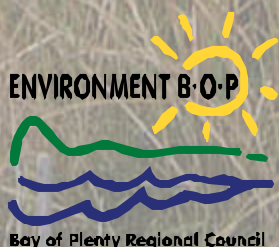


# Wetland Protection and Management

## An Assessment of Environment B-O-P's Activities



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## Executive Summary

Concerns about the scarcity of wetlands in the Bay of Plenty, and threats to those remaining, prompted the Strategic Management Group to request a report on Environment B·O·P's current and programmed activities related to wetland protection.

This report was prepared in response to that request. Information was obtained by interviewing staff in Environment B·O·P and external agencies, and by analysing relevant documents.

Investigations revealed a wide range of activities related to wetland protection and management occurring or under development within Environment B·O·P. These include environmental programmes, monitoring activities, database development, restoration of hydrological regimes, and funding of community environmental enhancement projects.

Other agencies also conduct activities related to wetland protection. Key bodies include the Department of Conservation and the New Zealand Fish & Game Council. District councils are also involved in advocating wetland protection, to varying degrees.

A considerable amount of confusion exists regarding responsibilities for functions related to wetland protection, management and protection, between Environment B·O·P and other agencies. This can inhibit the development of effective wetland management and protection actions.

There is also a lack of communication and coordination regarding wetland activities, both within Environment B·O·P, and between Environment B·O·P and other agencies. All agencies recognise the importance of wetland ecosystems within the Bay of Plenty and the need to protect them. However without coordinated approaches, agencies risk duplicating efforts.

Improved coordination and communication is needed in order to ensure that Environment B·O·P's considerable expertise and resources are deployed effectively in the area of wetland protection. A separate wetland programme is not recommended. However, an internal wetland team, with regular communication networks, could be of value in improving the coordinated direction of Environment B·O·P's efforts towards wetland protection and restoration. Improved communication networks with other agencies are also recommended in order to develop a coordinated, targeted approach.



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## Chapter 1: Aims of Report

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This report has been prepared in response to a request by the Strategic Management Group of Environment B·O·P. Its aims are:

- (a) To provide an overview of Environment B·O·P's current and programmed activities related to wetland protection.
- (b) To provide a general overview of activities undertaken by other agencies in respect of wetland protection.
- (c) To analyse whether the current and programmed activity level and scope is sufficient to satisfy Council's current policy objectives and vision for wetlands.
- (d) To identify methods of better coordinating these activities.
- (e) To make recommendations about whether further work should be undertaken to redefine Council's vision, objectives, policies, and implementation activities in respect of wetlands.

The scope of the report includes both freshwater and maritime wetlands.

During preparation of the report, it was noted that Environment B·O·P also has policies, and undertakes activities, related to wetland restoration and enhancement, as well as protection. These are also included, for the sake of completeness.



## Chapter 2: Bay of Plenty Wetlands

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The extent of wetlands in the Bay of Plenty has been severely reduced since the time of European settlement. Recent satellite imagery shows that only 3% of the region's freshwater wetlands still exist (compared with the extent in 1840)<sup>1</sup>. Many of the wetlands that remain have been degraded or are threatened with continued loss by factors including disruption of water supply, plant and animal pests, water pollution, and stock grazing. Wetland loss via conversion and drainage has resulted in isolation and fragmentation of wetlands, resulting in interruptions to fish and bird migration.

Wetlands have been identified as a high priority ecosystem type for protection in the Bay of Plenty region<sup>2</sup>. Formerly more extensive ecosystem types that have been reduced to small remnants, and need protection and active ongoing management to survive, are identified as a most urgent priority. Wetlands on the Rangitaiki plains are a good example.

The 2001 Bay of Plenty State of the Environment report<sup>3</sup> identifies wetlands as a part of the environment particularly under threat. This report has arisen partly in response to this recognition. The scarcity of wetlands and the threats to those remaining raise important questions for management. What can Environment B·O·P do to improve the management, protection and enhancement of the remaining wetlands in the Bay of Plenty? How do our current activities address wetland management? How do we interface with other agencies? Is there room for improvement in our activities related to wetlands?

### 2.1 National Context

Wetland loss is a nationally recognised issue. New Zealand's State of Environment Report 1997 notes the destruction or modification of the majority of New Zealand's wetlands. It also notes that the extent of loss varies between regions of New Zealand, and between different wetland types. The Bay of Plenty is identified in the 1997 New Zealand State of the Environment Report as having a particularly marked loss of wetlands<sup>4</sup>.

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<sup>1</sup> Environment B·O·P 2001. Bay Trends: Report on the State of the Bay of Plenty Environment 2001. Figures based on analysis of 1996 satellite imagery and 1840 vegetation predictions.

<sup>2</sup> Shaw WB, Hall AR. April 2000. Operational Policy for the Voluntary Protection and Enhancement of Indigenous Biodiversity on Private Land. Wildland Consultants Ltd. Report prepared for Environment B·O·P.

<sup>3</sup> Environment B·O·P 2001. Bay Trends: Report on the State of the Bay of Plenty Environment 2001

<sup>4</sup> The 1997 report states that less than 1% of unmodified wetlands remain in the Bay of Plenty. Source cited: Cromarty P, Scott DA. 1996. A Directory of Wetlands in New Zealand. Department of Conservation, Wellington.

The New Zealand Biodiversity Strategy identifies lowland wetlands as some of the country's most threatened natural ecosystems<sup>5</sup>.

## 2.2 Why Look at Wetlands?

Wetlands are not the only ecosystem type under threat in the Bay of Plenty. However, the scarcity of wetlands, and the continued threats to those remaining, mean there is a need to consider whether current management systems are sufficient to ensure the protection of those remaining. The scarcity of wetland ecosystems in the Bay of Plenty means that the protection of those remaining is a regionally significant issue, and is therefore relevant to Environment B·O·P's functions under section 30(1)(b) of the RMA.

The dependence of wetland ecosystems on water also makes their management relevant to Environment B·O·P, given regional councils' regulatory responsibilities for water quality and quantity<sup>6</sup>.

Wetlands are also of particular interest to the regional council as they integrate both land and water compartments. In coastal areas, they are part of the continuum between saltwater and freshwater environments. They are therefore key examples of ecosystems needing integrated management, one of Environment B·O·P's responsibilities under the RMA<sup>7</sup>

Environment B·O·P has additional responsibilities related to coastal wetlands because of its functions under the RMA related to the coastal marine area.

Underpinning all of these responsibilities are the requirements of part II of the RMA. As an agency exercising functions and powers under the RMA, Environment B·O·P must recognise and provide for (*inter alia*) the following matters of national importance<sup>8</sup>:

Preservation of the natural character of wetlands, and their protection from inappropriate subdivision, use and development;

Protection of significant indigenous vegetation and significant habitats of indigenous fauna.

<sup>5</sup> Department of Conservation, Ministry for the Environment. February 2000. The New Zealand Biodiversity Strategy.

<sup>6</sup> section 30(1)(c) RMA

<sup>7</sup> section 30(1)(a) RMA

<sup>8</sup> All part II matters are relevant to the management of wetlands. Those mentioned here are those that are particularly critical to wetland management, in view of the ecological values of wetlands, including their values as habitat, and their scarcity.





## Chapter 3: Legislative and Policy Context

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### 3.1 RMA

Environment B·O·P is involved with the management of wetlands for a number of reasons set out in legislation. Relevant excerpts of legislation are set out in Appendix 1 of this report.

#### 3.1.1 Section 30 Responsibilities

As outlined above, Environment B·O·P's section 30 functions are relevant to the management of wetlands, both in a regulatory and non-regulatory context.

Under section 30(1)(a), Environment B·O·P has responsibilities for achieving integrated management of the region's resources. It also has functions related to regionally significant effects of land use, development or protection (s30(1)(b)).

#### 3.1.2 Regulatory Methods

Environment B·O·P's regulatory responsibilities related to soil conservation, water quality and quantity are relevant to wetlands (s30(1)(c)). Its functions related to damming, diversion, taking and use of water, and control of water levels and flows, are also extremely relevant to hydrological regimes in wetlands (s30(1)(e)).

#### 3.1.3 Rules Relating to Section 30

Regional councils can control activities in wetlands for soil conservation and water quality and quantity purposes. Regional councils can make rules in plans to control these activities, but they must be based on potential effects on section 30 matters.

Rules relating to wetlands can be made under section 9 (restrictions on use of land) for wetlands, as the definition of 'land' in the RMA includes land under water. Rules can also be made for wetlands under section 13 (activities in the beds of rivers and lakes).

