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4.0 NATURAL HERITAGE

4.1 INTRODUCTION

Purpose

This chapter considers the issues and sustainable management of the natural heritage resources of the Gisborne District, including:

- natural character of the Coastal Environment, wetlands, lakes and rivers and their margins;
- outstanding natural features and landscapes;
- areas of significant indigenous vegetation and significant habitats of indigenous fauna; and
- ridgelines of the Gisborne urban area; and
- intrinsic values of ecosystems, including indigenous biodiversity

How this chapter works

Six overlays have been developed in order to identify areas known to have significant or particularly vulnerable natural heritage values. They are not intended to encompass all natural heritage values and are not the sole measure of significance in the Gisborne District. The overlays are:

- Outstanding Landscape Areas (in the Coastal Environment);
- Coastal Environment;
- Protection Management Areas;
- Ridgelines of the Gisborne urban area;
- Riparian Management Areas; and
- Wetlands

Riparian Management Areas and wetlands are defined in the glossary. The first four overlays have been mapped. However, only those outstanding landscapes in the Coastal Environment have been identified. The inclusion of inland landscapes is under consideration. Policies and rules addressing the sustainable management of the District's natural heritage resource pertain to each of the above general overlays. This chapter also includes policies and rules which apply to all areas, irrespective of any particular overlay.

*Refer to Urban &
Rural planning
maps &
Appendix 7, 8*

The complexity and site-specific nature of natural heritage values mean that prescriptive standards to manage adverse effects are not possible for many activities. However, the chapter does include some standards based upon the assumption that activities satisfying these will not lead to any adverse effects on the natural heritage resource which cannot be avoided, remedied or mitigated.

Introduction to Natural Heritage Issues

Many of the natural heritage values of the Gisborne District have been diminished as a result of historic land clearance practices and an underlying unstable geology.

Despite early reports of the damage indigenous deforestation was causing throughout the district, deforestation continued throughout much of this century to a point where erosion in the Gisborne District is viewed as some of the worst in the world.

The same push for improved pastoral productivity that led to massive erosion throughout the district has resulted in an almost complete loss of indigenous vegetation from many parts of the district.

In particular, the most productive classes of land (Land Use Capability (LUC) classes I, II, III and IV) now seldom contain areas of native vegetation. Although many landowners have taken steps to protect individual pockets of native bush, much of the remaining indigenous vegetation in the District is restricted to small remnants of questionable viability and is often subject to grazing pressure.

The District's landscape is dominated by a topography based upon very recent and weak geologic materials. Processes such as marine erosion, uplift and earthquakes have moulded these materials to leave a terrain of steeply sided hills, sea cliffs and narrow valleys. Much of the landscape is characterised by on-going productive use. The more remote areas to the west show less sign of this and are more dominated by their natural character.

Refer to
Appendix 9

Prior to the arrival of Europeans the vegetation of the district was characterised by lowland podocarp forests and fern inland giving way on the coast to fernland and forests of pohutukawa, karaka, tawa, puriri, kohekohe, wharangi and tawapou. In early European times much of the Poverty Bay flats were covered by stands of cabbage tree, kahikatea, and puriri. There were numerous but small lowland raupo wetlands. Today many of these species have been lost from arable lowlands or can only be found in remnant forest patches such as Grays Bush, or in remote areas such as the Raukumara ranges. The wetlands have almost all been drained.

The East Coast has a high rate of regenerating secondary bush such as manuka and kanuka. A depressed economy, particularly to the north of the district, has meant that land once cleared for pastoral use has tended to revert. Throughout much of the north of the district regenerating bush is a distinctive feature of the character of the area.

Natural heritage resources are valued differently among the District's communities. In particular, the value of manuka and kanuka species is questioned. Some, for example, regard manuka and kanuka species as being valuable in their own right, as well as for the hardwood they provide for crafting durable wares. Others share the view that the economic cost of manuka and kanuka far outweigh any benefits that accrue from their protection.

Market trends over recent years and the introduction of crown subsidies for forestry planting through the East Coast Forestry Project, mean that land now regenerating to scrub may again be cleared, this time to be replanted in plantation forestry. The visual effects of any change in vegetation type are likely to be considerable because the colour, form and scale will differ markedly from indigenous vegetation. The social, economic and cultural well being of some rural communities may be reliant upon the potential economic benefits brought by converting reverting areas to other land uses. However, there is great potential for a loss of ecological integrity, areas of significant vegetation and significant habitats through vegetation clearance and the creation of small pockets of indigenous habitat that are isolated from seed sources.

Apart from the Raukumara Ranges, the widespread historic destruction of indigenous habitat has resulted in a reduction in populations of indigenous bird species in the district. Surviving bird species are generally shore birds or birds of wetland - estuary-scrub margin habitat, although some more adaptable species like tui, are still relatively abundant. Weka habitat is particularly scarce and following Cyclone Bola weka survival in the district has not been certain. Only 2000 - 3000 individuals are thought to remain in the North Island.

Although weka depend on wetland habitat, the majority of wetlands once common in the district have been degraded through drainage and development. The wetlands that remain, although modified, are significant because there are so few of them.

The rivers, arable flats and coast of the Gisborne District are often the ultimate receiving environment for the off-site effects of land uses.

These effects include stormwater run-off and soil leachate from cleared land, high sediment loadings in water bodies and on river flats from erosion prone hill country, non-point discharges of agricultural or horticultural chemicals and effluent. The deterioration of in-stream and coastal water quality impacts upon the habitat values of rivers and the coastal marine area, and also upon the community's ability to enjoy and utilise the coast and other waterbodies. Riparian vegetation can provide a crucial buffer between the adverse effects of land uses and instream or coastal water quality by impeding stormwater run-off and sediment loadings, and by regulating in-stream temperatures, for example. Riparian vegetation (particularly indigenous riparian vegetation) can also possess significant natural heritage values, including habitat and natural character values. The District's indigenous riparian vegetation is vulnerable to clearance for primary production such as forestry and pastoral grazing.

Exotic animals have thrived in the Gisborne District, in part as a consequence of pastoral farming but also through deliberate and accidental liberations. Trout are found in many of the District's rivers and streams, particularly in headwaters within the Raukumara Conservation Park and Te Urewera National Park. Game species such as trout, waterfowl, deer, pigs and goats are valued for recreation and food purposes, however they may also have adverse effects on indigenous fauna and their habitat. In particular goats, pigs, deer and possums are major threats; goats through destruction of small shrubs and grasses, particularly on steep and eroding land; and possums have a devastating impact on mature trees such as Pohutukawa.

4.2 ISSUES

4.2.1 Loss or degradation of the natural heritage resource of Gisborne District through inappropriate subdivision, use and development. In particular, natural heritage resources such as landscape, natural character, areas of significant indigenous vegetation and significant habitats of indigenous fauna, and biodiversity have a potential to be further diminished through inappropriate land use. In some areas natural heritage resources have been depleted. Without intervention many of these areas may not be available to future generations.

4.2.2 Land use activities may directly or indirectly have adverse effects on the quality of water bodies or the Coastal Marine Area (CMA). In particular, activities that occur in upstream catchments or immediately adjacent to waterbodies or the CMA can diminish the natural heritage values of the aquatic systems these places support.

4.3 OBJECTIVES

1. The maintenance and, where appropriate, enhancement of the abundance, distribution range and diversity of the Gisborne District's indigenous flora and fauna.
2. Protection of areas of significant indigenous vegetation, significant habitats and outstanding natural features and landscapes.
3. Protection of the quality of water, wetlands and aquatic habitats, and the preservation of the natural character associated with lakes, rivers, wetlands and their margins, and the Coastal Environment of the Gisborne District.

Principal reason (1): Historic and current land use has reduced the quantity of intact indigenous vegetation in the district. Indigenous fauna has been lost from the district. The district contains considerably less biological diversity now than it has ever had in the past. Any further loss of diversity would be inconsistent with sustainable management.

On the flats and lowlands the main sources of indigenous biodiversity exist predominantly as isolated stands, often subject to grazing pressure from farm animals or other adverse effects.

Without recognition of the need to plan long term for these areas, and the need for physical links between them, the biodiversity supported by such areas could be lost. This objective does not discount the possibility of achieving sustainable management through recognition of mitigation and remedy.

Principal reason (2): Sections 6(b) and 6(c) of the Act require the protection of these areas. The restatement of these matters of national importance as objectives is entirely consistent with the Act and serves as a valuable target for the policies that follow.

Principal reason (3): One of the main functions of a District Council is achieving the integrated management of the effects of the use of the natural and physical resources of the district. Ensuring that water quality and natural character issues are addressed in the plan not only satisfies Section 6(a) of the Act, but also ensures integration between the Council's regional and district functions and activities on land, and effects in water.

4.4 POLICIES

1. To provide for protection management of areas of significant indigenous vegetation and significant habitats of indigenous fauna; particularly those poorly represented within ecological districts and those that are rare or threatened¹. Regard to the following will be had when preparing plans or considering applications for plan changes, resource consents or designations that may affect Protection Management Areas:
 - the location of the area; in particular where associated with dunelands, estuaries or freshwater wetlands; or where part of a succession of natural habitats;
 - the size and shape, to encourage the creation of large Protection Management Areas where appropriate;
 - the extent and composition of indigenous vegetation, the naturalness, diversity and any pattern within the area, recognising the ecosystems located across a succession of natural habitats (such as riparian areas, foreshores, soil gradients and coast to mountain forest sequences), or in areas which experience occasional stress events (such as seasonal wetlands, slip faces, exposed headlands) are likely to be more diverse than elsewhere; *and*
 - the presence of threatened indigenous species or species unique to the district, and the importance of breeding, feeding, roosting or loafing areas used by threatened indigenous fauna on a regular or annual basis;

¹ "threatened" means plant or animal species identified as threatened in any of the following three Publications:

- IUCN 1996. Rec List of Threatened Animals, IUCN, Gland, Switzerland.
- Molloy, J. and A. Davis for Department of Conservation (2nd ed. Collated by C. Tisdall), 1994 Setting Priorities for the Conservation of New Zealand's Threatened Plants and Animals, Department of Conservation, Wellington.
- Cameron, ED, DeLange PJ, Given, PN and Ogle, CC – 1995. New Zealand Botanical Society Threatened and Local Plant Lists (1995 revision). NZ Botanical Society Newsletter 39: 15-28.

