of SNAs and may provide efficiencies over time and reduced costs/uncertainty for landowners and developers through the resource consent process.</li> <li>• Would allow for consistent processing of resource consents as the areas are easily identifiable.</li> <li>• May lessen the cost of a future SNA mapping process</li> </ul>	<ul style="list-style-type: none"> <li>• Increased resource consent costs for activities on land with a scheduled SNA (compared to the status quo).</li> <li>• Managing SNAs through a specific mapping layer would be a new approach and may require upskilling of staff, and potentially investing in in-house ecological expertise.</li> <li>• Although the SNA maps can draw on the draft SNA mapping, there will be further costs associated with ground-truthing the mapping, which could be significant given the high coverage of potentially significant indigenous vegetation (approximately 42%) across the District.</li> <li>• There may be social and cultural costs associated with mapping SNA, particularly as indications from community and tangata whenua engagement to date are that mapping SNA is not supported. A substantial investment in community engagement and a rethink of the approach to involving tangata whenua in the SNA mapping and subsequent</li> </ul>	<ul style="list-style-type: none"> <li>• There is uncertainty about the requirements for mapping in the proposed NPSIB and when this will be gazetted which presents a number of risks from both from a policy and community perspective. The risk of including SNA maps prior to the NPSIB being gazetted is that the methodology for mapping may not align with the proposed NPSIB requirements and require a significant amount of rework to give effect to the NPSIB. Depending on the timing of the proposed NPSIB gazettal, this could interrupt the PDP Schedule 1 process, causing delays, uncertainty and extra costs for both landowners and Council.</li> <li>• There are also risks of including maps of the SNA based on the current desktop assessment given the significant concerns raised about the SNA identification process from multiple interest groups and the wider community. Without an extended period of public engagement, ground-truthing and the confidence to say that the process aligns with</li> </ul>

<p>as the draft SNA mapping can be used as a starting point for refining the schedule.</p> <ul style="list-style-type: none"> <li>• Ensures that resource consents for vegetation clearance in a SNA are only required for properties that have scheduled SNA – means that there is less reliance on blanket indigenous vegetation clearance rules, higher permitted vegetation clearance thresholds for non-SNA land and likely fewer resource consent applications required overall.</li> <li>• Reduced debate and litigation through consenting processes as to whether a site is a SNA or not over time.</li> <li>• More consistent with direction in the NZCPS and RPS to protect SNAs, and the anticipated direction of the proposed NPSIB which will require district-wide mapping of SNAs.</li> </ul> <p><b><u>Economic growth and employment opportunities</u></b></p> <ul style="list-style-type: none"> <li>• May result in larger areas of indigenous biodiversity being protected and ecotourism or ecological employment opportunities arising from this.</li> </ul>	<p>rule framework development will be required.</p>	<p>national direction, there is a risk that the public push back against this overlay will undermine its effectiveness, even if it successfully makes it through the Schedule 1 process. Although there will be rules in the PDP controlling vegetation removal in a SNA, there also needs to be an element of public acceptance or buy in to the concept, otherwise there is a risk that widespread non-compliance will result in SNA areas being cleared further.</p>
<p><b><u>Effectiveness</u></b></p> <ul style="list-style-type: none"> <li>• The inclusion of SNA maps and associated land use rules in the PDP would be an effective way to achieve the objectives of the 'Ecosystems and indigenous biodiversity' chapter. It would make it clear to landowners and Council where the SNAs are located and make it easier for consent planners to apply the rule framework consistently across all SNAs. A strong protection framework for indigenous biodiversity based around mapping is an effective way to protect SNAs and retain and enhance areas of indigenous vegetation and indigenous fauna habitat across the District. However, the lack of public support and buy in for the SNA maps could undermine the effectiveness of the overlay as the scale of SNAs in the Far North (approximately 42% of the District) will make it difficult to monitor and ensure compliance with provisions.</li> </ul>	<p><b><u>Efficiency</u></b></p> <ul style="list-style-type: none"> <li>• Mapping SNAs is an efficient way to identify SNAs as it avoids a case-by-case assessment of indigenous vegetation through the resource consent process. It also ensures that SNA assessments are undertaken at the same time by the same team leading to efficiency gains compared to case-by-case assessments. Having a schedule of mapped SNAs in the PDP also improves the efficiency of the resource consent process as landowners will not be required to complete an ecological assessment each time they seek to remove indigenous vegetation over the permitted threshold. The key inefficiency of this option is the timing of the PDP (and the subsequent SNA maps) being notified prior to the gazettal of the proposed NPSIB. If the NPSIB specifies a mapping methodology that is not consistent with the approach taken by the Council, it is likely to require a significant amount of rework to align the SNA maps with the proposed NPSIB. Revisiting the justification for mapping areas of SNA within 12-18 months of notifying SNA maps would be a very inefficient use of time and resources for both Council and landowners and could</li> </ul>	