In the coastal marine area (CMA), regional councils can control activities for any purpose. Maritime wetlands (e.g. estuarine wetlands) outside the CMA are controlled as for all other wetlands, under sections 9 and 13.



In the CMA Environment B·O·P has responsibilities (together with the Minister of Conservation) for control of land and associated natural and physical resources (s31(1)(d)). It also has responsibilities for taking, use, damming and diversion of water.

### 3.1.4 Part II Matters

As discussed above, part II of the RMA is relevant to all of Environment B·O·P's functions.

Wetlands are specifically mentioned in part II. The preservation of their natural character, and protection from inappropriate subdivision, use, and development, is a matter of national importance (s6(a)). Sections 6(c) and 7(d) are also of particular relevance to wetland management.

Regional councils cannot write rules related to effects on part II matters. However, regional councils can consider effects on Part II matters when assessing resource consent applications. Consents can be declined, and conditions imposed, on the basis of effects on part II matters<sup>9</sup>.

### 3.1.5 Non-Regulatory Methods

Under section 30(1)(b), Environment B·O·P is able to prepare objectives and policies 'in relation to any actual or potential effects of the use, development or protection of land which are of regional significance'.

This gives Environment B·O·P non-regulatory options for land management. Existing non-regulatory methods used to maintain, protect or enhance wetlands include:

- (i) Environmental Programmes prepared by land resources field officers. These can address wetland issues on private land (e.g. fencing, appropriate plant and animal pest management etc). The protection of wetlands is eligible for financial assistance.
- (ii) Environmental education processes

Further information about these and other methods is detailed later in this report.

## 3.2 New Zealand Coastal Policy Statement

Parts of the New Zealand Coastal Policy Statement (NZCPS)<sup>10</sup> are relevant to wetlands in the coastal marine area. Particularly relevant national priorities include:

- Preservation of the natural character of the coastal environment;

<sup>9</sup> A more detailed legal opinion on the application of Part II is currently being obtained to further clarify Environment B·O·P's responsibilities with respect to Part II.

<sup>10</sup> Department of Conservation. 1994. New Zealand Coastal Policy Statement. See Appendix 2 for relevant excerpts.

- Protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- Protecting ecosystems which are unique to the coastal environment and vulnerable to modification, including estuaries and coastal wetlands
- Avoiding or remedying adverse effects on areas important to migratory species, and vulnerable stages of indigenous species, in particular wetlands and estuaries.



## Chapter 4: Regional Policy Statement and Regional Plans

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### 4.1 Regional Policy Statement

The Regional Policy Statement contains a number of objectives, policies and methods which specifically mention wetlands. These specific policies relate to land and to water allocation. Policies on natural character and indigenous ecosystems, fresh water and the coastal environment are also highly relevant to wetland protection and management.

Relevant objectives, policies and methods of the Regional Policy Statement are listed in appendix 3.

#### 4.1.1 Land

In summary, policies in the land chapter recognise:

- The need for protection and enhancement of wetlands;
- The role of landowners in protecting and enhancing wetlands;
- The need to involve other agencies;
- The need for integrated management of wetland and riparian areas.

#### 4.1.2 Water

Preservation of the natural character of wetlands is a stated objective of the water allocation section of the Regional Policy Statement. Accompanying methods state that Environment B·O·P will '*identify and protect, with the cooperation of relevant organisations, places in drainage scheme areas which have significant environmental and cultural values*'. Establishment of level and flow regimes which maintain aquatic ecosystems is identified as another method.

#### 4.1.3 Heritage, Natural Character and Indigenous Ecosystems

Many provisions of these chapters are relevant to wetland protection and management. The Regional Policy Statement includes provisions for the protection of significant habitats and ecosystems, and restoration and rehabilitation of natural communities and habitats. Although wetlands are not specifically mentioned, their

scarcity and importance as habitat make them an ecosystem type of particular importance.

Environment B·O·P is developing Heritage Criteria<sup>11</sup> to assist in managing the Bay of Plenty's natural and cultural heritage. The criteria for determining significance of natural heritage include elements of rarity or uncommonness (for significance of indigenous vegetation or habitat of indigenous fauna). It was intended that these criteria would provide for the protection of wetlands, because of their scarcity and under-representation as a habitat type. However, during consultation a number of stakeholders expressed concern that the criteria were not sufficiently specific to provide the necessary levels of protection for wetlands. The criteria have subsequently been revised in order to ensure that wetlands are specifically addressed.

## 4.2 Regional Plans

### 4.2.1 Regional Land Management Plan

Under Regional Land Management Plan ('Land Plan'), any modification of a wetland is a discretionary activity<sup>12</sup>. This applies to s9, 13, 14 and 15 activities in wetlands.

The plan also contains policies and non-regulatory methods to protect wetlands, and to work with other resource management agencies on this issue. One of the policies of the Regional Land Management Plan is to establish and maintain a regional wetlands inventory which will supersede that in the Regional Land Management Plan. The need for this inventory is also identified in the Regional Policy Statement. Prioritisation for protection of regionally significant wetlands is another method identified, to be undertaken in conjunction with other agencies<sup>13</sup>.

The plan contains a schedule of regionally significant wetlands, identified by Environment B·O·P staff from reports existing at the time of plan preparation. Assessment of significance is based on criteria for wildlife interest sites.

The Regional Land Management Plan became operative on 1 February 2002.

### 4.2.2 Proposed Regional Plan for the Tarawera River Catchment

The Proposed Regional Plan for the Tarawera River Catchment ('Tarawera Plan') applies to a large part of the Rangitaiki Plains. It contains a number of policies for the protection of wetlands in this catchment (see appendix 7 for details).

Control of water levels within certain limits is permitted for specified wetlands under this plan (rule 15.4.5(a)). Any other taking, damming, diverting or discharging of surface water into or out of a wetland is a discretionary activity (rule 15.4.5(b)).

<sup>11</sup> Environment B·O·P. September 2000. The Draft Change to the Bay of Plenty Regional Policy Statement: Heritage (Heritage Criteria)

<sup>12</sup> With the exception of weed removal and other vegetation for the purpose of maintaining water bodies created for hydroelectric power generation.

<sup>13</sup> Method 7.4.4(b). See appendix 4

The Tarawera Plan contains a schedule of wetlands, to which certain rules of the Plan apply. The Plan also lists works required to maintain water levels in specific wetlands<sup>14</sup>. These works have been undertaken, or are in process, by Technical Services (see section 5.2).

#### 4.2.3 Proposed Regional Water and Land Plan

The Proposed Regional Water and Land Plan (RWLP) contains a chapter on wetlands. Its objectives are to retain and enhance the Bay of Plenty's remaining wetlands, and to create new wetland habitats 'where appropriate and practicable'.

The proposed plan also contains policies and methods to protect and enhance wetlands, prioritise actions for wetland protection, encourage creation of new wetlands, and work with landowners, communities and other resource management agencies.

Specific actions for Environment B·O·P identified as methods under the Proposed Regional Water and Land Plan include the following:

- Working with landowners to raise awareness of wetland values, and promote methods for protection and enhancement of wetlands. This includes preparation of Wetland Management Agreements to enable minor enhancement works as permitted activities. Assisting with preparation of Assessment of Environmental Effects (AEEs) and waiving consent fees for wetland enhancement resource consent applications are also proposed actions under this Plan;
- Encourage and support wetland care groups;
- Contribute engineering expertise to construct water level and flow control structures. Determining appropriate water levels, flows and fluctuations for significant wetlands is also specified as a method;
- Working with other agencies and stakeholders to:
  - develop a regional wetlands inventory
  - develop a guideline on creation of wetlands
  - investigate methods of protecting wetlands from inappropriate land use, including modification of natural hydrological regimes;

The following wetland maintenance and enhancement activities are permitted under this plan:

- maintenance of wetlands in water bodies created for hydroelectric power generation;
- limited wetland enhancement activities, undertaken in accordance with:
  - an environmental programme

<sup>14</sup> Proposed Regional Plan for the Tarawera River Catchment (Appendix 11)

- a Wetland Management Agreement
- a Reserves Management Plan.

Other wetland modification is a discretionary activity.

#### 4.2.4 Coastal Plan

The Proposed Bay of Plenty Regional Coastal Environmental Plan ('Coastal Plan') has many objectives, policies and methods relevant to wetland protection and enhancement. These are listed in appendix 6. The coastal plan identifies significant areas of marsh bird habitat and indigenous vegetation. These are listed in schedules to the plan and identified on maps. These include wetland areas. Wetland areas are protected by policies depending on their relative importance. Rules of the plan prohibit various activities within the coastal habitat preservation zone. These are the areas of highest value and include areas of estuarine wetlands below mean high water springs.