- the long term viability of the area, including the level of disturbance within the area, pest impact, or threats, existing or proposed protection measures with particular regard to covenants or other mechanisms which ensure the long term protection of natural values including significant indigenous vegetation or habitat.
 - the use of buffering (preferably indigenous) within the Protection Management Area boundary in the establishment of Protection Management Areas;
 - the rarity, distinctiveness or representativeness of the site in regard to its vegetation, soil type and landform combination in national, regional and local ecological contexts. Particular regard should be had to ensuring that provision is made for the protection of ecosystems that are under-represented at a local (ecological district) level from the adverse effects of inappropriate subdivision, use and development; *and*
 - the condition of the site compared to others in the District, with particular consideration to the protection of advanced primary and secondary indigenous forest species on Rural Productive Zone land;
 - the extent to which the site makes up part of an ecological corridor.
2. To protect, through the maintenance or enhancement of, the biodiversity of indigenous flora and fauna throughout the Gisborne District. Regard to the following will be had when preparing plans or considering applications for plan changes, resource consents or designations affecting natural heritage values not specifically provided for in Natural Heritage Overlays:
- the location of the area, particularly where associated with natural heritage values specifically considered in Policy 4.4.1 (such as ecological corridors); *and*
 - the extent and composition of indigenous vegetation; the naturalness, diversity and any pattern within the area, recognising that ecosystems located across a succession of natural habitats (such as riparian areas, foreshores, soil gradients and coast to mountain forest sequences), or in areas which experience occasional stress events (such as seasonal wetlands slip faces, exposed headlands) are likely to be more diverse than elsewhere; *and*
 - the presence of threatened indigenous species or species endemic to the district; *and*
 - the importance of breeding, feeding, roosting or loafing areas used by threatened indigenous fauna on a regular or annual basis; *and*
 - rarity, distinctiveness or representativeness of the site in regard to its fauna, vegetation, soil type and landform combination, in national, regional and local ecological contexts. Particular regard should be had to ensuring that provision is made for the protection of ecosystems that are under-represented at a local (ecological district) level from the adverse effects of inappropriate subdivision, use and development, with particular consideration given to the protection of primary and advanced secondary indigenous forest species on Rural Productive Zone land: *and*

- the condition and long term viability of the area, including the level of disturbance within the site, pest impact, threats, existing or proposed protection measures, with particular regard to covenants or other mechanisms which ensure the long term protection of natural values including significant indigenous vegetation or habitat; *and*
 - encouraging the restoration and rehabilitation of degraded land through revegetation, using genetically suitable indigenous flora where appropriate, having regard when undertaking such planting to the habitat requirements of indigenous fauna; and giving priority to the rehabilitation of indigenous habitats found on class LUC class I, II and III land; *and*
 - the protection for buffer areas (preferably indigenous) to mitigate adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna.
3. To avoid, remedy or mitigate the adverse effects of activities on riparian areas and aquatic ecosystems including aquatic habitat, flora and fauna. Regard to the following will be had when preparing plans or considering applications for plan changes, resource consents or designations affecting areas within the Riparian Management Area:
- the adverse effects of activities that reduce or disturb riparian vegetation and indigenous riparian vegetation in particular; *and*
 - assessing options for the management of the entire catchment before targeting landuse controls or management devices to any shingle waterbody; *and*
 - encouraging the management of the margins of lakes, rivers and wetlands to provide for the health of aquatic ecosystems including habitat, flora and fauna and for amenity, access, terrestrial habitat and natural character values and for the natural functioning of riparian ecosystems; *and*
 - avoiding, remedying or mitigating the adverse instream effects of activities that accelerate soil, water or nutrient runoff from land, increase directly or indirectly instream water temperatures, decrease levels of dissolved oxygen, or increase the concentration of toxic chemicals within waterbodies; *and*
 - encouraging the establishment of tall woody vegetation with an extensive strong root network, on unstable land near waterways as soon as is practicable where no indigenous vegetation already exists.
4. To avoid, remedy or mitigate the adverse effects of activities on areas of outstanding landscape. Regard to the following will be had when preparing plans or considering applications for plan changes, resource consents or designations within Outstanding Landscape Areas:
- effect of the activity on the natural landform characteristics;
 - visual contrasts between the activity and the landscape;
 - effect of the activity on the skyline or prominent ridge;
 - effect of the activity on the natural vegetation cover;
 - existing protection mechanisms;

- recognition that in order to achieve sustainable management given the technical and physical constraints which may be experienced by network utility operations including those associated with their scale, location, design and operation, a compromise of the natural and physical environment may occur.
5. To avoid, remedy or mitigate the effects of inappropriate subdivision, use and development on prominent ridges of the Coastal Environment or prominent ridges of the Gisborne urban area. Regard to the following will be had when preparing plans or considering applications for plan changes, resource consents or designations within the Coastal Environment:
- the integrity of the landscape and its tolerance to change;
 - effect of the activity on the natural landform characteristics;
 - visual contrasts between the activity and the landscape;
 - effect of the activity on the skyline or prominent ridge;
 - effect of the activity on the natural vegetation cover;
 - recognition that in order to achieve sustainable management given the technical and physical constraints which may be experienced by network utility operations including those associated with their scale, location, design and operation, a compromise of the natural and physical environment may occur.
6. To enable subdivision, use or development in the Coastal Environment which avoids adverse effects on natural heritage values as far as practicable. Regard to the following will be had when preparing plans or considering applications for plan changes, resource consents or designations within the Coastal Environment:
- avoidance of sprawling or sporadic subdivision other than the provision of papakainga housing or marae development in appropriate places in the Coastal Environment;
 - avoidance of the cumulative adverse effects of subdivision, use and development;
 - proximity to existing subdivision, use and development;
 - conformity with the nature and extent of existing subdivision, use and development;
 - size, location and nature of the activity;
 - effect of the activity on natural character, including the natural landform characteristics, natural vegetation cover and biodiversity;
 - visual contrasts between the activity and the landscape;
 - the integrity of the natural character of the Coastal Environment and its tolerance to change;
 - effect on amenity values;
 - recognition that in order to achieve sustainable management given the technical and physical constraints which may be experienced by network utility operations including those associated with their scale, location, design and operation, a compromise of the natural and physical environment may occur.
7. To manage the adverse effects of activities on the health and functioning of

aquatic and terrestrial wetland ecosystems including habitat, flora and fauna for the purpose of preserving the natural character of wetlands and protecting them from inappropriate subdivision, use and development.

Regard to the following will be had when preparing plans or considering applications for plan changes, resource consents or designations:

- consideration of whether or not the wetland was purposely created as such; *and*
- adverse effects associated with the timing, duration, area and location of the activity; *and*
- the adverse effects of activities that reduce or disturb vegetation and indigenous vegetation in particular, including any vegetation to be retained; *and*
- any adverse effects of activities on water quality and aquatic ecosystems; *and*
- any adverse effects of activities on stream bank stability; *and*
- any measures necessary or proposed to avoid, remedy or mitigate the adverse effects of activities on significant habitat of indigenous fauna, biodiversity, amenity, access and natural character values and the natural functioning of wetland ecosystems.

8. To consider negotiating with landowners to provide public access to significant natural heritage areas. The creation of an access may be appropriate where land being subdivided includes, adjoins or can provide enhanced public access to a:

- Strategically important waterbody;
- Significant heritage feature.
- Protected area compatible with public access;
- Significant wetland.

The access could be implemented by way of s237B of the Act, or as a financial contribution of land at subdivision.

9. To consider requiring financial contributions on a case-by-case basis to offset adverse effects on significant indigenous vegetation, significant habitats, outstanding natural features or landscapes, water quality, wetlands or aquatic habitats or the natural character associated with the Coastal Environment, lakes, rivers, wetlands or their margins. Financial contributions will only be considered when all means of avoiding, mitigating or remedying adverse effects have been addressed, and then only if the remaining adverse effects are acceptable and the applicant supports the requirement for the financial contribution.

Explanation and Principal reason (1): The Gisborne district has been severely denuded of indigenous vegetation and as a consequence some habitats are seriously under-represented. This policy seeks to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna through the use of the Protection Management Area Overlay. Protection Management Areas are specifically identified on the Urban and Rural planning maps accompanying this Plan, and are also listed in Appendix 8. Note that the protection of areas of other significant indigenous vegetation and significant habitats of indigenous fauna, and the sustainable management of significant natural heritage values outside of Protection Management Areas are addressed in other Policies in section 4.4.

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*Refer to Urban &
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maps and
Appendix 8*

Without enhancing some habitats and indigenous species in the district the resource may not be available to future generations. In the past almost all the indigenous vegetation in arable areas of the district has been cleared, a large percentage of wetlands have been drained and poor water quality and erosion problems now characterise much of the district. The remnant nature of many of the important natural areas of the district means that there is some potential for their loss because of their own instability, or loss of the biodiversity currently contained within them due to a lack of habitat 'corridors' between natural areas. This policy directs attention to be focused at the whole system - not just the physical Protection Management Area when considering subdivision, use and development effects.

Explanation and Principal reason (2): Biodiversity is important to future generations. It allows them to have the same natural resource opportunities that we have at present. This policy states that the Council will protect biodiversity. It implies that there will be a need for conscious decisions to be made to ensure that sometimes even common or unremarkable indigenous species are afforded protection, as the reasonably foreseeable needs of future generations (Section 5(2)(a), the Act) will require a more representative stock of natural resources than exists at present. The policy also seeks to encourage the use of indigenous species where appropriate, but highlights the need for care to be taken when planting and managing these species. In the Gisborne District there have been huge losses of indigenous vegetation. In order to maintain and enhance the quality of the environment, replanting with genetically appropriate indigenous species should be promoted.

