

D9. Significant Ecological Areas Overlay

D9.1. Background

Auckland's indigenous biodiversity is unique with a diverse range of ecosystems reflecting the complex physical environment of the region. Natural ecosystems and indigenous biological diversity contribute to the character and identity of Auckland and distinguish it from other regions of New Zealand.

Healthy and functioning ecosystems contribute to improved water quality, soil conservation and carbon sinks, as well as providing opportunities for our recreation, economic, and cultural use. However, development has resulted in the loss of habitats and a reduction of biodiversity. Urban expansion and development, changes in coastal and rural land uses, and the ongoing degradation from pest species continue threaten the maintenance of indigenous biodiversity.

In order to protect and better provide for the management of areas that contribute significantly to Auckland's biodiversity it is important to spatially identify them as significant ecological areas, in accordance with B7.2 Indigenous biodiversity. Significant ecological areas have been identified for terrestrial areas, and parts of the coastal marine area.

D9.1.1. Significant Ecological Areas – Terrestrial (SEA-T)

Significant Ecological Areas – Terrestrial are identified areas of significant indigenous vegetation or significant habitats of indigenous fauna located either on land or in freshwater environments. In order to maintain indigenous biodiversity these areas are protected from the adverse effects of subdivision, use and development.

Schedule 3 Significant Ecological Areas – Terrestrial Schedule identifies the factors used to determine Significant Ecological Areas – Terrestrial and the values of scheduled areas.

The management of vegetation and biodiversity outside of identified significant ecological areas is subject to the provisions in E15 Vegetation management and biodiversity.

D9.1.2. Significant Ecological Areas – Marine (SEA-M)

[The regional coastal plan [rcp] provisions (for activities or resources in the coastal marine area) are not operative until the Minister of Conservation has formally approved the regional coastal plan part of the Auckland Unitary Plan.]

Significant Ecological Areas – Marine are identified areas of significant indigenous vegetation or significant habitats of indigenous fauna located in the coastal marine area.

Schedule 4 Significant Ecological Areas – Marine Schedule identifies the factors used to determine Significant Ecological Areas – Marine and the values of scheduled areas.

The following categories of significant ecological areas in the coastal marine area are identified in Schedule 4 Significant Ecological Areas – Marine Schedule and on the planning maps:

SEA-M: Significant Ecological Area – Marine

SEA-M1: Areas which, due to their physical form, scale or inherent values, are considered to be the most vulnerable to any adverse effects of inappropriate subdivision, use and development.

SEA-M2: Areas are of regional, national or international significance which do not warrant an SEA-M1 identification as they are generally more robust.

SEA-M1w, SEA-M2w: Areas that are identified as significant wading bird areas.

Coastal and marine ecosystems are subject to change, damage or destruction from inappropriate subdivision, use and development, as well as natural processes. The quality of the coastal environment is fundamentally determined by the presence of a diversity of ecosystems and by their ability to function as biological systems.

The management of indigenous biodiversity and marine ecosystems outside of scheduled significant ecological areas are subject to the objectives and policies in E15 Vegetation management and biodiversity, and to the vegetation management provisions in Chapter F Coastal.

D9.1.3. Rules for significant ecological areas

The rules that apply to Significant Ecological Areas – Terrestrial are contained in:

- E15 Vegetation management and biodiversity (overlay rules);
- E11 Land disturbance - Regional (overlay rules); and
- E26 Infrastructure (overlay rules).

The rules that apply to Significant Ecological Areas – Marine are contained in:

- Chapter F Coastal (rules are through various activity sections).

D9.2. Objectives [rcp/rp/dp]

[The regional coastal plan [rcp] provisions (for activities or resources in the coastal marine area) are not operative until the Minister of Conservation has formally approved the regional coastal plan part of the Auckland Unitary Plan.]

- (1) Areas of significant indigenous biodiversity value in terrestrial, freshwater, and coastal marine areas are protected from the adverse effects of subdivision, use and development.
- (2) Indigenous biodiversity values of significant ecological areas are enhanced.
- (3) The relationship of Mana Whenua and their customs and traditions with indigenous vegetation and fauna is recognised and provided for.

D9.3. Policies [rcp/rp/dp]

[CIV-2016-404-002343: Royal Forest and Bird Protection Society of New Zealand Incorporated]

[The regional coastal plan [rcp] provisions (for activities or resources in the coastal marine area) are not operative until the Minister of Conservation has formally approved the regional coastal plan part of the Auckland Unitary Plan.]