The plan contains varying levels of protection for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

#### Methods

The Coastal Plan states, *inter alia*, that Environment B·O·P will encourage research on wildlife habitats and on the identification of additional areas of significant indigenous vegetation within the coastal environment. It also sets out Environment B·O·P's advocacy role, stating that Environment B·O·P will encourage district councils and the Department of Conservation (Department of Conservation) to take appropriate steps to protect sites of ecological significance their areas of jurisdiction, in accordance with their functions.

More detail on specific methods is provided in Appendix 6.

### 4.3 Strategic and Annual Plans

The Strategic Plan and Long Term Financial Strategy for 2001-2011 includes the following statement in the vision for land:

*'The region's wetlands are protected, enhanced and restored and new wetlands established where appropriate opportunities arise'.*

Neither the Annual Plan nor the Strategic Plan include many specific items regarding wetlands. Most work relating to wetlands is incorporated in a range of programmes across the organisation, and is not separately itemised. Specific annual and strategic plan items are highlighted in relevant sections later in this document.

## Chapter 5: Environment B·O·P's Activities Relating To Wetlands

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### 5.1 Land Resources

Land Resources' Operational Policy for the Voluntary Protection and Enhancement of Indigenous Biodiversity on Private Lands was established in August 2000. This broadens the scope of Environment B·O·P's voluntary environmental programmes on private land to include the protection and enhancement of indigenous biodiversity, in addition to the original soil and water conservation objectives<sup>15</sup>.

Land Resources staff interviewed recognise the scarcity of, and threats to, wetlands in the Bay of Plenty. Consequently, they are highly conscious of the need to protect wetlands. There is not a specific wetland protection programme; instead, wetland protection and enhancement is addressed within the context of existing programmes. Wetlands are identified as a high priority ecosystem type for protection in the report by Wildland Consultants which accompanies the Land Resources 'Biodiversity Policy' report.<sup>16</sup>

Land Resources' approach to protection activities follows the hierarchy below. These steps are integrated within an environmental programme for an individual property:

- (f) Legally protect area (by covenant, environmental programme);
- (g) Physically protect area (fence off);
- (h) Plant and animal pest control.

#### 5.1.1 Soil Conservation and Environmental Programmes

Field staff actively promote the protection of wetlands on private property. When advocating retirement of riparian areas or areas of indigenous biodiversity on private property, or developing Environmental Programmes with landowners, soil conservation officers make every effort to include wetlands within these

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<sup>15</sup> Environment B·O·P. October 2000. Operational Policy for the Voluntary Protection and Enhancement of Indigenous Biodiversity on Private Land. Environment B·O·P Operations Report 2000/10

<sup>16</sup> Shaw WB, Hall AR. Operational Policy for the Voluntary Protection and Enhancement of Indigenous Biodiversity on Private Land. Wildland Consultants Ltd. Report prepared for Environment B·O·P. April 2000.



programmes. In the Tauranga area, soil conservation staff are actively involved with local communities in enhancement and restoration of several saltwater wetlands on the edges of Tauranga Harbour (see shaded box for further details of activities in this area). In the Rotorua district, an environmental programme for a large property bordering Lake Rotomahana has recently been completed which includes protection of around 50 ha of wetland area.

Wetland protection is addressed within the context of programmes for an entire property. Wetland protection or restoration activities are seldom addressed in isolation.

Soil conservation officers are aware that some landowners are continuing to drain wetlands on their properties. Soil conservators try to discourage landowners from draining wetlands. Some landowners claim they are cleaning their drains or installing new floodgates, when in fact they are undertaking new wetland drainage activities. Others, as also noted by consents staff, modify wetlands and carry out excavations to create duck shooting ponds, without resource consent.

Soil conservation staff also state that there continues to be a perception amongst landowners that wetlands are untidy and ‘messy’, as well as being unproductive land.

### 5.1.2 **Manager Land Resources**

The Manager Land Resources considers that wetlands need to be managed in the context of existing biodiversity protection and management activities across the region. Several other staff interviewed independently expressed this view.

The Manager considers that management of wetlands needs to be integrated with existing strategies and programmes for management of biodiversity (particularly the Heritage Strategy, Operational Policy for Indigenous Biodiversity on Private Land, Natural Environment Regional Monitoring Network (NERMN)). He commented that current approaches to wetland protection are somewhat ad hoc. As noted above, wetlands are addressed in environmental programmes when possible, but this is not a sufficient strategy on its own to achieve desired levels of protection and enhancement. There is a need for a prioritisation approach. This could be achieved by streamlining existing programmes<sup>17</sup> so that wetlands are more effectively targeted than they are at present.

Prioritisation already occurs to some extent in existing Land Resources operations. Currently, Land Resources staff target their efforts firstly towards identified Category 1 sites (Significant Natural Areas), and secondly toward larger target areas (Rotorua Lakes, Tauranga Harbour, Ohiwa Harbour, Manawahe Corridor). The manager would like to see a further refinement of this approach to indigenous biodiversity protection as a whole, and to see wetland protection included in this approach.

<sup>17</sup> Heritage Strategy, Operational Policy for Indigenous Biodiversity on Private Land, NERMN

### 5.1.3 Pest Control

Pest control is integrated with other land management activities carried out by Environment B·O·P. Pest control in wetlands is not addressed separately, but is integrated with pest control across the region and in particular target areas.

#### *Animal Pest Control*

Specific animal pest issues associated with wetlands are:

- mustelids: wetlands can harbour large mustelid populations because of predation on birds in the wetland;
- possums and bovine tuberculosis: wetlands can harbour possums. The tuberculosis (TB) organism can survive in wetlands, as there are likely to be damp, dark areas without sunlight penetration; these conditions favour the organism's survival. If possums infected with bovine tuberculosis die in the wetland, the TB organism can survive. Other possums can then be infected and continue to spread the disease. Control of possums in wetlands is therefore important for bovine TB control programmes.
- Rats: control of rats is conducted in association with work on threatened species and biodiversity. Ongoing work is required to control rat populations.

It should be noted that any animal pest control operations in wetlands need to be integrated across a range of species in order to achieve successful outcomes.

While animal pest control activities are not targeted specifically towards wetlands, activities will be particularly intense on properties where there are wetlands. This is both because of the level of predator infestation that is common in wetlands (feral cats, mustelids), and because of recognition of the natural values of wetlands.

### 5.1.4 Plant Pest Control

Environment B·O·P plant pest control officers have been involved with major plant pest control operations in several wetlands, including control of *Spartina* in Tauranga Harbour and Maketu estuary. *Spartina* control operations in Tauranga Harbour are now performed by Department of Conservation. Staff have a good working relationship with Department of Conservation staff, and advise on plant pest control on Department of Conservation estate, particularly at Kaituna.

Environment B·O·P has funded NIWA to undertake trials of several new formulations of existing herbicides at Kaituna. The trial was completed in 2000 but results are not yet available.

Plant pest control staff advise on plant pest control on private property, and often become involved via individual environmental programmes. They enforce removal of certain plant pest species specified in the Regional Plant Pest Management Strategy. Staff are moving from an individual pest species approach to a more site-specific, whole property strategy.

A Fact Sheet on Aquatic Plant Pests was recently produced<sup>18</sup> and is used to educate landowners. Plant pest control officers are available to provide technical advice and control measures for aquatic plant pests.

Wetland Protection and Enhancement Activities by Environment B·O·P in Tauranga/Western Bay of Plenty

Environment B·O·P's Land Resources staff are undertaking a range of wetland enhancement and protection activities in the western Bay of Plenty, particularly on the edges of Tauranga Harbour. These include:

- *Saltmarsh plant trials.* One of the difficulties in rehabilitating saltmarsh, and other estuarine wetland types, is that of re-establishing plant species. In the Tauranga harbour area, trials are being conducted to determine how to enhance the growth of saltmarsh plant species. These include trials of response to fertiliser, and seed propagation at a nursery. An *in situ* trial is planned using mats to assist with vegetation reestablishment along eroding coastal areas.
- *Fencing.* Some saltmarsh and other maritime wetland areas around Tauranga harbour have been fenced off. Environment B·O·P has negotiated an agreement with Western Bay of Plenty District Council to use Development Impact Fees to fund fencing saltmarsh from stock access.
- *Community Groups.* Environment B·O·P is working with community groups, including the NZ Landcare Trust, to protect and enhance wetlands in the Tauranga Harbour. Some of these groups originally formed to focus on concerns about mangrove growth. However, over time, and in liaison with representatives of different agencies, their focus has broadened to encompass wider estuary management issues, and a greater concern for the estuary areas where these groups live. The Waikaraka Estuary Managers Group is an excellent example. Local residents, hapu, the NZ Landcare Trust, district council, Environment B·O·P and NIWA are working together to better understand the dynamics of the estuary and the steps needed to protect it. NIWA is currently undertaking research on estuarine sediment dynamics, which will be of value in understanding the role of mangroves and the future management options for the estuary.
- *Restoration.* At Jess Road in WBOP, a floodgate has been left open to allow re-entry of salt water to a previously drained area. Revegetation works have occurred here in conjunction with a local school. Monitoring of vegetation growth is occurring with Department of Conservation. Environment B·O·P are negotiating with WBOPDC to use this approach in another area, asking the district council to give developer additional subdivision rights in exchange for opening floodgates to restore the wetland.
- *Improving whitebait habitat.* Landcare Trust has been working on enhancing wetlands in a number of locations to improve whitebait habitat. Environment B·O·P staff have provided technical advice.