Explanation and Principal reason (3): This policy establishes that Council has a preference for managing riparian vegetation for instream and terrestrial riparian values. The policy does not preclude other uses but does impose an onus of proof on those who wish otherwise. The natural character of rivers, streams, lakes and their margins is inextricably tied to the management of these areas for their ecological values. The dependency of instream values on riparian vegetation is high.

Explanation and Principal reason (4): The Act has a requirement that outstanding natural features and landscapes be protected. This policy ensures that the visual impacts of activities are avoided, remedied or mitigated, and is particularly important in the Coastal Environment. This policy is necessary to ensure that sustainable management occurs and that Section 6(a) and 6(b) are given effect.

Explanation and Principal reason (5): Subdivision, use and development can have a major impact on the Coastal Environment or the Gisborne urban area, where the activity projects above prominent ridgelines. This policy ensures that the impact is not excessive. These ridgelines have been mapped in the Urban and Rural planning maps.

Refer to Urban &
Rural planning
maps

Explanation and Principal reason (6): This policy seeks to preserve the natural character of the Coastal Environment. It also encourages activities to locate in areas where the values that make up natural character have been compromised.

Explanation and Principal reason (7): The policy recognises and provides for the preservation of the natural character of wetlands, and the protection of wetlands from inappropriate subdivision, use and development as a matter of national importance. The natural character of wetlands is dependent to a large extent on good water quality and intact wetland vegetation (including vegetation on land / water margins), as these are key contributors to the healthy functioning of wetland ecosystems. The policy also allows for the consideration of appropriate subdivision, use and development within wetlands that are designed and managed for specific purposes unrelated to natural heritage.

Explanation (8): Section 237B of the Act allows for the creation of easements with the agreement of Council and the landowner.

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Explanation (9): Financial contributions should not be considered to be a soft option or a means of buying consent. They are a means of compensating in some way for any significant unavoidable effects that remain after all avoidance, mitigation and remedial measures have been applied. They are very much a secondary process to be applied after all avenues to avoid, mitigate or remedy the adverse effects of an activity have been exhausted, and then only if the adverse effects are acceptable. Given the difficulty of determining an appropriate contribution, the applicant should be agreeable to the amount and nature of the contribution. Therefore financial contributions will not generally be required to offset effects on such natural heritage values.

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4.5 METHODS OF IMPLEMENTATION

4.5.1 Advocacy

1. Encourage awareness of natural heritage values and sustainable management through a programme of:
 - a) Individual property advice, including information on significant geological features in the District;
 - b) Promoting co-operation with and between landowners, users, iwi and runanga and other organisations with statutory responsibilities for resource management to advance the integrated management of natural resources;
 - c) Supporting programmes of other organisations that conform with the concept of sustainable management, Council policies and have community support. The type of programme could include “care” initiatives, QE II Trust land retirement and Nga Whenua Rahui. It could also mean support for industry based training programmes and the development of guidelines appropriate to the Gisborne District. The degree of support would be higher where initiatives were on a district, catchment or sub-catchment basis. Support could include the provision of information, services or financial assistance. The type and amount would be determined through the Council’s Annual Plan;
 - d) Submissions on policy to interest groups, government departments and industry;
 - e) Promoting the establishment of a community based, contestable Natural Heritage Fund to assist the development of sustainable land management within the district (see below).

Refer to
Appendix 9

Principal reason (1): Advocacy involves explaining to landholders why unsustainable resource use is occurring, what the best methods are to resolve the issue and how they can be implemented. Emphasis is on direct contact with landholders, but there is also an advocacy role in ensuring that Council’s policies are considered by other resource user groups in the community when they are planning or undertaking their activities, and by central government when it is considering intervention in local resource management issues.

4.5.2 Education

1. Promote the understanding of sustainable management of natural heritage resources within the community and interest groups through the Annual Plan by:
 - a) Publications and other pamphlets;
 - b) Seminars, field days and workshops on specific issues;
 - c) Prioritised extension to schools, tertiary institutes and industry.

Principal reason (1): Education is a key method to engendering change in the community’s perception of the environment and sustainable land management. It is a long-term process that is implemented through Council’s Annual Plan.

4.5.3 Natural Heritage Fund

1. Council will investigate the establishment of a fund to assist community based natural heritage enhancement projects. This would include consideration of the following:
 - a) The setting aside and practical protection of any area of predominantly indigenous vegetation;
 - b) Contracting expert advice on means to avoid, remedy or mitigate the adverse effects of activities on the natural character of the Coastal Environment or the margins of waterbodies;
 - c) The maintenance of the health of aquatic ecosystems;
 - d) The maintenance and enhancement of wetland ecosystems;
 - e) The maintenance of the health of ecosystems located within or associated with areas of significant indigenous vegetation and significant habitats of indigenous fauna.

Principle reason (1): This fund is a method to directly assist the retention and enhancement of natural heritage features in appropriate circumstances.

4.5.4 Research into Formally Protected Areas

1. Identify areas within the District which are voluntarily protected in a manner ensuring the long-term protection of natural heritage values contained within them. Propose inclusion of these areas in the Urban and Rural Planning Maps as Formally Protected Areas (FPAs) for information purposes only.

4.5.5 Research into Significant Waterbodies and Riparian Areas

1. Identify waterbodies and/or riparian areas within the District that warrant specific riparian protection management due to their associated aquatic or terrestrial biodiversity, habitat or ecosystem values, within the term of the Plan, prioritising forestry areas and areas with known high riparian values or threats.
2. Propose inclusion of these areas in the Urban and Rural Planning Maps as mapped Riparian Management Areas as information becomes available.

Principle reason (1): This method acknowledges that while riparian areas are generally important as the transitional interface between wet and dry ecosystems, there are some riparian areas within the District that are particularly vulnerable to the effects of vegetation clearance, land disturbance and structures. Significant riparian areas include those with adjacent significant terrestrial biodiversity, and those where the aquatic habitat and diversity is notable. The method identifies a discrete set of riparian areas that provides certainty for land users as well as the ability to target and prioritise riparian management efforts. The method acknowledges data available outside of the Council, and provides that Council appropriately has a co-ordinating, collating and information repository role.

4.5.6 Regulation

1. Rules within the District Plan to avoid, mitigate or remedy the adverse effects on natural heritage values of activities. This approach is consistent with the Regional Policy Statement (RPS) and the Regional Coastal Environment Plan (RCEP).
2. Identification of natural heritage overlays in the District Plan. As one method to achieve Policies 4.4.1 - 4.4.6, land is categorised into six natural heritage overlays. The overlays recognise the different sustainable management requirements of key natural heritage values. The overlays are one method for providing for matters of national importance set out in Section 6 of the Act. There are six overlays:

- a) Outstanding Landscape Area (OLA) - which is a method of identifying and mapping important landscapes within the District. They are identified in order to reduce or eliminate adverse effects from activities (in accordance with Section 6(b) the Act);
- b) Coastal Environment - which is consistent with the identification and mapping of significant natural heritage values within the coastal environment provided within the RCEP. This overlay provides consistency with the RCEP and the requirements of the New Zealand Coastal Policy Statement (NZCPS).

The overlay also provides for the preservation of the natural character of the coastal environment in accordance with Section 6(a) of the Act.

- c) Protection Management Area (PMA) - which identifies and maps areas of significant indigenous vegetation and significant habitats of indigenous fauna, and provides for their protection (Section 6(c)). The overlay provides consistency with the RPS. The necessity for the Overlay will be reviewed no later than five years after the Plan becomes operative.
- d) Riparian Management Area (RMA) - which identifies a criteria based zone for riparian protection based on the sensitivity of riparian ecosystems to disturbance, and provides for the preservation of the natural character of wetlands, lakes, rivers and their margins and their preservation from inappropriate subdivision, use and development (Section 6(a)). The RMA Overlay will be reconsidered as waterbodies and/or riparian management areas are identified, with a view to both narrowing its application to identified and mapped Riparian Management Areas, and re-assessing the adequacy of the provisions in protecting known natural heritage values. The provision is consistent with the RPS.
- e) Ridgelines in the Gisborne Urban Area - a method which identifies and maps the amenity landscape values of the ridgelines included within the Gisborne urban area.
- f) Wetlands - which identifies a criteria based zone for protection of wetland values, based on the sensitivity of wetland ecosystems to disturbance, and provides for the preservation of the natural character of wetlands and their preservation from inappropriate subdivision, use and development (Section 6(a)). The provision is consistent with the RPS.

*Refer to Urban &
Rural Planning
Maps &
Appendix 8*

The determination of significant natural heritage values is aided by the following criteria:

Criteria listed in the Regional Policy Statement, Method 2.6.3 (2):

- a) areas that have been especially set aside under statute (this includes covenants) for preservation or protection purposes.
- b) areas recommended for protection under the Protected Natural Areas Programme or in reports to the Forest Heritage Fund and the Nga Whenua Rahui Committee.
- c) landscapes that have been identified as regionally, nationally or internationally significant.
- d) visually or scientifically significant geological features, including those identified in the New Zealand Geopreservation Inventory compiled by the Joint Earth Sciences Working Group.
- e) areas where the adverse effects of any activity should be avoided or remedied because they are areas and habitats important to the continued survival of any indigenous species or,
- f) areas containing nationally or regionally vulnerable species or nationally or regionally outstanding examples of indigenous community types or,
- g) outstanding or rare indigenous community types within an ecological region or district or,
- h) habitat that is important for regionally rare or threatened species and ecological corridors connecting such areas or,
- i) areas important to migratory species and to vulnerable stages of common indigenous species, and

Criteria used in assessing areas for the national Protected Natural Areas Programme of the Department of Conservation:

- j) Representativeness: the extent to which an area represents or exemplifies the components of the natural diversity of a larger reference area – e.g. representation in reserves of the current natural diversity of an ecological district, or representation of the original natural landscape.