create significant engagement fatigue and resentment from affected parties.

**Overall evaluation**

On balance this option is not considered to be the most appropriate option to achieve the objectives because:

- The risk of the SNA mapping methodology not aligning or giving effect to the upcoming proposed NPSIB is significant and could result in a revisiting of all SNA maps either part way through the PDP Schedule 1 process or very soon after decisions on the PDP are made. This is an inefficient use of time and resources for both Council and ratepayers.
- The need to revisit the SNA areas soon after they are notified has the potential to undermine the limited public support there is for mapping as a concept, as the public are likely to either fully disengage or actively resist the future SNA mapping process.
- For SNA mapping to be successful, the Council needs to have the confidence that they are implementing the national direction contained in the proposed NPSIB and time needs to be taken to engage on SNA identification (particularly with tangata whenua) and to accurately ground truth contentious areas. None of this is able to be achieved prior to the notification of the PDP.

**8.3.2 Option 2: Status quo**

**Option 2:** Retain provisions of the Operative District Plan in relation to vegetation clearance thresholds by zone.

**Benefits**

- The controls would be well understood by plan users and Council staff.
- Would be able to operate ‘business as usual’ with little or no disruption to current consenting and compliance practice.

**Economic growth and employment opportunities**

- As this approach is the status quo, there is no economic growth anticipated from this approach.

**Costs**

- Would not give effect to higher order statutory documents, including the RPS and the NZCPS.
- Does not direct plan users to identify SNAs by either mapping them or using the Appendix 5 criteria in the RPS. This does not align with the direction of the RPS to identify and protect SNAs.
- Likely to result in the continued loss of potential areas of SNA over time, which has implications for available habitat for indigenous fauna, loss of ecosystem function and reductions in ecosystem diversity.
- Does not recognise or provide for more sensitive environments, such as the Coastal Environment. Not only is this inconsistent

**Risk of acting / not acting**

- There is a high level of certainty on the existing provisions as these have been implemented in the district for a number of years. No assessment of the risk of acting or not acting through the provisions is therefore required.

	<p>with the NZCPS and RPS but it also leaves indigenous vegetation and habitats for indigenous fauna vulnerable to clearance and development without a stronger policy and rule framework.</p>	
<p><b><u>Effectiveness</u></b></p> <ul style="list-style-type: none"> <li>As this would be a rollover of current provisions, there would be no change to the effectiveness of the management regime. There is little to no data on resource consents issued for vegetation clearance during the life of the ODP. However, there has been an overall trend of decline in indigenous biodiversity in the District which would suggest that the measures are not effective in protecting SNAs and maintaining indigenous biodiversity which are core functions of Council.</li> </ul>	<p><b><u>Efficiency</u></b></p> <ul style="list-style-type: none"> <li>A rollover of the ODP provisions would be an efficient way to manage the issue, as it requires no change to the current management approach, no upskilling of staff and no engagement with landowners to explain new provisions. However, it is not an efficient way to give effect to the objectives of the chapter in the PDP as it does not require identification of SNAs (either through mapping or criteria) and does not have a more stringent approach to protecting indigenous biodiversity in the Coastal Environment to give effect to the NZCPS and RPS.</li> </ul>	
<p><b><u>Overall evaluation</u></b></p> <p>On balance this option is not considered to be the most appropriate option to achieve the objectives because:</p> <ul style="list-style-type: none"> <li>It would not fully give effect to the statutory requirements of the RMA, RPS or the NZCPS.</li> <li>It would not achieve the objectives of the PDP, particularly with respect to SNA identification and protection, and achieving a more stringent framework for the protection of indigenous biodiversity in the coastal environment.</li> <li>It is the option with the greatest potential for ongoing indigenous biodiversity loss over the life of the PDP.</li> <li>It is the option with the greatest risk of being challenged through the Schedule 1 process, particularly from organisations seeking to protect and enhance indigenous biodiversity.</li> </ul>		