<sup>18</sup> Environment B·O·P. Plant Pest Control: Aquatic Plant Pests. Fact Sheet PP 13/00.

## 5.2 Technical Services

A long-term wetland restoration project is identified as a key commitment by Environment B·O·P over the next ten years in the current Strategic Plan. The project, Wetland Restoration<sup>19</sup>, relates to control of water levels in wetlands. Work on this project is undertaken by Technical Services. Its brief is to investigate wetland water levels, performance of control structures, and establish options for protection and enhancement.

A total of \$390 000 is allocated to this project over the next ten years. \$50 000 of this is allocated to Technical Services in the Annual Plan for the 2001-02 Financial Year, with amounts of \$50 000 and \$40 000 in the next two financial years.

The nature of these works includes hydrological modelling for purposes of water level restoration, and design and construction of water level control and fish passage structures. To date, restoration works have been undertaken or are ongoing in Kaituna, Matata, Bregmans, Awaiti, Aniwhenua and Tumarau wetlands. Most of these works are identified as needing to be undertaken in the Proposed Regional Plan for the Tarawera River Catchment ('Tarawera Plan')<sup>20</sup>.

Technical services staff identify the need for prioritisation of future wetland works. They state that a process is needed to provide guidance about which wetlands should be worked on. They also identify the need for improved communication and integrated efforts within Environment B·O·P, as well as with external agencies working on wetlands.

## 5.3 Rivers and Drainage

### 5.3.1 Kaituna Wetland

A condition of the Kaituna Catchment Control Scheme upon its establishment was that water continues to be directed to the Kaituna Wetland. Environment B·O·P's Rivers and Drainage programme is responsible for controlling inlet structures to ensure that water enters this wetland. The gates are closed when flood trigger levels are reached upstream, to prevent overtopping of stopbanks beyond the wetland in flood conditions.

Department of Conservation and Fish & Game are closely involved in the day-to-day management of the Kaituna wetland. Environment B·O·P staff communicate directly with Department of Conservation staff in Tauranga regarding management of wetland water levels.

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<sup>19</sup> Project No. 82 in the 2001/2011 Strategic Plan and Long Term Financial Strategy

<sup>20</sup> Environment B·O·P. Proposed Regional Plan for the Tarawera River Catchment. Appendix 11. 19 September, 1996

### 5.3.2 Wetland Construction

Rivers and Drainage staff have constructed a wetland adjoining the old Rangitaiki River channel near the Tarawera River. Staff have also been creating new whitebait habitat during their construction works by leaving low-lying areas adjacent to river banks undisturbed, so that they can be inundated by spring tides and become potential whitebait spawning areas.

### 5.3.3 Works Adjacent to Wetlands

Rivers and drainage staff are often required to work adjacent to wetlands when undertaking maintenance activities on drains and stopbanks. Staff aim to minimise the impact of works on wetlands, for example by avoiding the placement of spoil and weeds in wetlands.

### 5.3.4 Invasive Species

Staff will also minimise the use of highly invasive exotic species (e.g. crack willow) to limit this biodiversity threat to wetland and riparian areas.

### 5.3.5 Communication with Other Agencies

Rivers and drainage staff have good communication networks with relevant Department of Conservation staff.

As part of the Rivers and Drainage Code of Practice (adopted September 2001)<sup>21</sup>, Rivers and Drainage staff will send weekly email updates to Department of Conservation, Fish & Game and Environment B·O·P consents staff to advise them of all activities. This will allow other agencies to liaise with Environment B·O·P on specific issues of interest if required.

## 5.4 Consents

The majority of wetland modification activities, including enhancement works, are discretionary activities under the Regional Land Management Plan and Tarawera Plan. Consents may be processed with relation to wetlands for section 9, 13 and 14 activities. However, consents staff interviewed stated that they process very few consents for wetland modification. They believe that this is for several reasons:

- (i) Some landowners do not perceive wetlands as having environmental values, but as being unproductive land. Therefore, it does not occur to them that a consent may be required.
- (ii) Some landowners are aware of the need for a consent for wetland modification, but believe that their activities will not be detected.
- (iii) Landowners do not think they need to obtain a consent, because activities are being conducted for enhancement purposes.

Few applications are received for direct wetland modification. Activities such as stream diversion or installation of culverts, however, may have adverse effects on downstream wetlands by altering water flows. These potential effects are often identified at the application stage.

#### 5.4.1 Consents for Enhancement Works

Consent officers receive enquiries from the public about proposed enhancement works. People are often dismayed to learn that a consent is required for enhancement activities. This can be a disincentive to undertaking enhancement and restoration works for some landowners.

Staff consider it is important that regulatory capacity be retained for wetland modification, even for enhancement activities. In many situations, applicants state that they are undertaking wetland modification for enhancement purposes, and may genuinely believe this to be the case. However, the modification may not be appropriate to the continued functioning of the wetland as an indigenous ecosystem. Retaining modification of wetlands as a discretionary activity allows Environment B·O·P to request appropriate conditions and to monitor activities.

Consents officers believe however, that while obtaining a consent may be necessary, Environment B·O·P should not place financial or procedural barriers in the way of landowners wishing to undertake enhancement activities. However, there is also a need to ensure that enhancement works occur in a way that is not environmentally damaging, and complies with relevant rules of regional plans.

Solutions to this issue are currently being investigated by staff working on the Proposed Regional Water and Land Plan.

#### 5.4.2 Interpretation

Staff stated there can be some difficulty in interpreting rules related to wetlands. There can be overlaps between section 9 and section 13 activities, particularly on the margins of wetlands and other water bodies. In some situations there can also be difficulties in distinguishing between a Riparian Management Zone and a wetland. There have also been some difficulties in interpreting the application of the Tarawera Plan, particularly with regard to specified water levels.

Some officers stated that it can be difficult to make a technical judgement about whether the subject site is a wetland, or the extent of wetland boundaries. Environment B·O·P's terrestrial ecologist sometimes visits the sites with consent officers to assist with these decisions. Some staff stated that training in identifying wetlands, and determining their extent, would be useful in order to interpret plan rules correctly, and advise applicants accordingly. Management recommends that if staff are uncertain about the boundaries of a particular wetlands, they should ask for technical assistance from Environment B·O·P's terrestrial ecologist.

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<sup>21</sup> Environment B·O·P. September 2001. Environmental Code of Practice for Rivers and Drainage Maintenance Activities. Operations Report 2001/01

It was also noted that some field staff, in their understandable enthusiasm to see wetlands protected, may be giving incorrect advice about the need to obtain consents for some wetland modification activities. The field staff approach is completely understandable, as they are advocating protection at a practical level, often with great success, and witness the barriers that obtaining consents may place in the way of some landowners. The reasons for needing consents need to be explained to these staff. In addition, changes in policy and plans (such as those in the Proposed Regional Water and Land Plan ) could go a long way to overcoming these barriers.

The clearing of mangroves is a current contentious issue. It is a topic in itself and beyond the scope of this report. However, it should be noted that there are potential links between management of maritime wetlands and management of mangroves, particularly in areas where mangroves are advancing in response to increased siltation. The current increase in mangrove growth in some areas is causing both positive and negative effects (in some cases, whether the effects are positive or negative depends on the individual's perspective). Any intervention needs careful management and community involvement.

This is an issue which requires addressing in an integrated policy and operational context. Environment B·O·P is involved in an inter-council Mangrove Working Group, and has also held an internal meeting on mangroves, in order to develop a consistent, coordinated approach to this issue.

In settling the Minister of Conservation's reference to the Coastal Plan, Environment B·O·P staff have agreed to some changes to reflect the difficulties in mangrove management.