The identification and evaluation of the key representative areas in all Ecological Districts is the principal objective of the PNA Programme

- k) Natural Diversity: the range of the natural, physical and biotic components in the landscape, including the species, plant and animal communities, ecosystems, landforms, soil sequences, and dynamic systems and processes.
- l) Pattern: an ecological term describing the arrangement of species, communities, and habitats according to spatial and environmental gradients.
- m) Rarity: a measure of the paucity of numbers or occurrences of elements of natural diversity (e.g. species, communities).

- n) **Naturalness:** involves assessment of the degree to which an area (eg vegetation ecosystem) has been free from the effects of human disturbance and intervention. It is also an assessment of the indigenous content of the area.
- o) **Viability:** the ability of an area's plant communities (or in some instances a particular species) to maintain themselves in the long term, in the absence of any special effort to perpetuate them. Regeneration and vigour of a particular species, and the size and stability of communities are important factors for evaluation.
- p) **Buffering:** protection of an area (or a particular community) from outside modifying influences, given by natural features (catchment boundaries, rock barriers, surrounding vegetation) or, in some instances, by fences or other artificial structures.
- q) **Surrounding Landscape:** the land which surrounds and influences a particular natural area, and is influenced by the same set of physical parameters as the natural area.

Principal reason (1): Rules are used to implement the overlay approach, to provide certainty that defined environmental standards will be able to be achieved, and to provide certainty for the applicant and for the administration of the Plan.

Principal reason (2): Overlays recognise and provide for the matters of national importance specified in Section 6(a)-(e) of the Act. The overlays are either mapped or are based on clear measurable criteria to indicate with some certainty to landowners or other resource users the sensitivity and importance of the District's natural heritage values. The overlays provide for consistency between the District Plan and the RPS, NZCPS and RCEP. Affected landowners strongly favour voluntary methods over regulatory methods of implementing section 6(c) of the Act. The necessity for on-going regulation will depend on the level of voluntary long-term protection of significant natural areas undertaken in the District. It is therefore proposed to review the need for the Protection Management Area Overlay after five years of operation.

4.6 RULES FOR NATURAL HERITAGE OVERLAYS

Note

Chapter 4 contains both regional and district rules. Unless specifically stated as a regional rule, the rules of Chapter 4 are to be interpreted as district rules.

Activities shall also comply, where relevant, with the regional or district rules in Chapter 3- Cultural Heritage, Chapter 5- Natural Hazards, Chapter 6- Land, Chapter 7-Beds of Lakes and Rivers, Chapter 8 - Utilities, Chapter 9 - Contaminated Sites, Chapter 9A - Hazardous Substances, Chapter 10 – Signs and Chapter 14 – Financial Contributions.

The rules for each overlay apply in addition to the zone rules for the area.

General Rules

The following requirements shall apply in all Natural Heritage Overlays:

- 4.6.1 Subject to any other rule in the Plan, activities affecting natural heritage are permitted.**
- 4.6.2 Where an activity is required to comply with the rules contained in more than one overlay within Chapter 4 the status of an activity shall be determined by that in the most restrictive overlay.**

Note:

In illustration of Rule 4.6.2 an application for a 4m high structure to be located within 200m of MHWS in the Coastal Environment which is also within an Outstanding Landscape Area, would be a Discretionary activity in accordance with Rule 4.8.3.1 (structures within 200m of MHWS), rather than a Restricted Discretionary activity in accordance with Rule 4.7.2.4 (structures within Outstanding Landscape Areas) or a Permitted activity as the criteria in Rule 4.8.2.3 (structures within the Coastal Environment) would indicate.

4.7 OUTSTANDING LANDSCAPE AREA OVERLAY

4.7.1 Permitted Activities

The following permitted activities are for the avoidance of doubt. The list is not exhaustive (General Rule 4.6.1 refers).

4.7.1.1 Minor upgrading and maintenance of lawfully established structures for network utility purposes (excluding roads, tracks or earth dams)

4.7.1.2 Maintenance of lawfully established roads, fencelines, tracks or earth dams

4.7.1.3 Maintenance and repair of lawfully established structures excluding network utility structures

4.7.1.4 Vegetation clearance

Provided that:

- a) The vegetation comprises trees or shrubs or other plants not exceeding 30cm d.b.h., and scattered amongst pasture; or
- b) The clearance is by grazing; or
- c) The clearance is plantation forest thinning resulting in at least 250 evenly distributed trees remaining per hectare; or
- d) The clearance is harvesting of agricultural and horticultural crops; or
- e) The clearance is required under a Regional Pest Management Strategy under the Biosecurity Act 1993; or
- f) The clearance is land preparation by discing, ploughing or ripping; or
- g) The clearance is for fencing, confined to the extent necessary to create and maintain a stable fenceline, and not more than 5m total width; or
- h) The clearance is of the indigenous understorey to plantation forest, and is incidental to permitted or otherwise authorised plantation forest clearance.

4.7.1.5 Establishment and operation of telecommunication and radio communication structures located above or below ground within legal road and road reserve, including associated vegetation clearance and land disturbance.

4.7.1.6 Overhead connections to individual properties from existing overhead lines and cables, limited to one extra support structure.

4.7.1.7 Subject to Rule 4.8.4.1, and outside of legal road and road reserve, establishment and operation of telecommunication and radio communication lines and cables located below ground, including associated vegetation clearance and land disturbance, where the construction corridor does not exceed 2 metres in width.

4.7.2 Controlled Activities

The following activities shall be controlled activities:

4.7.2.1 Clearance of plantation forest vegetation planted prior to the notification of this plan

Provided that:

1. Vegetation clearance exceeds 2ha in any contiguous area and /or exceeds 2ha over any 12 month period.

Council shall limit its control to the matters a) - f) specified below:

- a) The timing and duration of the activity
- b) The area and location of the activity
- c) Any vegetation that is to be retained
- d) Potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape, including revegetation type and density as they impact on these values
- e) Effect on the water quality of waterbodies
- f) Heritage values in the heritage alert layer

4.7.3 Restricted Discretionary Activities

The following activities shall be restricted discretionary activities:

4.7.3.1 Vegetation clearance, other than that specifically permitted or authorised by another rule

Provided that:

1. Vegetation clearance exceeds 500m² in any contiguous area and/or exceeds 500m² over any 12 month period.

Council shall restrict its discretion to the matters a) - f) specified below:

- a) The timing and duration of the activity
- b) The area and location of the activity
- c) Any vegetation that is to be retained
- d) Potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape, including revegetation type and density as they impact on these values
- e) Effects on water quality of waterbodies
- f) Heritage values in the heritage alert layer

*Refer to Chapter
3.15 - 3.18,
6.6, 6.7.1, 6.7.4,
6.8.1, 6.8.2,
6.8.4,
6.9.1 - 6.9.4*

4.7.3.2 Tree planting, subject to LO3A Rule 6.10.1*Provided that:*

1. The tree planting exceeds 500m² in any contiguous area and/or exceeds 500m² over any 12 month period.
2. The tree planting activity is not a condition of a consent for subdivision, use or development.

Council shall restrict its discretion to the matters a) - d) specified below:

- a) The area and location of the activity with particular regard to conformity with existing land and vegetation forms
- b) Potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape, with particular regard to ridgelines
- c) Vegetation species with particular regard to maintaining species of local genetic stock
- d) Heritage values in the heritage alert layer

*Refer to Chapter
3.15 - 3.18,
6.6, 6.7.1, 6.7.4,
6.8.1, 6.8.2,
6.8.4, 6.9.1,
6.9.3, 6.9.4*

4.7.3.3 Land disturbance*Provided that:*

1. The activity exposes more than 10m² of earth measured in a vertical plane view in any 3 month period, or disturbs more than 10m³ of earth in any 3 month period.

Council shall restrict its discretion to the matters a) - f) specified below:

- a) The timing and duration of the activity
- b) Area, location and length of the activity with particular regard to conformity with existing landforms
- c) Placement and management of cuts and fills likely to be visually dominant in the landscape
- d) Potential effect, especially of any cut and fill areas, on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape, including revegetation type, timing and density as they impact on these values
- e) Effects on water quality of waterbodies
- f) Heritage values in the heritage alert layer

*Refer to Chapter
3.15 - 3.18,
6.6, 6.7.1, 6.7.2,
6.7.4, 6.8.1,
6.8.2, 6.8.4,
6.9.1, 6.9.3,
6.9.4*

4.7.3.4 Erection of new structures or alteration or additions to existing structures on land that is not within a residential zone*Provided that:*

1. The structure exceeds 2.5m in height; or
2. Cannot be contained within a volume of 25m³.

Council shall restrict its discretion to the matters a) - i) specified below:

- a) The timing and duration of the activity
- b) The cumulative effect of the activity
- c) Proximity to existing structures

- d) Conformity with the nature and extent of existing structures
- e) The area, location and size of the structure with particular regard to conformity with existing landforms
- f) The structure's visual dominance in the landscape
- g) Any vegetation screening and backdrop
- h) Potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape
- i) Heritage values in the heritage alert layer

4.8 COASTAL ENVIRONMENT OVERLAY

4.8.1 Permitted Activities

The following permitted activities are for the avoidance of doubt. The list is not exhaustive (General Rule 4.6.1 refers).