Managing effects on significant ecological areas – terrestrial and marine

- (1) Manage the effects of activities on the indigenous biodiversity values of areas identified as significant ecological areas by:
 - (a) avoiding adverse effects as far as practicable, and where avoidance is not practicable, minimising adverse effects on the identified values;
 - (b) remedying adverse effects on the identified values where they cannot be avoided;
 - (c) mitigating adverse effects on the identified values where they cannot be avoided or remediated; and
 - (d) considering the appropriateness of offsetting any residual adverse effects that are significant and where they have not been able to be mitigated, through protection, restoration and enhancement measures, having regard to Appendix 8 Biodiversity offsetting.
- (2) Adverse effects on indigenous biodiversity values in significant ecological areas that are required to be avoided, remedied, mitigated or offset may include, but are not limited to, any of the following:
 - (a) fragmentation of, or a reduction in the size and extent of, indigenous ecosystems and the habitats of indigenous species;
 - (b) fragmentation or disruption of connections between ecosystems or habitats;
 - (c) changes which result in increased threats from pests on indigenous biodiversity and ecosystems;
 - (d) loss of buffering of indigenous ecosystems;
 - (e) loss of a rare or threatened individual, species population or habitat;
 - (f) loss or degradation of originally rare ecosystems including wetlands, dune systems, lava forests, coastal forests;
 - (g) a reduction in the abundance of individuals within a population, or natural diversity of indigenous vegetation and habitats of indigenous fauna;
 - (h) loss of ecosystem services;
 - (i) effects which contribute to a cumulative loss or degradation of habitats, species populations and ecosystems;
 - (j) impacts on species or ecosystems that interact with other activities, or impacts that exacerbate or cause adverse effects in synergistic ways;
 - (k) loss of, or damage to, ecological mosaics, sequences, processes, or integrity;
 - (l) downstream effects on wetlands, rivers, streams, and lakes from hydrological changes further up the catchment;

- (m) a modification of the viability or value of indigenous vegetation and habitats of indigenous fauna as a result of the use or development of other land, freshwater, or coastal resources;
 - (n) a reduction in the historical, cultural, and spiritual association held by Mana Whenua or the wider community;
 - (o) the destruction of, or significant reduction in, educational, scientific, amenity, historical, cultural, landscape, or natural character values;
 - (p) disturbance to indigenous fauna that is likely or known to increase threats, disturbance or pressures on indigenous fauna; or
 - (q) increases in the extinction probability of a species.
- (3) Enhance indigenous biodiversity values in significant ecological areas through any of the following:
- (a) restoration, protection and enhancement of threatened ecosystems and habitats for rare or threatened indigenous species;
 - (b) control, and where possible, eradication of plant and animal pests;
 - (c) fencing of significant ecological areas to protect them from stock impacts;
 - (d) legal protection of significant ecological areas through covenants or similar mechanisms;
 - (e) development and implementation of management plans to address adverse effects;
 - (f) re-vegetating areas using, where possible, indigenous species sourced from naturally growing plants in the vicinity with the same climactic and environmental conditions; or
 - (g) providing for the role of Mana Whenua as kaitiaki and for the practical exercise of kaitiakitanga in restoring, protecting and enhancing areas.
- (4) Enable activities which enhance the ecological integrity and functioning of significant ecological areas including:
- (a) the management and control of pest species that threaten indigenous biodiversity; and
 - (b) managing works in the vicinity of kauri, such as deadwood removal or earthworks, to control kauri dieback disease by preventing the spread of soil and kauri plant material.

Vegetation management

- (5) Enable the following vegetation management activities in significant ecological areas to provide for the reasonable use and management of land:

- (a) trimming of vegetation;
 - (b) vegetation removal to maintain existing open areas, including tracks;
 - (c) vegetation removal to establish and maintain a reasonable cleared area around a building;
 - (d) vegetation removal required to maintain lawfully established activities, structures and buildings;
 - (e) vegetation removal necessary to provide for a dwelling on a site;
 - (f) vegetation removal necessary to provide for marae and papakainga on Māori land;
 - (g) vegetation removal in areas of high wildfire risk to manage this risk; and
 - (h) vegetation removal necessary to provide access and exit for emergency service vehicles.
- (6) Avoid as far as practicable the removal of vegetation and loss of biodiversity in significant ecological areas from the construction of building platforms, access ways or infrastructure, through:
- (a) using any existing cleared areas on a site to accommodate new development in the first instance;
 - (b) assessing any practicable alternative locations and/or methods that would reduce the need for vegetation removal or land disturbance;
 - (c) retaining indigenous vegetation and natural features which contribute to the ecological significance of a site, taking into account any loss that may be unavoidable to create a single building platform for a dwelling and associated services, access and car parking on a site;
 - (d) designing and locating dwellings and other structures to reduce future demands to clear or damage areas of significant indigenous biodiversity, for example to provide sunlight or protect property;
 - (e) avoiding as far as practicable any changes in hydrology which could adversely affect indigenous biodiversity values;
 - (f) implementing measures to maintain existing water quality and not increase the amount of sediment entering natural waterways, wetlands and groundwater; and
 - (g) using techniques that minimise the effects of construction and development on vegetation and biodiversity and the introduction and spread of animal and plant pests.

