

ISSUES:

Chapter 10 addresses four topic areas in the two broad themes of natural values ('biodiversity') and historic heritage. The key issues below are set out in the four topic areas.

Significant Natural Values –In general, the indigenous biodiversity provisions in the Plan are no longer fit for purpose and need to be redeveloped to provide a more cohesive approach to biodiversity protection, and to align with and implement legislation, case law and national directions. In Tasman, there is a lack of information about the overall health of our ecosystems due to a lack of integrated catchment level assessment and monitoring to date. A number of improvements specific to Significant Natural Area (SNA) provisions are required, including (1) current systems for identifying the boundaries, extent, attributes and ongoing viability of SNAs, and (2) management of activities on adjacent properties.

Cultural Heritage Sites –Incomplete and sometimes inaccurate identification and mapping of these sites undermines plan effectiveness. Protection for cultural heritage sites which are not scheduled in the Plan is poor and unregulated earthworks are a significant threat to cultural heritage sites.

Heritage Buildings & Structures – In general, there is a good level of protection of heritage buildings and structures which are scheduled in the Plan and located on land. However, improvements to the current systems for identifying and recording heritage buildings and structures would increase plan effectiveness. There are currently no rules in the regional coastal plan to protect historic buildings and structures located within the Coastal Marine Area.

Protected Trees – In general, there is a reasonable level of protection for trees which are scheduled in the Plan. Managing effects of off-site activities (for example, ensuring sufficient water supply) and improving the clarity of rules for pruning and works around the base of protected trees would enhance the effectiveness of these provisions. The criteria for the protection and inclusion of trees requires updating to meet best practice.

MANDATORY STATUTORY REQUIREMENTS:

Significant Natural Areas – The protection of areas of significant vegetation and significant habitats of indigenous fauna must be recognized as a matter of national importance (s6(c)) and all decisions must have particular regard to the intrinsic values of ecosystems (s7(d)), the quality of the environment (s7(f)), and any finite characteristics of natural and physical resources (s7(g)). The Conservation Act, Forests Act, NZ Coastal Policy Statement 2010 (NZCPS), NPS for Freshwater Management 2014 and NES for Plantation Forestry 2017 all contain national directions relating to indigenous biodiversity. An NPS for indigenous biodiversity is under development.

Cultural Heritage Sites & Heritage Buildings and Structures – The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga (s6(e)) and the protection of historic heritage from inappropriate subdivision, use and development (s6(f)) must be recognised as a matter of national importance. Particular regard must be had to kaitiakitanga (s7(a)); the ethic of stewardship (s7(aa)); the maintenance and enhancement of amenity values (s7(c); and any finite characteristics of natural and physical resources (s7(g)). The RMA also requires us to take into account any relevant planning document recognized by an iwi authority. The Heritage New Zealand Pouhere Taonga Act 2014, Conservation Act 1987 and Te Taihū Treaty settlement legislation and NZCPS all contain directions relating to cultural heritage sites.

Protected Trees – Under Part 2 of the RMA, particular regard must be had to the maintenance and enhancement of amenity values (s7(c)); the quality of the environment (s7(f)); and any finite characteristics of natural and physical resources (s7(g)). The RMA provides for district plan rules that prohibit or restrict the felling, trimming, damaging or removal of a tree in the urban environment, as long as they are scheduled in the Plan (s76).

RECOMMENDATIONS:

1. Develop a more focused, comprehensive and directive set of provisions for indigenous biodiversity protection.
2. Improve systems for identifying the boundaries, extent and attributes of Significant Natural Areas (SNAs).
3. Extend rules for managing activities on adjacent sites where those activities could have an adverse effect on indigenous biodiversity.
4. In consultation with iwi, improve mapping and data systems for identifying boundaries, extent and attributes of cultural heritage sites.
5. Work with iwi to develop better protection of cultural sites.
6. Review land disturbance provisions to address potential impacts on cultural sites from unregulated earthworks.
7. Improve systems for identifying heritage buildings and structures and recording their values.
8. Consider regional coastal plan rules for protection of sites in the coastal marine area.
9. Review and clarify rules for pruning, trimming and working in the root zone of protected trees.
10. Consider management of off-site activities which could affect tree health.
11. Update the schedule and criteria for protection of trees to reflect best practice.