4.8.1.1 Minor upgrading and maintenance of lawfully established structures for network utility purposes (excluding roads, tracks or earth dams)

4.8.1.2 Maintenance of lawfully established roads, fencelines, tracks or earth dams

4.8.1.3 Maintenance and repair of lawfully established structures excluding network utility structures

4.8.1.4 Vegetation clearance

Provided that:

- a) The vegetation comprises trees or shrubs or other plants not exceeding 30cm d.b.h., and scattered amongst pasture; or
- b) The clearance is by grazing; or
- c) The clearance is plantation forest thinning resulting in at least 250 evenly distributed trees remaining per hectare; or
- d) The clearance is harvesting of agricultural and horticultural crops; or
- e) The clearance is required under a Regional Pest Management Strategy under the Biosecurity Act 1993; or
- f) The clearance is land preparation by discing, ploughing or ripping; or
- g) The clearance is for fencing, confined to the extent necessary to create and maintain a stable fenceline, and not more than 5m total width, except that in respect to Rule 4.8.4.1 the total width is limited to 4m; or
- h) The clearance is of the indigenous understorey to plantation forest, and is incidental to permitted or otherwise authorised plantation forest clearance.

4.8.1.5 Establishment and operation of telecommunication and radio communication structures located above or below ground within legal road and road reserve, including associated vegetation clearance and land disturbance.

4.8.1.6 Overhead connections to individual properties from existing overhead lines and cables, limited to one extra support structure.

4.8.1.7 Subject to Rule 4.8.4.1, and outside of legal road and road reserve, establishment and operation of telecommunication and radio communication lines and cables located below ground, including associated vegetation clearance and land disturbance, where the construction corridor does not exceed 2 metres in width.

4.8.2 Controlled Activities

The following activities shall be controlled activities.

4.8.2.1 Clearance of plantation forest vegetation, planted prior to the notification of this plan

Provided that:

1. Vegetation clearance exceeds 2ha in any contiguous area and/or exceeds 2ha over any 12 month period.
2. The area is not affected by Rule 4.8.3.1

Council shall limit its control to the matters a) - f specified below:

- a) The timing and duration of the activity
- b) The area and location of the activity
- c) Any vegetation that is to be retained
- d) Potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape, including revegetation type and density as they impact on these values
- e) Heritage values in the heritage alert layer
- f) The protection of ecosystems unique to the Coastal Environment, such as estuarine and coastal wetland margins, and dunes

4.8.3 Restricted Discretionary Activities

The following activities shall be restricted discretionary activities:

4.8.3.1 Vegetation clearance, other than that specifically permitted or authorised by another rule

Provided that:

1. The activity is not for the purpose of erecting a dwelling unit on a site to be erected on a building platform for which a subdivision resource consent has been granted between 1 October 1991 and 8 November 1997.
2. The area is not within a residential zone.
3. Vegetation clearance exceeds 1ha in any contiguous area and/or exceeds 1ha over any 12 month period.

Council shall restrict its discretion to the matters a) - g) specified below:

- a) The timing and duration of the activity
- b) The area and location of the activity
- c) Any vegetation that is to be retained

- d) Potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape, including revegetation type and density as they impact on these values
- e) Protecting ecosystems unique to the Coastal Environment such as estuaries, coastal wetlands and dunes
- f) Effects on the water quality of waterbodies in the Coastal Environment
- g) Heritage values in the heritage alert layer

4.8.3.2 Land disturbance

Provided that:

1. The activity is not for the purpose of erecting a dwelling unit on a site to be erected on a building platform for which a subdivision resource consent has been granted between 1 October 1991 and 8 November 1997.
2. The site is not zoned residential or port management zone.
3. The activity exposes more than 50m² of earth, measured in a vertical plane view, in any 3 month period, or disturbs more than 50 m³ of earth in any 3 month period.

*Refer to Chapter
3.15 - 3.18,
6.6, 6.7.1, 6.7.2,
6.7.4, 6.8.1,
6.8.2, 6.8.4,
6.9.1, 6.9.3,
6.9.4*

Council shall restrict its discretion to the matters a) - g) specified below:

- a) The timing and duration of the activity
- b) Area, location and length of the activity with particular regard to conformity with existing landforms
- c) Placement and management of cuts and fills likely to be visually dominant in the landscape
- d) Potential effect, especially of any cut and fill areas, on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape, including revegetation type, timing and density as they impact on these values
- e) Effects on water quality of waterbodies in the Coastal Environment
- f) Heritage values in the heritage alert layer
- g) The protection of ecosystems unique to the Coastal Environment including those acting as natural defences to erosion and inundation such as estuaries, coastal wetlands and dunes

4.8.3.3 Erection of new structures or alteration or additions to existing structures on land that are outside any residential zone

Provided that:

1. The structure is not a dwelling unit on a site to be erected on a building platform for which a subdivision resource consent has been granted between 1 October 1991 and 8 November 1997.
2. The structure exceeds 5m in height, or
3. The structure exceeds 2.5m in height and projects above any prominent ridgeline

*Refer to Chapter
21.9, 21.10.1.6*

4. The structure is a pole or mast which exceeds 10m in height and 300mm in diameter, or 180 mm x 350 mm in the case of a rectangular pole or mast;

Council shall restrict its discretion to the matters a) - l) specified below:

- a) The timing and duration of the activity
- b) The area, location and size of the structure
- c) The cumulative effect of the activity
- d) Proximity to existing structures
- e) Conformity with the nature and extent of existing structures
- f) The area, location and size of the structure with particular regard to conformity with existing landforms
- g) The structure's visual dominance in the landscape
- h) Any vegetation screening and backdrop
- i) Potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape, including revegetation type and density as they impact on these values
- j) Proximity to prominent ridgelines
- k) Protecting ecosystems unique to the Coastal Environment such as estuaries, coastal wetlands and dunes
- l) Heritage values in the heritage alert layer

4.8.4 Discretionary Activities

The following activities shall be discretionary activities:

4.8.4.1 Tree planting (subject to LO3A Rule 6.10.1), vegetation clearance, land disturbance, and structures within 200m of MHWS

Provided that:

1. The activity is not for the purpose of erecting a dwelling unit on a site to be erected on a building platform for which a subdivision resource consent has been granted between 1 October 1991 and 8 November 1997
2. The site is outside any residential or port management zone.
3. The activity is vegetation clearance greater than 100m² in any one contiguous area, or is tree planting that covers more than 100m² in any one contiguous area (excluding landscaping associated with residential buildings)
4. The activity exposes more than 10m² of earth measured in a vertical plane view in any 3 month period, or disturbs more than 10 m³ of earth in any 3 month period, or alters the natural landform of a dune.

*Refer to Chapter
3.15 - 3.18, 6.6,
6.7.1 - 6.7.4,
6.8.1 - 6.8.4,
6.9.1-6.9.4
21.9, 21.10.1.6*

4.9 PROTECTION MANAGEMENT AREA OVERLAY

4.9.1 Permitted Activities

The following permitted activities are for the avoidance of doubt. The list is not exhaustive (General Rule 4.6.1 refers).

4.9.1.1 Minor upgrading and maintenance of lawfully established structures for network utility purposes (excluding roads, tracks or earth dams)

4.9.1.2 Maintenance of lawfully established roads, tracks or earth dams

4.9.1.3 Maintenance and repair of lawfully established structures excluding network utility structures

4.9.1.4 Vegetation clearance

Provided that:

- a) The vegetation comprises exotic trees or shrubs or other exotic plants scattered amongst pasture; or
- b) The clearance is by grazing; or
- c) The clearance is plantation forest thinning resulting in at least 250 evenly distributed trees remaining per hectare; or
- d) The clearance is harvesting of agricultural and horticultural crops; or
- e) The clearance is required under a Regional Pest Management Strategy under the Biosecurity Act 1993; or
- f) The clearance is land preparation by discing, ploughing or ripping; or
- g) The clearance is for fencing, confined to the extent necessary to create and maintain a stable fenceline, and not more than 4m total width; or
- h) The clearance is of the indigenous understorey to plantation forest, and is incidental to permitted or otherwise authorised plantation forest clearance.

4.9.1.5 Establishment and operation of telecommunication and radio communication structures located above or below ground within legal road and road reserve, including associated vegetation clearance and land disturbance.

4.9.1.6 Overhead connections to individual properties from existing overhead lines and cables, limited to one extra support structure.

4.9.1.7 Subject to Rule 4.8.4.1, and outside of legal road and road reserve, establishment and operation of telecommunication and radio communication lines and cables located below ground, including associated vegetation clearance and land disturbance, where the construction corridor does not exceed 2 metres in width.²

4.9.2 Controlled Activities

The following activities shall be controlled activities.

4.9.2.1 The clearance of plantation forest vegetation, planted prior to the notification of this plan

Provided that:

1. Vegetation clearance exceeds 2ha in any contiguous area and/or exceeds 2ha over any 12 month period.

Council shall limit its control to the matters a) - g) specified below:

- a) The timing and duration of the activity
- b) The area and location of the activity
- c) Any vegetation that is to be retained
- d) Potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape, including revegetation type and density
- e) Effect on the water quality of waterbodies
- f) Heritage values in the heritage alert layer

*Refer to Chapter
3.15 - 3.18,
6.6, 6.7.3, 6.7.4,
6.8.1 - 6.8.4,
6.9.1 - 6.9.4*

4.9.3 Restricted Discretionary Activities

The following activities shall be restricted discretionary activities:

4.9.3.1 Vegetation clearance, other than that specifically permitted or authorised by another rule

Provided that:

1. Vegetation clearance exceeds 500m² in any contiguous area and/or exceeds 500m² over any 12 month period.

Council shall restrict its discretion to the matters a) - g) specified below:

- a) The timing and duration of the activity
- b) The area and location of the activity
- c) Any vegetation that is to be retained
- d) Potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity and landscape, including revegetation type and density

² Consent Order Telecom ENV-2007-WLG-000051 formerly RMA 128/02 – 28 October 2008

- e) Effects on water quality of waterbodies
- f) Heritage values in the heritage alert layer

4.9.3.1.1 Notification

Subject to Sections 95 and 95A-F of the Resource Management Act 1991, an application for a restricted discretionary activity under Rule 4.9.3.1 shall be notified. However such an application need not be publicly notified if, in the opinion of the consent authority, notification may be limited to service of notice of the application on all persons who may be adversely affected by the activity.

