

Coastal Overview - Chapter 3: Natural Environment – Ecological Sites and Indigenous Vegetation

1.0 Introduction

- 1.1 The section 42A report I have prepared considers submissions received on the provisions of Chapter 3: Natural Environment in relation to the provisions concerning Ecological Sites and Indigenous Vegetation.
- 1.2 For the purposes of this Coastal Overview, I will identify the major issues raised by submitters in relation to Chapter 3: Natural Environment within the breadth of my section 42A report, but then concentrate on submissions specific to coastal environment issues and the areas of cross-over with the Coastal Environment and Natural Hazards sections of the Plan as pertaining to the coastal environment.

2.0 Major themes

- 2.1 There were a large number of submissions and further submissions received on Chapter 3. The major themes of the ecological sites and indigenous vegetation related submissions were:
- Identification of Significant Biodiversity (Policy 3.11)
 - Provisions relating to Trimming & Modification of Non – Urban Indigenous Vegetation
 - Approach to buildings and earthworks within and adjacent to Ecological Sites
 - Schedule 3.2 (Key Indigenous Tree Species); and
 - Schedule 3.1 & the PDP Maps relating to Ecological Sites

Relationship of Major themes to the Coastal Environment

- 2.2 A number of areas of significant biodiversity and identified as ‘Ecological Sites’ in the PDP are located within the Coastal Environment. **Refer to the Power Point Slide for a list of these Ecological Sites.** It is noted that in terms of the PDP as notified some 73 Ecological Sites are located either fully or partially within the area defined on the PDP Maps as being within the Coastal Environment. In the reduced area of coastal environment identified in the SEV maps this figure drops to 11 Ecological Sites.
- 2.3 In terms of indigenous vegetation not within Ecological Sites, indigenous vegetation within 20m of a water body or the coastal marine area is protected by various rules and Schedule 3.2 ‘Key Indigenous Tree Species’ includes ‘Salt Zone’ and ‘Dune Land’ ecological domain categories. It is noted however, that in response to submissions, references to ‘ecological domains’ are recommended to be deleted.

Specific Submissions to Chapter 3 relating to the Coastal Environment

- 2.4 Submission 511-4 Mari Housiaux sought prohibited activity status for excavation/earthmoving of remaining coastal dunes and identified wetland, buffer areas, peatland remaining from extant wetland and areas of indigenous vegetation.

- 2.5 Submission 38 – 20 North Otaki Beach residents group sought a discretionary activity rule that authorises coastal erosion hazard protection infrastructure in sensitive natural features or significant amenity landscapes including associated earthworks and vegetation clearance
- 2.6 These were the only two submissions received on Chapter 3 Ecological Site and Indigenous Vegetation matters with specific reference to coastal environment issues. In both cases the submissions have been recommended to be rejected. Although it is noted that coastal erosion hazard protection affecting ecological sites or indigenous vegetation would already have a discretionary or restricted discretionary activity status in any case in regards to the indigenous vegetation modification aspect of the activity. In this respect the concerns of the North Otaki Beach residents group are addressed.
- 3.0 Cross-over issues
- 3.1 With regard to the section 42A reports for other chapters relevant to the coastal environment, issues that cross-over Chapter 3 in relation to ecological sites and indigenous vegetation and other chapters are:
- Dune restoration affecting indigenous vegetation
 - Areas of high Natural Character that are also Ecological Sites
 - Stream and river maintenance

