

ECOLOGICAL AND LANDSCAPE FEATURES

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INTRODUCTION

Within the District Plan, Significant Ecological Features are shown on the planning maps and listed within Appendix 1 – Schedule of Identified Significant Ecological Features. These are protected by the rules of Section 5 – Natural Environment.

Outstanding Natural Features and Landscapes are shown on the planning maps and listed within Appendix 2 – Schedule of Identified Outstanding Landscape Features. These are protected by the rules of Section 6 – Landscape.

Council’s ‘Addendum Report (Qualifying Matters) to Section 32 Evaluation Report’ identified Significant Ecological Features and Outstanding Landscape Features as existing qualifying matters. This Plan Change did not propose any new features or changes to existing features.

TOPIC 1 – SIGNIFICANT ECOLOGICAL FEATURE U14/135 MANGAWHAI BAY INLET

BACKGROUND

In Appendix 1 – Schedule of Identified Significant Ecological Features, U14/135 is named Mangawhai Bay Inlet and is briefly identified as having an estuarine vegetation habitat. This ecological feature was included in the notified version of the first District Plan in July 1994. While no changes were proposed in Plan Change 92 to Appendix 1 (Ecological Features) there has been participation by the potentially affected landowner and the changes recommended arise from groundtrutting undertaken by the Reporting Team.

SUBMISSION POINT

One submission point was received. No further submission points were received. The submission point on this topic is summarised as follows:

Mike and Sandra Smith (50.3) seek that the boundary of ecological feature U14/135 shown on the planning maps at 467E Ōmokoroa Road be aligned with the covenanted area on the title of approximately 1.3ha.

OPTIONS

Option 1 – Status quo – No changes to the boundary of Significant Ecological Feature U14/135.

Option 2 – Align the Significant Ecological Feature U14/135 boundary with the covenanted area.

Option 3 – Reduce the size of Significant Ecological Feature U14/135 but not to the extent requested.

DISCUSSION

A conservation covenant is a voluntary legal agreement between a landowner and authorised agency to protect the values of a site. In this case the authorised agency is the Department of Conservation and the covenant is pursuant to Section 77 of the Reserves Act. The values being protected by the covenant appear to be limited to the areas of estuarine and brackish wetland based on the boundary of the covenanted area. The District Plan Maps show the ecological feature (U14/135 – Mangawhai Bay Inlet) covering a wider area. On the map to follow, the boundary of 467E Ōmokoroa Road is shown in yellow, the ecological feature (as per the District Plan Maps) is shown in green hatch and the smaller covenanted area is shown in purple hatch.

Figure 1A: Significant Ecological Feature U14/135 and Conservation Covenant



In response to the submission, Council staff have done the following:

- Reviewed a letter on the property file for 467E Ōmokoroa Road.
- Reviewed a DOC report entitled “Schedule of Sites of Significant Conversation Value Western Bay of Plenty: Volume 2A” dated 11 November 1994.
- Visited the site.

The property file contains a letter dated 21 October 1994 from the Department of Conversation (DOC) to Western Bay of Plenty Council. This letter was in response to a subdivision referral request for the property and stated DOC’s view that the wider area of U14/135 (beyond the covenanted area) did not need formal protection and that the feature boundaries should be adjusted accordingly. Council did however proceed through the District Plan process to show the wider area on the District Plan Maps (which remains operative today).

The DOC report provides the following description of ecological feature U14/135:

Habitat description

Inlet with narrow strips of estuarine vegetation along the north and south sides and a more extensive area at its head. The north and south sides are dominated by mixed associations of oioi and searush sedgeland with local areas of marsh ribbonwood scrub, gorse, manuka scrub, grey willow forest, raupo reedland, and Glyceria maxima grassland along the margins. At the head of the inlet scattered areas of mangrove scrub and shrubland (0.3m to 1.0m high) are found along the tidal creek. These merge with extensive areas of oioi sedgeland with mixed associations of searush and oioi sedgeland further inland. The shoreline vegetation has local areas of gorse, pampas and raupo reedland associated with pasture grasses. The banded rail and North Island fernbird are present at this site.