4.9.3.2 Indigenous vegetation clearance by selective tree felling:

Provided that:

1. Vegetation clearance in a single rating unit per ten years exceeds the lesser of:
 - a. 50m³ of roundwood, or
 - b. 10% of any single species exceeding 30cm d.b.h., and
2. The vegetation is not vegetation that has become dangerous to human life or property as a result of natural causes.

Council shall restrict its discretion to the matters a) - g) specified below:

- a) The timing and duration of the activity
- b) The area and location of the activity
- c) Any vegetation that is to be retained
- d) Potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value, access and landscape, including revegetation type and density
- e) Effects on water quality of waterbodies
- f) Heritage values in the heritage alert layer

4.9.3.2.1 Notification

Subject to Sections 95 and 95A-F of the Resource Management Act 1991, an application for a restricted discretionary activity under Rule 4.9.3.2 shall be notified. However such an application need not be publicly notified if, in the opinion of the consent authority, notification may be limited to service of notice of the application on all persons who may be adversely affected by the activity.

4.9.3.3 Land disturbance

Provided that:

1. The activity exposes more than 100m² of earth measured in a vertical plane view in any 3 month period, or disturbs more than 100m³ of earth in any 3 month period.

*Refer to Chapter
3.15 - 3.18,
6.6, 6.7.1, 6.7.2,
6.7.4, 6.8.1, 6.8.2,
6.8.4, 6.9.1, 6.9.3,
6.9.4*

Council shall restrict its discretion to the matters a) - g) specified below:

- a) The timing and duration of the activity
- b) Area, location and length of the activity with particular regard to conformity with existing landforms
- c) Placement and management of cuts and fills likely to be visually dominant in the landscape
- d) Potential affect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape, including revegetation type, timing and density, especially of any cut and fill areas
- e) Effects on water quality of waterbodies
- f) Heritage values in the heritage alert layer

4.9.3.4 Erection of new structures or alteration or additions to existing structures

Provided that:

- 1. The structure exceeds 2.5m in height, or
- 2. Projects an area of more than 10m², measured in a plan view, or
- 3. Cannot be contained within a volume of 25m³.

Council shall restrict its discretion to the matters a) - j) specified below:

- a) The timing and duration of the activity
- b) The cumulative effect of the activity
- c) Proximity to existing structures
- d) Conformity with the nature and extent of existing structures
- e) The area, location and size of the structure with particular regard to conformity with existing landforms
- f) The structure's visual dominance in the landscape
- g) Any vegetation screening and backdrop
- h) Potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value and landscape
- i) Heritage values in the heritage alert layer

4.10 RIPARIAN MANAGEMENT AREA OVERLAY (not mapped)

NOTE : The following rules in 4.10 are both Regional and District rules.

4.10.1 Permitted Activities

The following permitted activities are for the avoidance of doubt. The list is not exhaustive (General Rule 4.6.1 refers).

4.10.1.1 Installation and operation of lines and cables (including associated structures) for network utility purposes, and associated clearance of vegetation and land disturbance.

Provided that:

- a) Lines are installed and operated within roads, lawfully established tracks or river crossing access points where these exist within a practical distance.
- b) Where lines and cables are not located within roads, tracks or river crossing access points, any vegetation clearance and land disturbance does not exceed 2 metres per contiguous 100 metres of riparian management area frontage, or 2 metres in width.

4.10.1.2 Minor upgrading and maintenance of lawfully established structures for network utility purposes (excluding roads, tracks or earth dams)

4.10.1.3 Maintenance of lawfully established roads, tracks or earth dams

4.10.1.4 Maintenance and repair of lawfully established structures excluding network utility structures

4.10.1.5 Vegetation clearance

Provided that:

- a) The vegetation comprises exotic trees or shrubs or other exotic plants scattered amongst pasture; or
- b) The clearance is by grazing; or
- c) The clearance is plantation forest thinning resulting in at least 250 evenly distributed trees remaining per hectare; or
- d) The clearance is harvesting of agricultural and horticultural crops; or
- e) The clearance is required under a Regional Pest Management Strategy under the Biosecurity Act 1993; or
- f) The clearance is land preparation by discing, ploughing or ripping; or
- g) The clearance is hand clearing for fencelines or for restoration of riparian management areas, and is surficial, and not more than 4m total width;

4.10.1.6 Disturbance or destruction of the vegetation understorey to first rotation plantation forest

4.10.1.7 Subject to rule 4.10.1.6, vegetation disturbance incidental to permitted or otherwise authorised plantation forest vegetation clearance

Provided that:

- a) The disturbance or damage is temporary, does not destroy the vegetation, and does not compromise the ecological functioning of the area.

4.10.1.8 Clearance of vegetation and land disturbance associated with establishing access to a river crossing point

Provided that:

1. The activity does not affect more than 4.5 metres per contiguous 100 metres of riparian management area frontage, and
2. The access does not exceed 4.5 metres in width

4.10.2 Controlled Activity

The following activities shall be controlled activities:

4.10.2.1 Clearance of plantation forest vegetation

Provided that:

For the purposes of S30 of the Act, Council shall limit its control to the matters a) - h) specified below:

- a) The timing and duration of the activity
- b) The area and location of the activity
- c) Any non-plantation forest vegetation that is to be retained
- d) Potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value, access and landscape
- e) Effect on the water quality of waterbodies (from sediment, for example)
- f) Effects of changed shading on aquatic habitat from non-plantation forest vegetation
- g) Effects on the habitat of both indigenous and introduced species and the provision of wildlife corridors
- h) Methods necessary to avoid, remedy or mitigate stream bank erosion

For the purposes of S31 of the Act, Council shall limit its control to the matters a) - g) specified below:

- a) The timing and duration of the activity
- b) The area and location of the activity
- c) Any non-plantation forest vegetation that is to be retained

- d) Potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value, access and landscape
- e) Heritage values in the heritage alert layer
- f) Effects on the habitat of both indigenous and introduced species and the provision of wildlife corridors
- g) Methods necessary to avoid, remedy or mitigate stream bank erosion

4.10.2.1.1 Notification

- a) Subject to Section 94C of the Act an application for a controlled resource consent for plantation forest vegetation clearance within a Riparian Management Area, shall not be publicly notified and shall be considered without the written approval of affected parties except where the application relates to land within:
 - i) an Outstanding Landscape Area;
 - ii) the Coastal Environment;
 - iii) a Protection Management Area;

4.10.3 Restricted Discretionary Activities

The following activities shall be restricted discretionary activities:

4.10.3.1 Vegetation clearance, other than that specifically provided for in 4.10.2.1

Provided that:

1. Vegetation clearance exceeds 10m² per contiguous 100m of Riparian Management Area and/or exceeds 10m² over any 24 month period.
2. The vegetation is not the understorey of plantation forest, cleared in accordance with a consent granted under 4.10.2.1, and

For the purposes of S30 of the Act, council shall restrict its discretion to the matters a) - h) specified below:

- a) The timing and duration of the activity
- b) The area and location of the activity
- c) Any vegetation that is to be retained
- d) Potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, including revegetation type and density
- e) Effects on water quality of any waterbodies (from sediment, for example)
- f) Effects of changed shading on aquatic habitat
- g) Effects on the habitat of both indigenous and introduced species and the provision of wildlife corridors
- h) Methods necessary to avoid, remedy or mitigate stream bank erosion

For the purposes of S31 of the Act, Council shall restrict its discretion to the matters a) - g) specified below:

- a) The timing and duration of the activity
- b) The area and location of the activity
- c) Any vegetation that is to be retained
- d) Potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value, access and landscape, including revegetation type and density
- e) Heritage values in the heritage alert layer
- f) Effects on the habitat of both indigenous and introduced species and the provision of wildlife corridors
- g) Methods necessary to avoid, remedy or mitigate stream bank erosion

4.10.3.1.1 Notification

- a) Subject to Section 94C of the Act an application for a restricted discretionary resource consent within a Riparian Management Area, for vegetation clearance other than plantation forest planted prior to the notification of this Plan, shall not be publicly notified and shall be considered without the written approval of affected parties except where the application relates to land within:
 - i) an Outstanding Landscape Area;
 - ii) the Coastal Environment;
 - iii) a Protection Management Area

4.10.3.2 Land disturbance

Provided that:

1. The activity exposes or disturbs more than 10m² of earth per contiguous 100m of Riparian Management Area and/or exposes or disturbs more than 10m² of earth over any 24 month period.

For the purposes of S30 of the Act, Council shall restrict its discretion to the matters a) - h) specified below:

- a) The timing and duration of the activity
- b) The area and location of the activity
- c) Any vegetation that is to be retained
- d) Potential effect on the values associated with natural character, biodiversity, and significant habitat of indigenous fauna, including revegetation type and density
- e) Effects on water quality of any waterbodies (from sediment, for example)
- f) Effects of changed shading on aquatic habitat
- g) Effects on the habitat of both indigenous and introduced species and the provision of wildlife corridors
- h) Methods necessary to avoid, remedy or mitigate stream bank erosion

For the purposes of S31 of the Act, Council shall restrict its discretion to the matters a) - g) specified below:

- a) The timing and duration of the activity
- b) The area and location of the activity
- c) Any vegetation that is to be retained
- d) Potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value, access and landscape, including revegetation type and density
- e) Heritage values in the heritage alert layer
- f) Effects on the habitat of both indigenous and introduced species and the provision of wildlife corridors
- g) Methods necessary to avoid, remedy or mitigate stream bank erosion

4.10.3.2.1 Notification

- a) Subject to Section 94C of the Act an application for a restricted discretionary resource consent for land disturbance within a Riparian Management Area, shall not be publicly notified and shall be considered without the written approval of affected parties except where the application relates to land within:
 - i) an Outstanding Landscape Area, or
 - ii) the Coastal Environment, or
 - iii) a Protection Management Area

4.10.3.3 Erection of new structures or alteration or additions to existing structures

*Refer to Chapter
3.15 - 3.18*

Provided that:

1. This rule excludes the following:
 - a) fencing; or
 - b) structures associated with flood hazard management, river control, or soil conservation purposes.