### 8.3.3 Option 3: Proposed approach

**Option 3:** Policy framework designed to give effect to the NZCPS and the RPS, rule framework allows for SNAs to be identified either through a collaborative approach to mapping and scheduling SNAs or through the SNA being identified using Appendix 5 of the RPS through requirements for ecological assessments when indigenous vegetation clearance above certain threshold is proposed and/or resource consent is required. Refer to section 5 for a more detailed overview of the proposed approach.

<b>Benefits</b>	<b>Costs</b>	<b>Risk of acting / not acting</b>
<ul style="list-style-type: none"> <li>• This approach better meets statutory obligations under the RMA and better gives effect to the RPS and the NZCPS.</li> <li>• It allows for a collaborative approach to identifying, mapping and scheduling SNAs, involving landowners, iwi and hapū, Council and ecologists.</li> <li>• Strikes a balance between the need to identify and protect SNAs and the need to engage with landowners/iwi/hapū and get buy in to the approach. This recognises that imposing mapped and scheduled SNA on unwilling and unsupportive landowners is unlikely to have positive indigenous biodiversity outcomes.</li> <li>• Landowners benefit from not having an additional overlay on their land in terms of perceived encroachments on property rights.</li> <li>• Avoids the cost of additional ground-truthing of SNA areas at this stage, while acknowledging that this is a short-term saving in exchange for a more protracted and piecemeal identification of SNAs through the resource consent process.</li> <li>• Ensures that time and resources are not spent in ground-truthing the draft SNA maps in advance of the proposed NPSIB being gazetted. This will avoid costly rework of SNA maps and/or changes in methodology to align with the new national direction on indigenous biodiversity and will allow Council to comprehensively</li> </ul>	<ul style="list-style-type: none"> <li>• Requires continual input from consent staff at Council, landowners, iwi/hapū and ecologists to both identify a SNA through the RPS criteria in the first instance and potentially add it to the schedule of SNAs in the PDP. The ongoing cost of this case-by-case assessment when indigenous vegetation clearance over certain threshold is proposed may be less than up-front cost of ground-truthing SNA maps and funding an intensive engagement programme with landowners/iwi/hapū. However, the ongoing consenting and ecological assessment costs will continue over the life of the PDP and are ultimately expected to be substantially higher than the one-off SNA mapping approach.</li> <li>• Likely to result in a larger number of resource consent applications for indigenous vegetation clearance compared to both Options 1 and 2. There will be more consents required than under Option 1 as the indigenous vegetation clearance thresholds will be the primary means to trigger an assessment of indigenous vegetation against the SNA criteria in the RPS and/or require resource consent. There will also be more resource consents than under Option 2 as the vegetation clearance thresholds for the Rural Production and Māori</li> </ul>	<ul style="list-style-type: none"> <li>• There is some uncertainty about how the provisions will be implemented, particularly voluntary scheduling of SNAs and using indigenous vegetation clearance thresholds to require assessments of ecological significance, which presents a number of risks.</li> <li>• The key risk associated with this option is that few SNAs will be scheduled because the process is voluntary and relies heavily on collaboration between multiple parties over a number of years to develop a schedule of SNAs in the PDP. As evidenced by the operative provisions, there is little appetite from landowners to voluntarily schedule SNA. However, the provision for 'environmental benefit' subdivision incentives whereby landowners get additional subdivision rights for scheduling and protecting SNAs may help to mitigate this risk.</li> <li>• There is risk that notifying an 'Ecosystems and indigenous biodiversity' chapter that does not propose to identify and map SNAs will face significant challenges through the Schedule 1 process from organisations that seek to promote strong protection of indigenous biodiversity.</li> </ul>