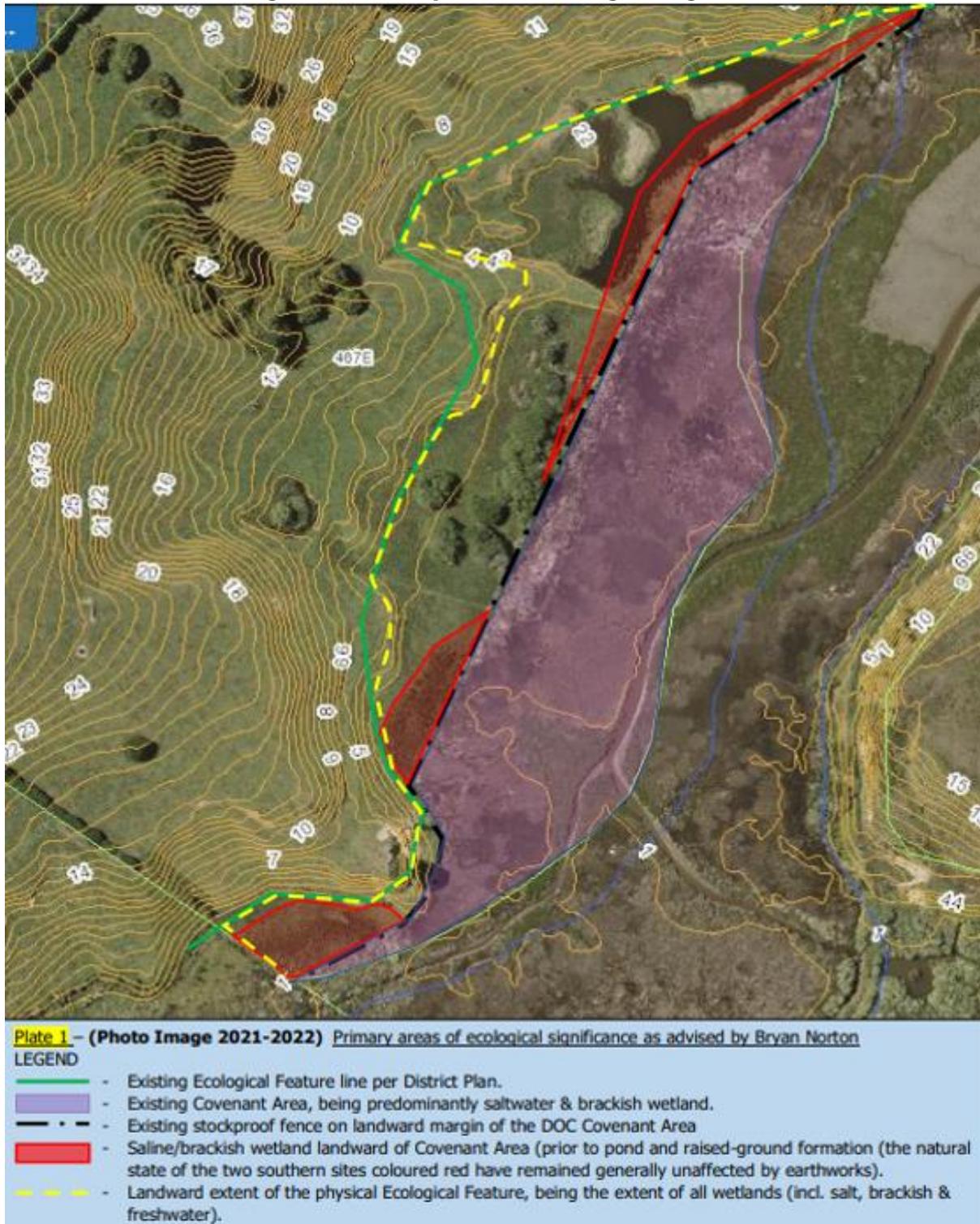
As noted earlier, the covenanted area includes the estuarine and brackish wetland. However, many of the species in the description above are also found, or are only found, outside of these estuarine and brackish areas. This includes within the freshwater wetlands and other ‘dry’ land in the wider feature area. Therefore, the ecological values of U14/135 do extend beyond the boundaries of the covenanted area as reflected on the District Plan Maps.

The site visit has identified that the ecological values in the DOC description are still present. However, it was noted that earthworks and grazing have modified values to an extent. The map on the following page, which also takes into account the site visit, identifies the areas of ecological significance which are used as the basis of Council staff’s recommendation.

In summary, the covenanted area includes all estuarine and brackish wetland but only some of the freshwater wetland. The significant ecological feature identifies these estuarine and brackish wetlands plus a wider area of ecological value including further freshwater wetland deemed worthy of formal protection under the District Plan.

It is therefore recommended that the boundary of significant ecological feature U14/135 is amended but not to the extent requested by the submitter. The feature should still include the covenanted area plus retain other areas that are freshwater wetland as indicated by the yellow dashed line in the Figure 1B below. It should not however include areas of pasture above the freshwater wetland.

Figure 1B: Primary areas of ecological significance



RECOMMENDATION

That Option 3 be accepted.