#### **5.4.3 Compliance**

Two prosecutions regarding wetlands are currently being pursued, one relating to the creation of duck ponds at Kohika on the Rangitaiki Plains, the other regarding filling of saltmarsh at Pukehina. Compliance staff have put a lot of time into investigating these issues.

### **5.5 Monitoring**

Under s35 of the RMA, Environment B·O·P has a duty to gather information, and conduct research, necessary to carry out its functions under the RMA. These requirements include:

- Reporting on the state of the environment of all or part of the region;
- Assessment of the effectiveness of the policy statement, regional plans and district plans;
- Monitoring the exercise of any of its functions, powers or duties;
- Monitoring resource consents;
- Taking appropriate action based on the results of monitoring, where necessary.

Environment B·O·P is also required to make relevant information related to its functions, and current regional environmental issues, available to the public.

The Regional Policy Statement sets out policies and objectives for monitoring in Chapter 5. These are included in Appendix 6<sup>22</sup>.

### 5.5.1 Wetland Monitoring

Funding has been allocated to Environmental Investigations to develop a scoping report for a NERMN module for monitoring freshwater wetlands (\$50 400 in 2001-02). The freshwater wetland monitoring module would include components of hydrology, biodiversity, and possibly other indicators, including soils. The Coastal and Estuarine Ecology component of NERMN already includes some non-freshwater wetlands.

A NERMN module for monitoring terrestrial indigenous biodiversity is also being developed<sup>23</sup>. There has been discussion about whether to integrate the terrestrial and wetland modules, but currently the project manager recommends keeping them separate. This is because:

- (i) wetlands integrate land and water compartments;
- (ii) the dependence of wetlands on hydrological regimes means that hydrological factors need to be considered within any monitoring context for wetlands;
- (iii) because of the scarcity of wetlands, there is merit in having a separate monitoring module which will allow focus on this ecosystem type. The dependence of wetland ecosystems on water (for which Environment B·O·P has regulatory responsibilities under the RMA) is a reason for the regional council to have particular interest in this ecosystem type.

The project manager has noted that input from other staff in addition to those allocated may need to be involved, to ensure data delivered by the module is sufficient for their needs, specifically performance monitoring of policies and plans. This should be specified in the annual plan.

## 5.6 Databases

### 5.6.1 Freshwater Wetlands Database

A freshwater wetlands database has been developed in cooperation between members of the Wetlands Forum (see box). It collates available information on a database which is accessible to all members of the Forum. The original intention was to make existing information about wetlands available to relevant agencies.

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<sup>22</sup> There is uncertainty about the extent to which Environment B·O·P should undertake monitoring for biodiversity, including wetlands. This question is debated nationally. This uncertainty has considerable bearing on Environment B·O·P's activities and decisions regarding monitoring not only of wetlands, but also of other components of biodiversity. Further detail on the national context is given in Chapter 8 of this report.

<sup>23</sup> \$39 800 is allocated to this project for the 2001-02 financial year, with indicative budgets for the same amount in 2003 and 2004.



**Wetlands Forum**

The Wetlands Forum consists of staff of agencies with interests in, and responsibilities for, wetlands in the Bay of Plenty. Participating agencies are Environment B·O·P, Department of Conservation, Fish & Game, Landcare Trust, district councils and the local Queen Elizabeth II Trust office. The Forum seeks to improve communication, cooperation and information sharing between all agencies working on wetland management.

Limitations to the existing database are recognised, including the quality of data and the need for inclusion of more up-to-date reports. Staff are assessing options for the future of the database, including upgrading the quality of data and format of presentation. The need to upgrade the current database will, however, be affected by the development of the biodiversity and natural heritage database currently under development (see below). The purpose of the database needs to be more clearly defined, in order to answer about its future design/modification.

The Regional Policy Statement, the Regional Land Management Plan and the Proposed Regional Water and Land Plan include policies and methods specifying the establishment and maintenance of a regional wetlands inventory, in conjunction with other agencies and the community. The current freshwater wetlands database is a partial tool for meeting this requirement, but further work is required. There is debate about what is meant by an ‘inventory’ and the extent of information that is needed to satisfy this requirement. Further work is being undertaken by Environmental Investigations and Environmental Planning staff to determine the additional actions required to achieve this method.

**5.6.2 Indigenous Biodiversity and Natural Heritage Database**

Environment B·O·P is scoping the development of a region-wide database for indigenous biodiversity and natural heritage information in the Bay of Plenty. The aim is to develop a database that collates all indigenous biodiversity and natural heritage information, so that this information can be identified and accessed by Environment B·O·P staff, and ultimately other management agencies (particularly Department of Conservation and district councils).

The database will build on, and ultimately replace, Environment B·O·P’s existing Ecosites database, which details significant natural areas (including wetlands).

**5.6.3 Natural Heritage Surveys**

Environment B·O·P and district councils jointly funded surveys of the Bay of Plenty region to identify Significant Natural Areas (SNAs) across the region. This information is held in hard copy form, and in the current version of the Ecosites database.

**5.6.4 Maritime Wetlands Database**

Surveys of the Tauranga and Ohiwa Harbour wetlands were undertaken in 1991-92 and 1993, respectively. The surveys were undertaken by consultants engaged by Environment B·O·P’s planning department. Surveys consisted predominantly of vegetation mapping. In 1998 – 1999, wetland vegetation surveys and mapping were undertaken by Environment B·O·P (and students) in Maketu, Waihi, Whakatane, Waiotahi, Opotiki and Waiaua estuaries.

This information has been collated into a Maritime Wetlands database, using vegetation mapping and assessment based on the national wetland classification system<sup>24</sup>. The database is linked to a mapping system, allowing viewing in MapInfo.

Use of this database allows Environment B·O·P to track changes in maritime wetlands over time.

It was always intended that all fresh and maritime wetland data, including information on condition attributes, could be managed within the “maritime” database. This database already has both some freshwater wetland information, as well as estuarine wetlands.

It has not yet been decided whether the maritime wetlands database will remain separate to terrestrial components of the indigenous biodiversity and natural heritage database, or be integrated within one large meta-database incorporating all environmental compartments. This issue is currently being considered, together with other elements of wetland database design, by staff from Environmental Investigations, Environmental Planning and Resource Policy.

## 5.7 Education

Environment B·O·P does not have specific community education programmes in place regarding wetlands. On some school visits, community education staff talk about the importance of wetlands, as well as other natural environments, sometimes together with soil conservation staff.

Two schools in the Whakatane district are currently investigating options for involvement with wetland enhancement activities on nearby private land. Environment B·O·P soil conservation staff are assisting with these explorations. Environment B·O·P staff also participate in World Wetland Day activities, which are primarily organised by Fish & Game.

There is a need for improved coordination and communication with other agencies with interests in community education for wetlands, and for wider natural heritage management, particularly Department of Conservation and Fish & Game. Improving communication links so that all organisations are aware of each other’s activities is recommended to enable integrated, effective approaches and avoid duplication of efforts. This will save resources and increase the effectiveness of strategies, not only for communication but also for other management and restoration activities across the board. Staff agree that there are advantages in undertaking joint regional education and public awareness activities together with Department of Conservation, Fish & Game and other interested agencies. This was discussed at a recent Wetland Forum.

Like many other staff in the organisation, community education staff stated there is a need for Environment B·O·P to carry out activities related to wetland protection, because of their scarcity as an ecosystem type in the Bay of Plenty and the threats to those remaining. However, they also noted there was a need to address wetland

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<sup>24</sup> Environment B·O·P. Bay of Plenty Maritime Wetlands Database. Environmental Report 2000/21

management and protection in the context of broader land and water management, and biodiversity protection, education activities.

There is a lack of educational material on wetlands, both for general education purposes and for more targeted wetland restoration activities for landowners. There have been preliminary discussions between Department of Conservation, Fish & Game and Environment B·O·P staff about production of educational material, but this has not been progressed to the stage of any agreed projects. This is partly because Environment B·O·P staff are awaiting direction and clarification regarding their role with respect to wetland activities.

Community education staff suggest development of educational material to target the following groups. It should be noted these are preliminary ideas only and would need further development in discussion with other agencies and Environment B·O·P staff.

- Communities near wetlands; how they can care for and enhance wetlands;
- Landowners with wetlands on their properties; how they can obtain funding and practical assistance to protect and enhance wetlands on their properties;
- Schools: general educational material. Ideally, this could be incorporated with wider educational programmes (integration of land and water issues, biodiversity, estuaries).

These materials could all be included in a ‘wetland resource kit’, and different materials supplied to different users.

Department of Conservation is currently addressing the issue of public education and awareness on wetlands nationally (see section 6.2). Wetland education and public awareness information from across the country is being collated, with a view towards making good resources available nationally. Before developing any educational resources, staff should contact Department of Conservation in order to take advantage of any material being developed nationally.