For the purposes of S30 of the Act, Council shall restrict its discretion to the matters a) - d) specified below:

- a) The timing and duration of the activity
- b) The cumulative effect of the activity
- c) Potential effect on the values associated with water quality, natural character, biodiversity, and significant habitat of indigenous fauna.
- d) Methods necessary to avoid, remedy or mitigate stream bank erosion

For the purposes of S31 of the Act, Council shall restrict its discretion to the matters a) - h) specified below:

- a) The timing and duration of the activity
- b) The area, location and size of the structure
- c) The cumulative effect of the activity
- d) Proximity to existing structures
- e) Conformity with the nature and extent of existing structures

- f) Potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value, access and landscape
- g) Methods necessary to avoid, remedy or mitigate stream bank erosion
- h) Heritage values in the heritage alert layer

4.10.3.4 The planting of second rotation plantation forest species within a Riparian Management Area

Provided that:

1. The planting occurs after the Plan becomes operative.
2. The planting is not a requirement of a consent.

For the purposes of s30 of the Act, Council shall restrict its discretion to the matters a) – h) specified below:

- a) The timing and duration of the activity
- b) The area and location of the activity
- c) Any non-plantation forest vegetation that is to be retained
- d) Potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value, access and landscape
- e) Effects on water quality of any waterbodies (from sediment, for example)
- f) Effects of changed shading on aquatic habitat from non-plantation forest vegetation
- g) Effects on the habitat of both indigenous and introduced species and the provision of wildlife corridors
- h) Methods necessary to avoid, remedy or mitigate stream bank erosion.

For the purposes of s31 of the Act, Council shall restrict its discretion to the matters a) – g) specified below:

- a) The timing and duration of the activity
- b) The area and location of the activity
- c) Any non-plantation forest vegetation that is to be retained
- d) Potential effect on the values associated with natural character, biodiversity, significant habitat of indigenous fauna, amenity value, access and landscape
- e) Heritage values in the heritage alert layer
- f) Effects on the habitat of both indigenous and introduced species and the provision of wildlife corridors
- g) Methods necessary to avoid, remedy or mitigate stream bank erosion

4.10.3.4.1 Notification

- a) Subject to Section 94C of the Act an application for a restricted discretionary resource consent for plantation forest vegetation clearance within a Riparian Management Area shall not be publicly notified. Notice of the application need not be served on affected persons and the application shall be considered without the written approval of affected parties except where the application relates to land within:
- i) an Outstanding Landscape Area;
 - ii) the Coastal Environment;
 - iii) a Protection Management Area.

Explanatory note: Section 94C may be invoked where the activity is proposed within for example, an area of natural significance.

4.11 WETLAND AREAS

NOTE: The following rules are both Regional and District rules.

4.11.1 Permitted Activities

The following permitted activities are for the avoidance of doubt. The list is not exhaustive (General Rule 4.6.1 refers).

4.11.1.1 Any activity not provided for as a discretionary activity in this overlay

Provided that:

1. The Activity complies with the General Rules.
2. The area is not affected by a more restrictive rule of another overlay elsewhere in this chapter.

4.11.1.2 Minor upgrading and maintenance of lawfully established structures for network utility purposes (excluding roads, tracks or earth dams)

4.11.1.3 Maintenance of lawfully established roads, fencelines, tracks or earth dams

4.11.1.4 Maintenance and repair of lawfully established structures excluding network utility structures

4.11.1.5 Vegetation clearance

Provided that:

- a) The vegetation comprises exotic trees or shrubs or other exotic plants not exceeding 30cm d.b.h., scattered amongst pasture; or
- b) The clearance is by grazing; or
- c) The clearance is required under a Regional Pest Management Strategy under the Biosecurity Act 1993; or
- d) The clearance is hand clearing for fencelines or for restoration of wetlands, and is surficial, and not more than 4m total width; or
- e) The activity is for the purposes of customary harvest by tangata whenua; or
- f) The activity is for the purposes of control of natural hazards and the area to be cleared does not exceed 100m² per 24 months
- g) No vegetation, slash, spoil or other debris greater than 100mm in diameter shall be directly deposited in, on or under wetlands.

4.11.2 Discretionary Activities

The following activities shall be discretionary activities:

4.11.2.1 Drainage or infilling or vegetation clearance within any wetland that is greater than 200m² in area

Provided that:

1. Where two or more wetlands lie within a radius of 50 metres, their areas shall be summed for the purposes of this rule.

*Refer to Chapter
3.15 - 3.18,
6.7.1, 6.7.2,
6.7.4, 6.8.1,
6.8.2, 6.8.4,
6.9.1, 6.9.3,
6.9.4,
7.9.5*

4.11.2.2 Any activity (excluding tree planting) within 100m of the outer edge of the margin of a wetland greater than 200m² that causes drainage or infilling of that wetland

Provided that:

1. Where two or more wetlands lie within a radius of 50 metres, their areas shall be summed for the purposes of this rule.

4.12 INDIGENOUS VEGETATION CLEARANCE OUTSIDE OF THE PROTECTION MANAGEMENT AREA OVERLAY

This is a District Rule (refer to Rule 4.6).

4.12.1 Permitted Activities

The following permitted activities are for the avoidance of doubt. The list is not exhaustive (General Rule 4.6.1 refers).

4.12.1.1 Indigenous vegetation clearance, which is not subject to any other rule in the Plan

4.12.1.2 Indigenous vegetation clearance where the vegetation to be cleared comprises trees, shrubs or other plants scattered amongst pasture

4.12.1.3 Indigenous vegetation clearance which is necessary for the maintenance and repair of lawfully established:

1. Structures (including structures for network utility purposes); *or*
2. Roads; *or*
3. Tracks; *or*
4. Firebreaks; *or*
5. Earth dams; *or*
6. Fences (provided that, in the case of fences, the clearance is not more than 4 metres in overall width and is confined to the extent necessary to maintain a stable fenceline).

4.12.1.4 Indigenous vegetation clearance for the purposes of establishing a new fenceline to exclude stock and/or pests from an area, provided that the clearance is not more than 4 metres in overall width.

4.12.1.5 Indigenous vegetation clearance which is necessary for the minor upgrading of:

1. Lawfully established structures for network utility purposes (excluding roads, tracks and earth dams); *or*
2. Fences.

4.12.1.6 Indigenous vegetation clearance which is specifically provided for by the Management Plan of any areas that is subject to:

- 1) A statutory instrument; *or*
- 2) A covenant required to be entered into as a condition of a resource consent; *or*
- 3) A covenant entered into in accordance with the Tasman Accord or the East Coast Forestry Project;
- 4) A Gisborne District Council Kaitiaki Agreement.

4.12.1.7 Indigenous vegetation clearance where the vegetation to be cleared has grown in association with any plantation forest:

Provided that:

- 1) The clearance occurs on land that was already clear, or was cleared at the time the plantation forest was established; and
- 2) The clearance is incidental to the preparation for replanting, harvesting or clearing of plantation forest, where that activity is otherwise permitted or authorised under this Plan; and
- 3) The indigenous vegetation being cleared is not within a Riparian Management Overlay.

For the purposes of Rule 4.12.1.7, “in association with” means any indigenous vegetation which has grown on the land that was clear at the time plantation forest was established and is therefore the same age as or younger than the existing plantation crop.

4.12.1.8 Indigenous vegetation clearance where the District Conservator of the Gisborne District Council (or, if no District Conservator exists, any successor officer of the Gisborne District Council) has certified that the area to be cleared does not contain significant indigenous vegetation or significant habitat of indigenous fauna.

Method of Certification:

- (1) When making a determination under Rule 4.12.1.8, the District Conservator may take into account the extent to which any adverse effects of the indigenous vegetation clearance will be avoided, remedied or mitigated.
- (2) Before making a determination under Rule 4.12.1.8, the District Conservator must take into account the recommendations in an assessment report prepared by an approved ecologist as to whether the area to be cleared contains significant indigenous vegetation or significant habitat of indigenous fauna.
- (3) Gisborne District Council will at all times make available a list of ecologists approved to provide assessment reports for the purposes of Rule 4.12.1.8. When preparing and amending the list Gisborne District Council must:
 - a) Consult with the Department of Conservation, iwi, Royal Forest and Bird Protection Society of New Zealand Incorporated, Eastland Wood Council Incorporated and Federated Farmers of New Zealand Gisborne Wairoa Province Incorporated (or any successor entities); and
 - b) Take into account the professional qualifications and experience of any prospective ecologist, including experience within any East Coast area of the North Island. For the avoidance of doubt, it is not necessarily mandatory that any prospective ecologist have experience within any East Coast area of the North Island.

The list may be added to and/or amended from time to time as required. For the avoidance of doubt, the list may include an ecologist engaged by an applicant and/or an ecologist employed by Gisborne District Council.

- (4) An assessment report for the purposes of Rule 4.12.1.8 need only include such detail as corresponds with the scale and significance of the effects that the proposed activity may have on the environment.
- (5) An assessment report for the purposes of Rule 4.12.1.8 must:
 - a) Assess all indigenous vegetation within the same rating unit that is continuous (or nearly continuous) with the area(s) proposed for clearance (“assessment area”) as well as the effects of any indigenous vegetation enhancement measures within the same ecological district that will be implemented should some clearance proceed; *and*
 - b) Include a scaled map and/or recent aerial photograph showing the assessment area and its context, provided that any aerial photograph must include the approximate date on which it was taken; *and*
 - c) Include a vegetation map and description of the vegetation types making up the assessment area; *and*
 - d) Assess the significance of the indigenous vegetation and habitat of indigenous faunas in the assessment area based on the following matters:
 - i) representativeness (for instance whether the area is a good example of an indigenous vegetation or habitat type within the Gisborne District;
 - ii) diversity (for instance whether the area includes natural diversity of landform, ecosystems, flora or fauna;
 - iii) rarity (for instance whether the area contains nationally or regionally rare flora, fauna, ecosystems or landforms or is regularly used by nationally or regionally rare fauna;
 - iv) ecological viability (for instance the area’s ability to maintain itself without active management;
 - v) size and shape *and*
 - vi) context (for instance the area’s relationship with other areas of indigenous vegetation including any ecological linkages or corridors to other areas of significant indigenous vegetation or habitats of indigenous fauna; *and*
 - vii) naturalness; *and*
 - viii) the importance of the assessment area for breeding, feeding, roosting or loafing areas used by threatened indigenous fauna on a regular or annual basis.