Dune restoration affecting indigenous vegetation

- 3.2 As identified in the Coastal Environment Coastal Overview, Rule 4A.2.1 of Chapter 4 classifies earthworks and vegetation on dunes undertaken for the purpose of dune restoration, and the associated removal of non-native plant species, as a controlled activity. Rule 4A.3.1 classifies buildings on land in the coastal environment which has been identified as having high natural character as being a restricted discretionary activity. Rule 4A.4.1 classifies buildings on land in the coastal environment which has been identified as having outstanding natural character as being a discretionary activity.
- 3.3 The combined Chapter 3 as recommended to be amended by the three s42A reports identifies some integration issues that will be identified in my opening statement to the Chapter 3 hearings. This is primarily between the Urban Tree Variation s42A report and the s42A report that is the subject of this overview.
- 3.4 In summary any modification of indigenous vegetation by dune restoration activities that is either within an ecological site or within 20m of the Coastal Marine Area or involves a rare and threatened vegetation species identified in Schedule 3.3, would either fall to be considered as a Discretionary Activity under Rule 3A.4.2 (if the underlying zoning is Rural Dunes) or a Restricted Discretionary Activity (in any other zone). The latter category also covers any indigenous vegetation listed in schedule 3.2 'Key Indigenous Tree Species'.
- 3.5 I agree with the author of the Coastal Environment s42A report that this cross over is not inappropriate. Where there is no indigenous vegetation falling within the above mentioned categories dune restoration would only be subject to the Coastal Environment rules but if indigenous vegetation was involved, consent would also be required under the Chapter 3 rules.

Areas of High Natural Character that are also Ecological Sites

- 3.6 At least a portion of the following ecological sites are also within areas identified on the PDP maps and in Chapter 4 as being of 'High Natural Character': K001 'Lake Waiorongomai', K014 'Waitohu River Mouth', K027 'Otaki River Mouth', K081 'Waikanae River Mouth', K109 'Queen Elizabeth Park Dunes', K110 'Fisherman's Table Dune', K113 'Motungarara Island', K114 'Tahoramaurea Island', K115 'Tokomapuna Island', K117 'Kapiti Island' and K231 'Te Horo Beach Dune'.
- 3.7 The rules in Chapter 4 relating to areas of High Natural Character restrict buildings and earthworks. In my opinion such activities are unlikely in those parts of the abovementioned ecological sites of High Natural Character, as most of these sites are either within Open Space or River Corridor Zones. Depending on the scale of earthworks involved such activities would have either a Restricted Discretionary Activity or Non-Complying Activity status under Chapter 4. In my opinion, it would not be inappropriate for any resource consent sought for such activities to also be required to cover off Discretionary Activity or Restricted Discretionary Activity status for indigenous vegetation modification required under Chapter 3. To this extent I do not consider there to be a cross over issue.

Stream and River maintenance

- 3.7 Submissions were lodged to Chapter 3 (229.1&3 Gordon and Sylvia Moller and 451.56 Rob Crozier & Joan Allin) seeking exemptions from the Chapter 3 rules to enable flood protection, erosion control and natural hazard mitigation authorised as a permitted activity under Rule 9B.1.6, to also be permitted in Chapter 3. My s42A report recommends accepting these submissions firstly with a note in Discretionary Activity Rule 3A.4.2 relating to buildings and development within 5m of an ecological site exempting activities permitted under Rule 9B.1.6. Further to this permitted activity Rule 3A.1.5, which applies to the rural zones, and permits indigenous vegetation modification unless that modification is within an ecological site (identified in Schedule 3.1), is a rare and threatened vegetation species (identified in Schedule 3.3), or is within 20m of a water body of the Coastal Marine Area. A list of exemptions however applies authorising specified indigenous vegetation modification activities within these areas. One of these exemptions is: (i) *for flood protection, erosion control and natural hazard mitigation authorised as a permitted activity under Rule 9B.1.6.*
- 3.8 An equivalent exemption does not however apply to the Open Space of River Corridor Zones where activities authorised under Rule 9B.1.6 are most likely to take place. Those areas not within the defined 'urban environment' and not within the Rural Dunes, Rural Plains or Rural Hills zones and are recommended to be subject to similar provisions as the urban environment subject to the Urban Trees Variation. This is an oversight on my part and I intend to recommend an amendment in my opening statement to the Chapter 3 hearings. A potential solution could be to include the Open Space Zones and River Corridor Zone under the same Chapter 3 rules relating to indigenous vegetation as the rural zones, but this requires further thought with regard to unintended consequences.

Conclusion

3.9 I am not aware of any other cross over issues pertaining to the coastal environment with regard to the Chapter 3 ecological site and indigenous vegetation provisions.