Reduce the size of Significant Ecological Feature U14/135 but not to the extent requested.

This is shown as the yellow line in Figure 1B above.

The following submission is therefore

ACCEPTED IN PART

Submission	Point Number	Name
50	3	Mike and Sandra Smith

SECTION 32AA ANALYSIS

The change proposed is minor as it better aligns the feature boundary with the areas which are of ecological significance. Accordingly, no s32AA analysis is required.

TOPIC 2 – TAURANGA HARBOUR LANDSCAPE MANAGEMENT AREA (S8/S8A)**BACKGROUND**

In Appendix 2 – Schedule of Outstanding Natural Features and Landscapes, S8/S8A – Tauranga Harbour Landscape Management Area is included in the list of Natural Features and Landscapes. As described in Appendix 2 “The area identified as visually significant includes all Rural Zoned land between MHWS and 300m above MHWS adjoining the Tauranga Harbour”.

The Bay of Plenty Regional Coastal Environmental Plan also contains Outstanding Natural Features and Landscapes (ONFLs). It gives effect to the New Zealand Coastal Policy Statement (NZCPS) regarding ONFLs through objectives and policies NH5 and NH6.

SUBMISSION POINT

One submission point was received. No further submission points were received. The submission point on this topic is summarised as follows:

Bay of Plenty Regional Council (25.23) would like to ensure that the Plan Change addresses the potential effects on coastal ONFLs and is consistent with the NZCPS and the Regional Coastal Environment Plan. It is submitted that ONFLs are identified as a qualifying matter Section 771 of the RMA. The submitter requested a further landscape analysis be undertaken to understand the effects on Te Awanui Tauranga Harbour. They also request any additional relief to execute the outcomes of the landscape analysis by way of additional planning provisions to ensure integration across boundaries with Tauranga City Council is undertaken where appropriate.

OPTIONS

Option 1 – Retain operative District Plan Tauranga Harbour Landscape Management Area (S8/S8A) and associated provisions in Section 6 – Landscape as assessed previously.

Option 2 – Undertake new landscape analysis and make amendments to execute outcomes of the assessment.

DISCUSSION

Section 771 of the RMA states:

“A specified territorial authority may make the MDRS and the relevant building height or density requirements under policy 3 less enabling of development in relation to an area within a relevant

residential zone only to the extent necessary to accommodate 1 or more of the following qualifying matters that are present.”

Section 77I (a) identifies that a matter of national importance recognised under Section 6 (such as an ONFL) can be a qualifying matter. Council has therefore through Plan Change 92 identified its own landscape features (Appendix 2 of the District Plan) as a qualifying matter so that those features and associated rules continue to have legal effect and make the MDRS less enabling of development.

The feature requested by Bay of Plenty Regional Council to have further analysis is similarly identified in the District Plan in Appendix 2 under the identifier S8/S8a – Tauranga Harbour Landscape Management Area. This identifies an area 300m from MWHS with the area within 50m of MHWS (S8a) being more significant and consequently greater restrictions apply.

This landscape management area was identified for the previous District Plan Review (notified in 2009 and made operative in 2012). This was through a report entitled ‘WBOPDC Landscape Review – Assessment of Landscape Management Requirements for the Tauranga Harbour Margins and Wairoa River Valley’ (Boffa Miskell, October 2008). This report recommended a set of planning controls for rural areas and that the same would not be necessary for urban areas (specifically residential and commercial zones).

Council therefore made the decision to only show and protect this feature where it was identified in the Rural Zone in the notified Plan Change. This decision was on the basis that urban zoned areas were mostly already developed or were going to be further developed and therefore the landscape values were already compromised. The subsequent introduction of the NZCPS (2010) and changes to the RCEP are not considered to require a change in this approach.

Further, the Ōmokoroa peninsula’s landscape values are protected by other means. This includes the presence of protected Significant Ecological Features (Appendix 1 – Schedule of Identified Significant Ecological Features), reserves and the Ōmokoroa Golf Course which is designated as a stormwater reserve and identified as a landscape feature in its own right (Appendix 2 identifier S23 – Western Bay Golf Links).

In conclusion, the Reporting Team considers that there is no further need to assess the values of the landscape or introduce any new rules to protect it with respect to areas which are not rural.

RECOMMENDATION

That Option 1 be accepted.

Retain operative District Plan Tauranga Harbour Landscape Management Area (S8/S8A) and associated provisions in Section 6 – Landscape as assessed previously.

The following submission is therefore:

REJECTED

Submission	Point Number	Name
25	23	Bay of Plenty Regional Council

SECTION 32AA ANALYSIS

As no changes are proposed, no s32AA evaluation is necessary.