For the avoidance of doubt the words “for instance” in paragraphs (i) to (iv) and (vi) are not limiting but are referring only to an example of the type of matter that might be considered in each paragraph.

4.12.2 Restricted Discretionary Activities

The following activities are restricted discretionary:

4.12.2.1 Indigenous vegetation clearance where:

- 1) The vegetation to be cleared consists of naturally occurring indigenous tree species with a closed canopy and that canopy has an average height of more than 6 metres; *and*
- 2) The area to be cleared has more than 1 hectare per rating unit within any period of 12 months.

4.12.2.2 Indigenous vegetation clearance where:

- 1) The vegetation to be cleared consists of naturally occurring indigenous tree species with a closed canopy and that canopy has an average height of more than 6 metres or less; *and*
- 2.) The canopy of the vegetation to be cleared has an actual or emerging predominance of naturally occurring indigenous tree species of any height (other than Kanuka or Manuka); *and*
- 3) The area to be cleared is more than 5 hectares per rating unit within any period of 12 months.

For the purposes of Rule 4.12.2.2 “actual or emerging predominance” means visible within the canopy.

4.12.2.3 Indigenous vegetation clearance where:

- 1) The vegetation to be cleared consists of naturally occurring indigenous tree species with a closed canopy; *and*
- 2) Clearance of the vegetation would have a significant adverse effect on the viability of any continuous link between:
 - (a) two or more wetlands; *or*
 - (b) any wetland and a Protection Management Area; *or*
 - (c) any wetland and a Riparian Management Area; *or*
 - (d) any Riparian Management Area and a Protection Management Area

4.12.2.4 Indigenous vegetation clearance where:

- 1) The vegetation to be cleared consists of naturally occurring indigenous tree species with a closed canopy; *and* *l*
- 2) The area to be cleared is continuous with and forms part of the same catchment of a wetland.

4.12.2.5 Indigenous vegetation clearance where:

- 1) The vegetation clearance will be undertaken by selective felling of live trees; *and*

- 2) The vegetation to be cleared is not wind-thrown trees or standing trees that have died of natural causes; *and*
- 3) The trees to be felled include but are not limited to beech (any species), kahikatea, matai, miro, pohutukawa, northern rata, puriri, rimu, tanekaha, tawa or Hall's totara; *and*
- 4) The trees to be felled will yield more than 50m³ of round-wood per rating unit within any period of 10 years.

4.12.2.6 For activities which are restricted discretionary under Rule 4.12.2, discretion is limited to:

- 1) The timing and duration of the activity.
- 2) The area and location of the activity.
- 3) The extent to which any adverse effects of the activity will be avoided, remedied or mitigated, where such avoidance, remedy or mitigation may include (but is not limited to) any indigenous vegetation that is to be retained and any indigenous vegetation that is to be protected by excluding stock or managing pests.
- 4) Whether the natural heritage values recognised in Policies 4.4.2 to 4.4.7 will be given effect to in the Gisborne District if the proposed vegetation clearance takes place.
- 5) The extent to which any area of indigenous vegetation less than 5 hectares is practical to protect.
- 6) Any impact clearing or not clearing the area(s) proposed for clearance will have on the economic viability of the land subject to the activity and to the economic, social and cultural opportunities available to the owner(s) of that land.
- 7) Whether the adverse effects of the proposed activity on the environment will be mitigated by:
 - a) the establishment of any other area which qualifies as a Formally Protected Area under method 4.5.4; *and/or*
 - b) the extent of any other indigenous vegetation within the same rating unit which must be retained due to the operation of this Plan.

Non-notification / service

In accordance with s.94D(2) RMA, an application for a restricted discretionary activity under Rule 4.12.2 does not need to be notified, however, notice of an application may be served on persons affected by the activity.

4.12.3 Discretionary Activities

The following activities are discretionary:

- 4.12.3.1 Indigenous vegetation clearance where the area to be cleared contains naturally occurring regionally and/or nationally threatened montane-subalpine scrub community.**
- 4.12.3.2 Indigenous vegetation clearance where the area to be cleared contains any plants listed in Appendix 8A and the owner and/or manager of the relevant rating unit knows or should reasonably have known about the existence of such plants.**
- 4.12.3.3 Indigenous vegetation clearance where the area to be cleared contains any habitat important for and used by any animals listed in Appendix 8A and the owner and/or manager of the relevant rating unit knows or should reasonably have known about the existence of such habitat.**
- 4.12.3.4 Indigenous vegetation clearance where the total area to be cleared in the rating unit within any 12 month period comprises 500m² or greater of remnant primary forest.**

4.13 GISBORNE URBAN RIDGELINE OVERLAY

4.13.1 Permitted Activities

The following permitted activities are for the avoidance of doubt. The list is not exhaustive (General Rule 4.6.1 refers).

4.13.1.1 Minor upgrading and maintenance of lawfully established structures for network utility purposes (excluding roads, tracks or earth dams)

4.13.1.2 Maintenance of lawfully established roads, tracks or earth dams

4.13.1.3 Maintenance and repair of lawfully established structures excluding network utility structures

4.13.1.4 Establishment and operation of telecommunication and radio communication structures located above or below ground within legal road and road reserve, including associated vegetation clearance and land disturbance.

4.13.1.5 Overhead connections to individual properties from existing overhead lines and cables, limited to one extra support structure.

4.13.1.6 Subject to Rule 4.8.4.1, and outside of legal road and road reserve, establishment and operation of telecommunication and radio communication lines and cables located below ground, including associated vegetation clearance and land disturbance, where the construction corridor does not exceed 2 metres in width.

4.13.2 Restricted Discretionary Activities

4.13.2.1 Erection of new structures or alteration or additions to existing structures that are not within a residential zone

Provided that:

1. The structure is not a dwelling unit on a site to be erected on a building platform for which a subdivision resource consent has been granted between 1 October 1991 and 8 November 1997.
2. The structure exceeds 2.5m in height; and
3. Projects above any prominent ridgeline; or

Council shall restrict its discretion to the matters a) - j) specified below:

- a) The timing and duration of the activity
- b) The area, location and size of the structure with particular regard to conforming with existing landforms
- c) Proximity to prominent ridgelines
- d) The cumulative effect of the activity
- e) Proximity to existing structures

- f) Conformity with the nature and extent of existing structures
- g) The structure's visual dominance in the landscape
- h) Any vegetation screening and backdrop
- i) The means necessary to maintain values associated with natural character, biodiversity, amenity and landscape
- j) Heritage values in the heritage alert layer

4.14 FINANCIAL CONTRIBUTIONS

4.14.1 Financial Contributions for Access to Significant Natural Heritage Areas

Circumstances Imposed

Financial contributions of land (including easements) may be imposed on subdivision consent applications where the subdivision adjoins or can provide enhanced public access to a strategically important waterbody, significant heritage feature, protected area compatible with public access or significant wetland.

Provided that:

- a) Discretion or control is reserved over financial contributions, natural heritage, or over the values identified in the overlays of Chapter 4 – Natural Heritage.
- b) The applicant supports the requirement for the contribution.

Purpose of Contributions

To enhance or provide access to a significant natural heritage area.

Manner for Calculating Contributions

The amount and nature of the contribution will be determined on the facts of each application with particular regard to the following factors, and agreed to by the applicant:

- The availability or potential availability of other access to the significant natural heritage area. Access that does not require financial contribution of land will be preferred and a financial contribution will only be considered when no other reasonable access is available.
- The minimum contribution of land required to provide safe access to the significant natural heritage area.
- The impact on the remainder of the site. A contribution will not be required if it would have a significant impact.

4.14.2 Financial Contributions to Offset Adverse Effects on Natural Heritage Values

Circumstances Imposed

Financial contributions of money or land (including easements) may be imposed on resource consent applications to offset an adverse effect of the activity on:

- significant indigenous vegetation
- significant habitats, outstanding natural features or landscapes
- water quality, wetlands or aquatic habitats; or
- the natural character associated with the coastal environment, lakes, rivers, wetlands and their margins.

Provided that:

- a) Discretion or control is reserved over financial contributions, natural heritage, or over the values identified in the overlays of Chapter 4 – Natural Heritage.
- b) All means of avoiding, mitigating or remedying adverse effects have been addressed.
- c) The remaining adverse effects are acceptable; and

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Notified 2 October 2010

Amendments to rules do
not yet have legal effect.

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d) The applicant supports the requirement for the financial contribution.

Purpose of Contributions

To provide positive effects on the environment to offset adverse effects.

Manner for Calculating Contributions

The amount of the contribution shall be determined by calculating the fair and reasonable costs inherent in providing a positive effect to offset the adverse effect as agreed between the Council and the applicant. This may include associated costs such as legal costs, administrative fees and taxes.

4.15 ANTICIPATED ENVIRONMENTAL RESULTS

- a) The community is aware of the nature and value of the District's natural heritage.
- b) There is increased awareness and recognition of community and tangata whenua needs in the use of the District's natural heritage.
- c) Individual users and the wider community are aware of both the on- and off-site adverse effects of land uses on the District's natural heritage. They are also aware of techniques to avoid, remedy or mitigate those adverse effects.
- d) Adverse environmental effects on natural heritage values are avoided, remedied or mitigated. This allows for communities to continue using the District's land resources to provide for their social, economic and cultural well being while maintaining the District's natural heritage for future generations.