<p>give effect to the NPSIB with all information and guidance about implementation once it is available.</p> <ul style="list-style-type: none"> <li>• The requirements for ecological assessments when indigenous vegetation clearance above certain threshold is proposed will result in greater identification and protection of SNAs that status quo.</li> <li>• The rules achieve a balance between protecting SNAs and providing a permitted pathway for indigenous vegetation clearance associated with certain activities that are essential and/or important to economic, social and cultural well-being. This includes clearance to establish a residential unit and associated infrastructure (up to 1,000m<sup>2</sup> of clearance), to address health and safety, for new tracks and fences, to maintain existing infrastructure, and to clear regenerating indigenous vegetation less than 10 years old.</li> <li>• The provisions provide a more enabling framework for indigenous vegetation clearance within SNAs for papakāinga within the Māori Purpose zone, Treaty Settlement overlay and Rural Production zone. This will have cultural benefits to tangata whenua.</li> <li>• The provision for ‘environment benefit’ subdivisions will have the dual benefit of scheduling and protecting SNAs while also providing landowners with economic benefits through the ability to subdivide their land which would not otherwise exist.</li> </ul> <p><b><u>Economic growth and employment opportunities</u></b></p> <ul style="list-style-type: none"> <li>• The protection and maintenance of indigenous biodiversity may have positive effects on economic growth and employment opportunities through tourism and the sustainable use of natural resources (i.e. honey production). There will also be additional work for ecologists as ongoing ecological assessments will be required for resource consents for indigenous vegetation clearance.</li> </ul>	<p>Purpose zones have been lowered to ensure more indigenous vegetation is assessed in terms of its ecological significance before it is cleared.</p> <ul style="list-style-type: none"> <li>• Relies on successful collaboration between parties to agree on the scheduling of SNAs. This increases the likelihood that SNAs will not be added to the schedule voluntarily and that they will not receive the same level of protection as they would under Option 1, which will have an environmental cost (less identification and protection of SNAs).</li> <li>• Relies primarily on non-statutory methods to incentivise protection which will require buy-in from other parts of Council (i.e. with funding mechanisms through the Long Term Plan), as well as from the wider community.</li> </ul>	
---	---	--

**Effectiveness**

- Provisions that require identification of SNAs (either through voluntary mapping or using the RPS criteria) will be more effective than the ODP provisions in meeting the objectives as there are currently no operative provisions which require identification or protection of SNAs. However, the effectiveness of this approach could be undermined by the unwillingness of landowners to collaborate on identifying and mapping SNAs and/or widespread non-compliance with the indigenous vegetation clearance ecological assessment and consenting thresholds.
- Identifying SNAs by using the RPS criteria when indigenous vegetation clearance is proposed over certain threshold (100m<sup>2</sup> per calendar year) will ensure more SNAs are identified and protected. This is considered the most effective option in the absence of robust district-wide SNA mapping.
- The rules achieve a balance between protecting SNAs and providing a permitted pathway for indigenous vegetation clearance associated with certain activities that are essential and/or important to economic, social and cultural well-being. This is considered to be the most effective approach to achieve the objectives which seek to protect SNAs and maintain indigenous biodiversity in a way that provides for the social, economic and cultural well-being of people and communities.
- The more stringent indigenous vegetation clearance thresholds in the Coastal Environment will more effectively meet the requirements of the NZCPS, RPS and the objectives of the PDP.

**Efficiency**

- The addition of SNAs to a schedule in the PDP through a voluntary process is not the most efficient way to meet the objectives of the PDP. It will require a large amount of input from a number of parties over a number of years and there is no guarantee that any collaborative process will ultimately result in SNA being mapped and scheduled. It is also less efficient from a time and resources perspective as it pushes the cost of identifying SNA onto landowners who wish to clear indigenous vegetation from their land. It may therefore lead to an inefficient, piecemeal approach to identifying SNAs.
- The other main inefficiency relates to the case-by-case assessment of ecological significance when indigenous vegetation clearance is proposed over a certain threshold (100m<sup>2</sup>) rather than upfront through the PDP. This also has the potential to result in inefficiencies through subsequent consenting processes, greater debate about the ecological significance of indigenous vegetation, and greater compliance and enforcement issues as it will be more difficult to determine whether an area is a SNA and what rules apply.
- However, there is also a significant risk that the alternative option (district-wide mapping of SNA as part of the PDP process under Option 1) is more inefficient when the uncertainty about the content and direction of the proposed NPSIB is factored in. Needing to repeat a district-wide mapping process soon after it is completed as a result of the NPSIB gazettal is likely be more inefficient (as discussed in more detail under Option 1) than Option 3.
- When the efficiencies of Option 1 and 3 are compared, it is considered that Option 3 is the more efficient of the two – in the short term it will provide adequate (but not best practice) protection of SNAs, but this is an acceptable outcome knowing that SNAs will likely be required to be mapped and scheduled at some point in the near future once the NSPIB is gazetted. As such, Option 3 provides an appropriate approach to protect SNAs until such time as the District-wide SNA mapping/scheduling process can be revisited with confidence by the Council in light of the NSPIB requirements.