## 5.8 **Environmental Enhancement Fund**

Funds have been allocated to several Environmental Enhancement Fund (EEF) projects related to wetland restoration and enhancement. Projects funded in the first EEF round (2000-01) include:

- \$5000 was granted to Te Hunga Manaaki, an affiliation of hapu in the Maketu area, for planting flax on the margins of the Kaituna wetland. Environment B·O·P provided an additional \$5000 to develop a management and restoration plan, which will be used as the basis of a planting plan.
- Two projects for wetland restoration have been approved in the Opotiki district; one in the Waiotahi estuary and Ohiwa harbour margins, the other for Tirohanga wetland. Planning of these projects is currently underway. Weed removal, revegetation, fencing and preventing vehicle access are the key objectives of the Waiotahi project.

- Puawairua Marae, \$1600 for fencing of a wetland and weed removal. In addition, Environment B·O·P conducted a hydrological assessment and are funding a vegetation report.

A number of applications for funding of projects related to wetland protection and restoration have been received in the 2001-02 EEf round.

## 5.9 Strategies

### 5.9.1 Heritage Strategy

The Heritage Strategy, currently being developed within the Resource Policy section, will outline a coordinated approach for strategic management of the Bay of Plenty's natural and cultural heritage. Much of the focus of the Strategy will be on coordination of approaches within and between agencies, so that the issue of heritage protection is addressed holistically across the region. The Strategy will set up methods for addressing heritage management, including:

- Education;
- Information collation and management;
- Monitoring;
- Prioritisation.

The Heritage Coordinator considers that wetland management should be considered within the context of existing programmes, including the Heritage Strategy (as wetlands are a component of heritage). The Strategy will provide a framework for managing all components of the Bay of Plenty's natural and cultural heritage, including wetlands, and will include action plans that will provide guidance on matters such as roles and responsibilities.

The Heritage Coordinator considers that Environment B·O·P already has a good policy framework for addressing wetland protection and enhancement (e.g. Environmental programmes, biodiversity policy etc., Regional Policy Statement policy and regional plans), as for other aspects of indigenous biodiversity. The gaps are in coordinated implementation. The Heritage Strategy is setting up processes that will assist with implementation, including:

- Information management. As outlined in section 5.6.2 above, an indigenous biodiversity and natural heritage database is currently being developed.
- Involvement with NERMN monitoring for biodiversity. As stated in section 5.5, a NERMN module for wetlands is being developed.

The Heritage Coordinator considers that Environment B·O·P's wetland protection and management activities should occur within the context of wider biodiversity management programmes, and that they should not be addressed as a stand alone/distinct work programme area. This is because they have multiple values, are affected by all of council's functions, and their management is the responsibility (to varying degrees) of several agencies. However, wetlands should be given high

priority within existing programmes. Their values, and threats to their survival, give them a high regional priority.

### **5.9.2 Cultural Heritage**

It should be noted that wetlands can be of great cultural significance for tangata whenua, as some have been repositories for buried taonga (e.g. important carvings). Alteration of water tables can lead to the destruction of these taonga. Wetlands are also important as places for gathering traditional materials for cultural practices (e.g. raupo for weaving).

This report has not addressed the cultural value of wetlands because of limitations in scope and time. However, the importance of traditional knowledge, and the involvement of tangata whenua in managing wetlands, needs to be recognised and incorporated in wetland management decisions.

### **5.9.3 Rotorua Lakes Strategy**

The Rotorua Lakes Strategy is a joint approach to the management of the lakes of the Rotorua district, developed between Rotorua District Council, Environment B·O·P and Te Arawa Maori Trust Board

The Strategy does not specifically focus on wetlands. However, several project areas have implication for wetlands and are likely to deliver benefits in advocating wetland protection and enhancement. These projects are: Riparian Protection and Water Quality.

### **5.10 Rates Relief**

Landowners sometimes enquire about whether rates relief can be obtained from Environment B·O·P for areas of land retired for biodiversity protection purposes.

The Rating Powers Amendment Act 1992 enables local authorities to provide rate relief for land which is voluntarily protected for natural, historic or cultural conservation purposes (section 180G; see appendix 7).

Under the Act, a council must develop a policy stating the criteria under which rates will be remitted or postponed. Rates cannot be remitted without such a policy.

Some district councils provide rates relief for properties where areas have been retired for natural heritage protection. However, Environment B·O·P does not remit regional council rates for these properties. Environment B·O·P's policy is that where mandatory rate remissions are given by district councils, the remission also applies to regional council rates. However, where rate remission by the district council is discretionary, regional rates are not remitted. What this means in practice is that district councils may be remitting rates for areas of land retired for biodiversity protection purposes, but the landowner is still required to pay regional council rates. This apparent discrepancy is understood to have angered some landowners.

While areas of land retired may be small, and the difference in rates therefore minor, there is symbolic value in rate relief. It can send a signal to landowners that their action is valued by the regional council in a tangible sense.

A rate relief policy which explicitly acknowledges the value of voluntary protection of natural heritage features could have benefits for a range of ecosystem types, not only wetlands. It is therefore recommended that Environment B·O·P's policy for remission of rates be reassessed, with a view to potential benefits for retirement of natural heritage areas.

It is recommended that this issue be investigated further in conjunction with other methods of encouraging natural heritage protection, through the Heritage Strategy.



## Chapter 6: Responsibilities Of Other Agencies For Wetlands

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### 6.1 District Councils

District council functions related to wetlands are linked to their function of controlling the effects of use, development or protection of land under section 31 of the Resource Management Act. District councils, unlike their regional counterparts, are able to write rules to control freshwater wetland activities with regard to Part II matters. Under section 31(b) of the RMA, district councils have the function of controlling the effects of land use, development and protection (see appendix 1). The definition of 'land' in the RMA includes land covered by water, and therefore includes freshwater wetlands.

When assessing any land use consent, district councils are obliged under part II of the RMA (as are regional councils) to recognise and provide for, inter alia, *'the preservation of . . . wetlands . . . and the protection of them from inappropriate subdivision, use and development'* (s6). This requirement overrides any plan provisions.

Interviews have been conducted with most district councils in the region<sup>25</sup>

#### 6.1.1 Western Bay of Plenty District Council

Western Bay of Plenty District Council (WBOPDC) has some fairly progressive policies and methods for encouraging wetland protection.

#### 6.1.2 Protection Lots/Transferable Development Rights (TDR)

If a landowner is subdividing and protects at least 0.5ha of wetland, s/he is entitled to subdivide an additional lot, either on the same property or elsewhere in the district. This is an incentive for landowners to protect wetlands.<sup>26</sup>

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<sup>25</sup> Kawerau District Council was not interviewed as initial approaches indicated that this Council has few wetlands in its area. Taupo District Council is not included as only a small part of its District falls within the Bay of Plenty region.

<sup>26</sup> The same provisions are available to landowners who protect other forms of indigenous biodiversity on their properties.



### **6.1.3 Financial Contributions**

WBOPDC work closely with Environment B·O·P soil conservation officers to retire areas of indigenous biodiversity, including wetlands, on private land, and financially contribute to fencing subsidies. WBOPDC allocates approximately \$50 000 per annum to fencing costs. WBOPDC has also recently instigated a new financial contribution, payable by all subdividers, for ecological protection. This will be used on a range of non-regulatory methods to encourage biodiversity protection, including education, and increasing the amount of money available for fencing contributions.

### **6.1.4 Consent Fee Waiving**

The WBOPDC Plan contains a schedule of significant ecological features. Activities which would ordinarily be permitted elsewhere in the district, are discretionary in these areas. As an incentive for landowners to follow the proper channels when undertaking activities in these areas, consent fees are waived for consent applications in natural heritage areas. However, applicants still have to pay the costs of producing an AEE to accompany their resource consent application.

### **6.1.5 Listing on Schedule**

All known wetlands in the WBOP district at the time of plan preparation are listed in the schedule of natural heritage areas.

### **6.1.6 Education**

WBOPDC are preparing a biodiversity education strategy, which will include information on wetlands.

## **6.2 Tauranga District Council**

Under the Tauranga District Plan, destruction of sites listed in its Heritage Register is a non-complying activity. Modification or subdivision of these sites is a discretionary activity. Any activity listed as permitted or controlled in any Zone becomes limited discretionary if it involves the modification, destruction or removal of a site in the Register.

