




**KAIPARA
DISTRICT**
PLAN REVIEW

AUGUST 2021



Kaipara District Plan Review
Discussion Document

Ecosystems and Indigenous Biodiversity

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BACKGROUND

Ecosystems and Indigenous Biodiversity includes all the plants and animals that occur naturally in the area and have evolved or arrived without any assistance from humans. Our Ecological and Indigenous Biodiversity in the Kaipara District is unique and special and includes significant areas of indigenous forest, shrubland, wetlands, dune lakes and dunelands of high ecological value. These habitats support a unique range of plants and animals, including many species classified as 'Threatened' and 'At Risk'. The Kaipara Harbour (the largest harbour in the Southern Hemisphere) provides a nationally and internationally important habitat for migratory and non-migratory bird species.

Currently, 9.4% of the Kaipara District land shown in the Operative District Plan is being protected by either a conservation covenant under the Reserves Act 1977 or a Queen Elizabeth Trust covenant and less than 16% of our unique Kaipara ecosystems remain. As a result, remaining natural areas are valuable and may require greater protection.

Section (6c) of the Resource Management Act 1991 (RMA) requires district councils to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (commonly referred to as Significant Natural Areas or SNAs). The management approach in

the Regional Policy Statement for Northland 2016 (RPS) sets out a tiered protection structure, with the highest level of protection provided to ecosystems, habitats and species most at risk of irreversible loss. The RPS also recognises that regulation only plays a partial role in safeguarding and enhancing SNAs and that councils should support voluntary efforts of landowners, Mana Whenua and community groups to protect, restore or enhance biodiversity values.

The benefits of identifying and protecting SNAs in a district plan mean that these areas will not be further degraded by land-use and subdivision development, for example through vegetation clearance or earthworks. However, as Central Government is still developing provisions for biodiversity protection through the National Policy Statement for Indigenous Biodiversity (NPS IB), Council has paused any further SNA work until the NPS IB is finalised. Central Government will be consulting on this document towards the end of this year, and Council will use this opportunity to encourage Central Government to find pragmatic solutions that meet the needs of Mana Whenua, communities and stakeholders.

KEY ISSUES

Section 75(3)(c) of the RMA requires district plans to give effect to the RPS for the region. However, the Operative Kaipara District Plan was developed before the RPS was made operative, so it does not give effect to the SNA related provisions of the RPS. In particular, the Operative District Plan does not fully apply the criteria set out in Appendix 5 of the RPS for identifying these areas.

The Operative District Plan contains a chapter on Ecological Areas but only areas managed by the Department of Conservation as well as a few Kaipara District Council forests are identified. This covers about 35,000ha of conservation land. It does not include Council covenants or QEII covenants that were created mainly through environmental benefit lot subdivisions. An environmental benefit lot subdivision is a lot that has been created for the legal protection of an area of indigenous vegetation or wetland.

IWI INTERESTS AND IWI MANAGEMENT PLANS

Nga Ture mo te Taiao o Te Roroa 2009

- The effects and importance of biodiversity are emphasised throughout this document. Chapter 9 (Biodiversity) deals with the loss of biodiversity and ways to curb the loss through both incentives and rules. Plantation forestry and bio-prospecting (ecosystem services) are also discussed.

Te Uri o Hau Kaitiakitanga o te Taiao 2011

- This plan includes a provision to protect the biodiversity of the marine and coastal area, and the Kaipara and Mangawhai Harbours through sustaining the mauri of ecological systems within harbours and estuaries in accordance with Te Uri o Hau customary practices and lore.
- Item 38 focuses on biodiversity, with the aim to achieve Te Uri o Hau hapū, marae and whānau participation in the management of indigenous biodiversity within the statutory area of Te Uri o Hau.
- Part 5 Management of Natural Resources includes matters on plantation forestry

SUMMARY OF THE OPERATIVE DISTRICT PLAN PROVISIONS

Issues identified for the Kaipara Harbour are identified in section 4.3.8 of the Operative District Plan and includes adverse impacts on ecological values and habitats. Chapter 6 (Ecological Areas) includes an issue, policy and method related to ecological areas. Chapter 18 (Landscapes and Natural Features) includes a policy related to voluntary protection and there is a method in both the Rural and Residential Zones to promote voluntary protection mechanisms. Appendix 25G – Assessment of Ecological Significance – provides criteria for assessing ecological features. Additional details are included in Appendix 1.

THINGS TO THINK ABOUT

The content of a district plan ranges from fulfilling legal requirements made by Central Government and regional councils, to proposing specific provisions that meet the needs of our District and its communities.

Council has not formed any views regarding possible changes to management/protection of Significant Natural Areas (SNAs) within the Kaipara District. Presently (August 2021), we are awaiting further direction from Central Government, as we currently have no direction about the potential requirements in the NPS IB and what this might mean for the district plan review.

Regardless of any potential future provisions in the new District Plan, Council does consider that there would be merit in supporting Mana Whenua, landowners and the community to protect and enhance indigenous biodiversity through co-operation and a range of non-statutory options and protection mechanisms.