**Overall evaluation**

On balance this option is considered to be the most appropriate option to achieve the objectives because:

- It gives effect to the direction of the RMA, NZCPS and RPS.
- It recognises landowner, iwi/hapū and wider community concerns with the approach to SNA mapping to date, and delays that process being revisited until such time as there is national direction in effect under the RMA to guide the process.
- It only impacts landowners who have aspirations to clear and develop land containing indigenous vegetation – it has no impact on landowners who have no future



plans to clear indigenous vegetation and avoids these landowners having an overlay on their property (in the short term).

- It imposes the cost of confirming whether indigenous vegetation meets the criteria to be a SNA on the individual landowners who are seeking to benefit from its removal.
- It will require more ecological assessments of the significance of indigenous vegetation when clearance is proposed which will then determine which rules and consent thresholds for clearance apply. This is a trade off in exchange for SNA not being mapped – to achieve adequate protection of potential SNA the thresholds for ecological assessment must be lower so more indigenous vegetation clearance projects are assessed against the SNA criteria in the RPS prior to clearance. This is needed to ensure better protection of SNAs consistent with Council’s obligations under section 6(c) and the RPS.
- The rules achieve a balance between protecting SNAs and providing a permitted pathway for indigenous vegetation clearance associated with certain activities that are essential and/or important to economic, social and cultural well-being. This is considered to be the most effective approach to achieve the objectives which seek to protect SNAs and maintain indigenous biodiversity in a way that provides for the social, economic and cultural well-being of people and communities.
- The proposed approach includes incentives (e.g. environment benefit subdivision rules) and Council support (e.g. assistance with ecological assessments) for landowners to schedule and protect SNAs on their land.
- It imposes more stringent vegetation clearance thresholds in the Coastal Environment to give effect to clear policy direction in the NZCPS and RPS.

## 9 Summary

An evaluation of the proposed objectives and provisions for the 'Ecosystems and indigenous biodiversity' chapter has been carried out in accordance with section 32 of the RMA. This evaluation has concluded that the objectives are the most appropriate way to achieve the purpose of the RMA and the provisions are the most appropriate way to achieve the objectives for the following reasons:

- The provisions apply a more stringent policy and rule framework to indigenous biodiversity in the Coastal Environment.
- The approach recognises the public stance on identifying SNAs on private land, and aims to encourage a collaborative, voluntary approach towards identifying and scheduling SNAs. The approach to district-wide SNA mapping can then be revisited once the NPSIB is in effect and the SNA mapping requirements are more certain.
- The indigenous vegetation clearance thresholds in the rules and policy requirements to assess ecological significance provides a means to ensure the ecological significance of indigenous vegetation is assessed prior to clearance being undertaken over a specified threshold. This is a trade off in exchange for SNA not being mapped – to achieve adequate protection of potential SNA the thresholds for ecological assessment must be lower so more indigenous vegetation clearance projects are assessed against the SNA criteria in the RPS prior to clearance. This will ensure better protection of SNAs consistent with Council's obligations under section 6(c) and the RPS.
- The rules achieve a balance between protecting SNAs and providing a permitted pathway for indigenous vegetation clearance associated with certain activities that are essential and/or important to economic, social and cultural well-being. This is considered to be the most effective approach to achieve the objectives which seek to protect SNAs and maintain indigenous biodiversity in a way that provides for the social, economic and cultural well-being of people and communities.
- The proposed approach includes incentives (e.g. environment benefit subdivision rules) and Council support (e.g. assistance with ecological assessments) for landowners to schedule and protect SNAs on their land.
- The provisions apply a more stringent policy and rule framework to indigenous vegetation clearance in the Coastal Environment consistent with the requirements in the NZCPS and RPS.