Wetland protection and restoration works undertaken by Tauranga District Council include:

- Matua saltmarsh: revegetation, earthworks, plant and animal pest control;
- Kopurererua Valley wetland restoration (part of Route PJK roading consent requirements);
- Involvement with community catchment management groups, particularly on the issue of mangroves;
- Integrating wetlands with stormwater management, including creating artificial wetlands. Recently purchased a significant area of land in Bethlehem for wetland restoration and development.

### 6.3 Whakatane District Council

Whakatane District Council (WDC)'s Proposed District Plan (Rural) includes a policy encouraging the retention and enhancement of riparian margins and wetlands. The plan includes a schedule of significant natural heritage features, which includes some wetlands. Most activities within these areas are discretionary.

However wetlands have only been listed in the schedule to the Proposed District Plan with landowner consent, meaning that a number of sites have not been included. The Eastern Fish & Game Council are one of several agencies that have made references to the Environment Court regarding the exclusion of some sites on privately owned land. Effectively there is no protection under the district plan for areas that owners have not granted permission to be listed in the schedule.

WDC has sought to provide for the protection of wetlands under the same category as other natural heritage (such as bush remnants). There have been references to the Environment Court regarding the lack of separation of wetlands and other natural heritage areas in the plan.

WDC staff expressed uncertainty as to the roles that their and other agencies are required to play in protecting wetlands. While acknowledging that documents such as the Water and Land Plan should help to clarify this, they were interested in dialogue with Environment B·O·P to resolve this issue.

#### 6.3.1 Preservation Incentives Fund

A fund to provide incentives for protecting natural and cultural heritage has been established with an annual budget of \$20,000. People with existing covenants with WDC are eligible to apply to the Fund for assistance with enhancement or restoration of covenanted areas. By the admission of WDC staff, the numbers of people applying to this fund has been fairly insignificant. However it is hoped that with the recent formation of a clearer policy and proposal to increase the advertising of the fund, it will be better utilised.

#### 6.3.2 Provision of Additional Subdivision Lots for Covenants

An additional subdivision lot of 5000m<sup>2</sup> can be granted for the covenanting of natural and cultural heritage sites.

#### 6.3.3 Te Teko Wetland Restoration

WDC has been involved in a wetland restoration project near Te Teko with funding from Environment B·O·P's Environmental Enhancement Fund.

### 6.4 Rotorua District Council

#### 6.4.1 District Plan

Under the Rotorua District Plan, drainage or infilling of a wetland up to 100m<sup>2</sup> in size is a permitted activity. The Proposed Lakes A Zone Variation (Tarawera Variation/Variation 12), however, includes policies and non-regulatory methods for protection and enhancement of wetlands in the Tarawera lakes area.

## 6.4.2 Contributions to Environmental Plans

Rotorua District Council has an established policy which provides for District funding contributions towards Environment B·O·P Environmental Plans, which may include wetland protection/enhancement. This policy is currently being reviewed in regard to the newly adopted Environment B·O·P Environmental Programme approach incorporating biodiversity protection objectives.

## 6.5 Opotiki District Council

### 6.5.1 Ohiwa Harbour Mapping

Opotiki District Council (ODC) are collating information on land in the Ohiwa Harbour catchment owned by the Council (e.g. esplanade and road reserves). Once they have sufficiently detailed information, they will be able to assess options for this land, which is thought to include areas of estuarine and freshwater wetland. Options include access, preservation and rehabilitation.

### 6.5.2 Covenants

Any wetland on a property must be retired and registered on the title, as a condition of consent on subdivision of that property.

Retirement of the wetland can be offset against the reserve contribution for that subdivision, thereby decreasing the amount of financial contribution the subdivider has to make. This provision is particularly used around Ohiwa Harbour.

### 6.5.3 Voluntary Revegetation

A number of landowners carry out voluntary revegetation of wetlands around Ohiwa Harbour. ODC encourages this by reminding landowners that rehabilitation is a permitted activity under the district plan. Landowners often work with Environment B·O·P soil conservators to undertake these revegetation works.

### 6.5.4 District Plan Provisions

Rehabilitation of natural wetlands is a permitted activity under the Opotiki District Plan.

Modification, including drainage of wetlands, is a discretionary activity where wetlands are listed as significant, or have an area greater than 500m<sup>2</sup>. This provision is currently the subject of a reference to the Environment Court, and may change so that draining or infilling of any natural wetland is a discretionary activity.

### 6.5.5 Land Resources Relationships with District Councils

The most effective relationship between Environment B·O·P and a district council, from a Land Resources perspective, is that with Western Bay of Plenty District Council (WBOPDC). WBOPDC has a number of incentives for protecting natural areas, and a large number of sites are identified in its district plan.

Environment B·O·P staff state that WBOPDC see working with Environment B·O·P programmes as the most effective way of achieving protection of natural areas, and so cooperate actively. WBOPDC contributes financially to retirement works, and also to monitoring activities. Monitoring retirement works is seen to be Environment B·O·P's responsibility. Environment B·O·P has the skills and resources to advance protection works; the district council recognises these resources and support retirement programmes both financially and by making landowners aware of the resources Environment B·O·P has available for retirement works.

As noted above, Rotorua District Council is also actively involved in contributing to Environment B·O·P's environmental programmes. Staff comment that their level of involvement is similar to that of WBOPDC. There is more work to do with Whakatane District Council in terms of encouraging them to support and advocate land retirement works. Opotiki District Council are strongly supportive of Environment B·O·P's environmental programmes work, but do not have the money to contribute. Environment B·O·P will need to provide substantial financial and technical resources to achieve desired heritage protection outcomes in the Opotiki district.

## 6.6 Department of Conservation

The Department's functions under the Conservation Act 1987 (see Appendix 1) include:

- Management of land held for conservation purposes;
- Preservation of indigenous fisheries, and protection of recreational freshwater fisheries and freshwater fish habitats;
- Advocacy for conservation of natural and historic resources;
- Public education and promotion of conservation.

Department of Conservation's activities related to wetlands occur predominantly in wetlands for which the Department has management responsibilities (e.g. wetlands that are classified as reserves, or are in national parks). However, the Department's advocacy function also means they become involved in commenting on statutory planning provisions for wetlands (for example, in district and regional plans), as well as advocating the protection of wetlands in general. Department of Conservation's responsibilities for protecting freshwater fish habitats, and preserving indigenous fisheries, mean that they can also become involved in wider wetland management functions than for those on Conservation estate.

Wetlands are stated to be a priority for the Bay of Plenty Conservation Board<sup>27</sup>.

Environment B·O·P staff have stated that there is a lack of clarity about the Department's functions outside of its own organisation, particularly in the area of advocacy. Resource limitations mean Department of Conservation may not always

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<sup>27</sup> Sioux Campbell, Bay of Plenty Conservancy. Wetlands Forum meeting Rotorua, 14 November 2001.

participate to the level that other agencies may expect. This needs to be resolved in discussions between the Department and Environment B·O·P to ensure that advocacy for national heritage is occurring effectively within the Bay of Plenty region.

### 6.6.1 WERI

This was an earlier national wetland inventory, listing approximately 3000 wetlands nationwide. Its focus is on ecologically and regionally significant wetlands. It does not assess trends in wetland loss or restoration, and is no longer being updated<sup>28</sup>. Instead, in most regions, the information from WERI has been incorporated with that from other sources to develop regional databases, often in collaboration between Department of Conservation, regional councils and other agencies. In Taranaki, for example, work by the regional council in developing their own wetlands database identified five times more small wetlands than were recorded on the WERI database for its region<sup>29</sup>.

### 6.6.2 Public Awareness and Education

Department of Conservation participates in World Wetland Day activities, and produces interpretation panels at some wetlands on conservation estate.

Under the Ramsar Convention, New Zealand has obligations to promote public awareness of wetland values. Department of Conservation is currently developing a national public awareness programme for wetlands in order to meet these obligations<sup>30</sup>. This is being coordinated by Jan Simmons in the Waikato Conservancy. Currently, Jan is collating information on wetland education from across the country. This will be assessed with regard to its effectiveness, with a view to determining best practice methods for community education. An action plan for a national education programme will then be developed. Local government is envisaged as being a critical part of this programme, as is community participation (including NGOs and landowners).

The risk of duplicating effort is recognised. It is important to be aware of initiatives being undertaken by other agencies so that resources and efforts can be coordinated and effective streamlined programmes delivered, rather than overlap and lack of communication.

### 6.6.3 Restoration

Development of freshwater and estuarine ecosystem restoration techniques, including those for wetlands, is identified as a priority action nationally by Department of Conservation's Science Programme<sup>31</sup>.

<sup>28</sup> Ministry for the Environment. The State of New Zealand's Environment 1997

<sup>29</sup> Ibid. This figure included artificial ponds.