NEXT STEPS

Until Central Government develops the NPS IB and it becomes legally operative, Council will not undertake any further work regarding the identification of SNAs. Kaipara District Council and our communities need further clarity around the processes and next steps (including consultation requirements) for this important work.



APPENDIX 1

RELEVANT LEGISLATION AND NATIONAL DIRECTION

Resource Management Act 1991	
Part 2 Section 6(c)	The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna is identified as a matter of national importance.
Part 2 Section 7(d)	Requires decision makers to have particular regard to the intrinsic values of ecosystems.
Section 30(1)(c)(iia)	Regional councils are responsible for the maintenance and enhancement of ecosystems and coastal water.
Section 30(1)(ga)	Regional councils are responsible for the establishment, implementation, and review of objectives, policies, and methods for maintaining indigenous biological diversity.
Section 31(1)(b)(iii)	Territorial authorities are responsible for the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of the maintenance of indigenous biological diversity.
Part 5 Section 74	Standards, policy statements and plan (matters to be considered by territorial authority).
Part 5 Section 75	Standards, policy statements and plan (contents of district plans).
National Policy Statement	
Proposed National Policy Statement on Indigenous Biodiversity	The Proposed National Policy Statement on Indigenous Biodiversity (NPS IB) is presently under development by central government. It is likely to require all local authorities to identify and preserve Significant Natural Areas, as signalled in the draft released in early 2020.

REGIONAL GUIDANCE

Regional Policy Statement for Northland	
Issue 2.2 – Indigenous ecosystems and biodiversity	The key pressures on Northland's indigenous terrestrial, freshwater, and coastal marine ecosystems and species include: (d) Fragmentation, loss and isolation of populations and communities of indigenous species due to habitat loss, land use changes and vegetation clearance.
Policy 4.4.1 - Maintaining and protecting significant ecological areas and habitats	Avoid, remedy or mitigate adverse effects on indigenous vegetation.
Method 4.4.3 – Statutory plans and strategies	Subject to Method 4.4.3(3), within two years after the Regional Policy Statement becomes operative district councils are required to amend district plans 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: (a) controls on the disturbance of land and the clearance of vegetation; and (b) controls on the introduction or keeping of species with recognised pest potential.
Appendix 5 (criteria)	Areas of significant indigenous vegetation and significant habitats of indigenous fauna in terrestrial, freshwater and marine environments.
Proposed Regional Plan for Northland (Appeals Version - August 2020)	
Policy D.2.16 (2)	Managing adverse effects on indigenous biodiversity (noting that this is for areas outside the coastal environment).
Policy D.2.17	Managing adverse effects on land-based values and infrastructure.
Policy D.2.18	Precautionary approach to managing effects on significant indigenous biodiversity.

OPERATIVE KAIPARA DISTRICT PLAN 2013 - RELEVANT PROVISIONS

Resource Description 2.1.1- Natural and Physical Resources (Ecology)	Ecological values in the District are based on ecological districts as summarised in protected natural area reports prepared by the Department of Conservation.
4.3 – Significant Issues for Environment Overlay Areas	Sensitive area overlays such as the coast and the harbours provide for the preservation of ecological areas.
4.3.8 (Kaipara Harbour)	Land use and development on the catchment of the Kaipara Harbour contributes significantly to the social and economic wellbeing of the community. However, some activities in the catchment have the potential to degrade the values of these sensitive environments, and may result in: <ul style="list-style-type: none"> • loss of public access to and along the harbour; • adverse impacts on ecological values and habitats; • changes to landscape; • loss of amenity values; • loss of cultural and heritage sites; and • degradation of water quality.
Objective 4.4.9 (Kaipara Harbour)	To recognise and provide for the protection of habitats and ecological values.
Chapter 6 – Ecological Areas 6.1 – Introduction	Most of the major ecological areas are in Crown ownership and held for conservation purposes. The Crown estate which is managed by the Department of Conservation stands at around 20,000 hectares. This represents about 8% of the total land area in the district.
6.4 – Ecological Area Issues	Issue 6.4.1 – Unsustainable land development or land use activities adjacent to or on lakes, rivers and coastal margins or within the catchments of these environments can result in loss or degradation of significant ecological areas.
Policy 6.6.5	By providing incentives in the Plan which encourage measures to protect and enhance indigenous vegetation and habitats of indigenous species.
Method 6.7.2.3	The Council will progressively develop guidelines to assist landowners in the protection and enhancement of ecological areas.
Rural Zone Method 12.7.2.4 and Residential Zone Method 13.7.2.4	Promotion of voluntary protection mechanisms regarding heritage, ecological and landscape areas/items (e.g. Biodiversity fund and Heritage Assistance Fund) as identified in the Kaipara District Council's Annual Plan and Long Term Plan.
Chapter 18 - Landscapes and Natural Features	Policy 18.6.4 – To encourage the voluntary protection and enhancement of Outstanding Natural Landscapes recognising the benefits afforded to the wider community by these actions.
Appendix 25G	Assessment of Ecological Significance (provides the criteria for assessing the ranking of ecological features).



Private Bag 1001
Dargaville 0340
Freephone: 0800 727 059
districtplanreview@kaipara.govt.nz
www.kaipara.govt.nz/kaipara-district-plan

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