- (7) Provide for the role of Mana Whenua as kaitiaki in managing biodiversity, particularly in Treaty Settlement areas, and for cultural practices and cultural harvesting in significant ecological areas where the mauri of the resource is sustained.
- (8) Manage the adverse effects from the use, maintenance, upgrade and development of infrastructure in accordance with the policies above, recognising that it is not always practicable to locate and design infrastructure to avoid significant ecological areas.

Protecting significant ecological areas in the coastal environment

- (9) Avoid, subdivision, use and development in the coastal environment where it will result in any of the following:
 - (a) the permanent use or occupation of the foreshore and seabed to the extent that the values, function or processes associated with any Significant Ecological Area – Marine is significantly reduced;
 - (b) any change to physical processes that would destroy, modify, or damage any natural feature or values identified for a Significant Ecological Area – Marine in more than a minor way; or
 - (c) fragmentation of the values of a Significant Ecological Area – Marine to the extent that its physical integrity is lost.
- (10) Manage the adverse effects of use and development on the values of Significant Ecological Areas – Marine, in addition to the policies above, taking into account all of the following:
 - (a) the extent to which existing use and development already, and in combination with any proposal, impacts on the habitat, or impedes the operation of ecological and physical processes;
 - (b) the extent to which there are similar habitat types within other Significant Ecological Areas – Marine in the same harbour or estuary or, where the significant ecological area - marine is located on open coast, within the same vicinity; and
 - (c) whether the viability of habitats of regionally or nationally threatened plants or animals is adversely affected, including the impact on the species population and location.
- (11) Avoid structures in Significant Ecological Areas – Marine 1 (SEA-M1) except where a structure is necessary for any of the following purposes:
 - (a) scientific and research purposes, or for public education, and will enhance the understanding and long-term protection of the significant ecological area;
 - (b) navigation and safety;

- (c) habitat maintenance and enhancement; or
 - (d) to benefit the regional and national community, including structures for significant infrastructure where there is no reasonable or practicable alternative location on land, or elsewhere in the coastal marine area outside of a Significant Ecological Area – Marine 1 (SEA-M1).
- (12) Avoid the extension to, or alteration of, any existing lawful structure in Significant Ecological Areas – Marine 1 (SEA-M1) unless all of the following can be demonstrated:
- (a) that the existing structure has no significant adverse effects on the values and ecological and physical processes operating in the significant ecological area;
 - (b) that the extension or alteration will not involve significant disturbance of foreshore or seabed, clearance of indigenous vegetation, or significantly increase the need to dredge in order to obtain access to the structure; and
 - (c) that the purpose of the extension cannot practicably be met by a land-based alternative.
- (13) Avoid mangrove removal within Significant Ecological Areas – Marine where it will threaten the viability or significance of the ecological values identified.
- (14) Avoid mangrove removal within Significant Ecological Areas – Marine 1 (SEA-M1) unless the removal is for any of the following purposes:
- (a) to maintain or enhance the ecological values of the significant ecological marine area, where it is demonstrated these values are being adversely affected by mangrove colonisation;
 - (b) to maintain or restore the open nature of the wading bird feeding and roosting areas identified in Appendix 5 Wading bird areas;
 - (c) to enable the reasonable operation, maintenance and use of lawful structures and/or to allow for the efficient functioning of drainage systems; or
 - (d) to enable the provision, maintenance and use of public infrastructure, such as roads, walkways and drainage systems, and any associated public health and safety requirements, where there is no practicable alternative location outside the significant ecological area that would achieve a better environmental outcome.
- (15) Enable mangrove seedling removal in Significant Ecological Areas – Marine 1 (SEA-M1) that do not have significant values associated with mangroves and that are identified in Schedule 5 Significant Ecological Areas – Marine where mangroves are a minor component or absent.