<sup>30</sup> A report by the Auditor General in 2001 stated that New Zealand was not meeting its obligations under the Ramsar Convention. (Report of the Controller and Auditor General. April 2001. Meeting International Environmental Obligations. Part 3: The Ramsar Convention on Wetlands of International Importance.)

<sup>31</sup> Department of Conservation. Science Counts! National Strategic Science and Research Portfolios, Programmes, Priority Actions. 2002/03 and Beyond.

## 6.7 Department of Conservation Area Office Wetland Activities

### 6.7.1 Whakatane Area

The Whakatane Area Office has an officer with specific wetlands responsibilities. Works planned or in progress include:

- Development of a restoration plan for all wetlands managed by Department of Conservation in the Whakatane Area, including those managed in conjunction with Fish & Game. The plan will set out a step-by-step restoration programme, including prioritisation between different wetlands and different restoration activities (e.g. weed control in Wetland A vs water level control in Wetland B).
- Preparing a generic resource consent application for weed control for all wetlands managed by the Department in the Whakatane Area.
- Weed control activities for Matata reserve are programmed to take place as soon as consents are approved.
- Monitoring of water levels and efficacy of weed control, including effects on non-target species.
- Monitoring of threatened fern species

Department of Conservation staff stated that Environment B·O·P technical services staff had been of great assistance in developing water level control structures (e.g. for Matata). Areas where improved coordination would be of assistance to Department of Conservation's activities included the following:

- Improved communication when drain clearing is to take place, so that Department of Conservation staff can clear resulting weed and sediment from weirs to their wetlands;
- Investigations of the sources of sediments entering wetlands (e.g. Matata, where high levels of siltation are occurring). Environment B·O·P soil conservation and technical services staff have already been involved in investigating this issue<sup>32</sup>.

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<sup>32</sup> Soil Conservation staff conducted a major investigation of potential sediment sources in the main source of the lagoon's catchment source (Te Awatarariki Stream) in 1993. The Soil Conservation investigation concluded that ground cover was excellent, although specific pest control measures were warranted. A written update has since been received, confirming that pest control measures were implemented and that the condition of the catchment is good. However, there has apparently been more siltation of the lagoon over the last few years. The increased sedimentation results from bed and channel erosion during severe storms, not poor catchment condition. There are not viable options to reduce these sediment inputs.

A separate report on mitigation options for sedimentation was produced in 1993 by APR Consultants. Silt trap bunds have been constructed and works on a modified outlet structure should be complete by the end of 2001. Technical investigations for dredging the lagoon are proposed by Technical Services as a budget item for the 2002-2003 financial year. More detailed information on this issue is available from Peter Blackwood.

- Integration between different consent holders (e.g. farmers pumping water from their drains, causing Department of Conservation wetland levels to overflow and breach consent conditions).

### 6.7.2 Tauranga

Activities undertaken by Department of Conservation in the Tauranga area include:

- Development of a Management Plan for the Kaituna wetland
- Conservation Week Activities (e.g. saltmarsh planting)
- Volunteer planting events (e.g. Kaituna wetland, Jess Road)

Department of Conservation Tauranga has obtained national biodiversity funding for a wetlands public awareness programme. They plan to target this funding to the community around the Kaituna area, in particular: (i) a survey of landowner attitudes towards the Kaituna wetland and (ii) a 'wetland unit' at Te Puke High School, who can be involved in monitoring and studying the wetland as a public awareness exercise. An expanded public awareness programme is planned for development from this point.

### 6.7.3 Rotorua

Department of Conservation has leased a 169 ha wetland area on Maori land south of Rotorua and are in the process of gazetting this as a wildlife management reserve, together with Fish & Game<sup>33</sup>. Half of the reserve will be managed by Department of Conservation and half by Fish & Game (as occurs at Kaituna). The wetland has been fenced and boundaries surveyed. Willow removal will be an important part of restoration works.

There are no other major wetland projects being undertaken in the Rotorua area by Department of Conservation, although they are involved with smaller areas, usually on an ad hoc basis. Wetland monitoring does not occur. In earlier years, Department of Conservation in Rotorua carried out weed removal and revegetation at Lake Rotokawau; these have been successful and plantings are growing well.

### 6.7.4 Statutory advocacy

Statutory advocacy on conservation matters is one of Department of Conservation's functions under the Conservation Act 1987 (i.e. providing a conservation perspective on the development of regional and district plans, and on consent applications to councils).

Staff within Environment B·O·P have commented that it can be difficult to determine what is a matter Department of Conservation should comment on, and whether Environment B·O·P should comment on matters that are the responsibility of Department of Conservation. There is also some debate about whether Department of Conservation are actually commenting on many applications, possibly due to resource limitations.

<sup>33</sup> This wetland is actually within the Waikato region, but is included in this report for completeness.

The advocacy function is not exclusive to Department of Conservation. Environment B·O·P's functions related to effects of regional significance (s30 RMA) can be considered as a basis for Environment B·O·P's comments on these matters when effects are of regional significance.

Closer analysis of this issue is beyond the scope of this report but should be considered separately in future, so that staff have a clear understanding of Environment B·O·P's roles. It relates to the need for a broader assessment and understanding of Environment B·O·P's responsibilities under Part II of the RMA, and the organisation's role relating to biodiversity management.

#### Environment B·O·P Activities with Department of Conservation

Work between Land Resources staff and Department of Conservation is somewhat limited, partly because of the Department's limited resources, and also its focus on its own activities. Department of Conservation's activities are defined in the Department's management plans. These often have little overlap with Environment B·O·P's Land Resources activities.

Where Department of Conservation estate adjoins environmental programmes on private land, Department of Conservation needs to be a partner in the planning of retirement activity.

Land Resources staff are trying to improve the degree to which Department of Conservation participates in Environment B·O·P natural resource protection activities by setting priorities for natural heritage management in the Bay of Plenty (e.g. Manawahe corridor) and encouraging DEPARTMENT OF CONSERVATION to lobby for resources to participate in these areas also, so that there can be a concerted regional effort.

#### 6.7.5 Nga Whenua Rahui

Nga Whenua Rahui is a contestable Ministerial fund administered by Department of Conservation, established in 1991 to help achieve the objectives of the Indigenous Forest Policy. The purpose of the fund is to protect indigenous forests and associated ecosystems on Maori land that represent the range of biodiversity originally present in the landscape.

Environment B·O·P Land Resources' staff work in conjunction with Nga Whenua Rahui reasonably often, because of the large amount of Maori-owned land in the Bay of Plenty region. Environment B·O·P is currently having discussions with representatives of Nga Whenua Rahui to further develop this relationship, in order to improve protection and funding mechanisms for Maori land. An example is the recently approved environmental programme for the Onuku Maori Lands Trust in the Lake Rotomahana catchment. This programme will retire two RAPS<sup>34</sup> (one in its entirety, one in part), complete lake front protection for Lake Rotomahana, and protect significant streams and wetlands. The programme has funding from Environment B·O·P, Nga Whenua Rahui, and also Rotorua District Council. Nga

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<sup>34</sup> Recommended Area for Protection



Whenua Rahui was able to contribute a substantial portion of the landowners' share towards protection works.

Nga Whenua Rahui is a beneficiary of the Government 'Green Package', so currently has more funds available than in the past.

## 6.8 Fish & Game

Fish and Game Councils are established under the Conservation Act 1987 to represent the interests of anglers and hunters. Relevant functions of Fish and Game Councils<sup>35</sup> include:

- The assessment and monitoring of sport fish and game populations and their use;
- To maintain and improve sports fish and game resources;
- To provide information on game, promote angling and hunting and provide education services to anglers and hunters;
- To represent anglers and hunters interests in statutory planning processes, including their interests in habitats.

### 6.8.1 Species Management

Species management is the responsibility of several agencies:

- The Fish and Game Council manages game bird habitat, populations and numbers hunted.
- Most native wetland bird species are fully protected under the Wildlife Act 1993, which is administered by Department of Conservation. Department of Conservation regulates whitebait harvest by setting seasons and controlling the methods and equipment used by fishers.
- The Ministry of Fisheries regulates commercial, recreational and customary eel harvesting.

### 6.8.2 Restoration and Management

Fish & Game Eastern Region (Fish & Game) are involved in the management of 18 wetlands. The majority of these are on Crown land; one is owned by Fish & Game. Fish & Game is the sole manager of 8 of these wetlands; the others are jointly managed with Department of Conservation.

In some wetlands jointly managed with Department of Conservation, the wetlands are divided (usually on the basis of botanical values) and different areas are managed for hunting and conservation purposes. For example, part of the Kaituna wetland is

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<sup>35</sup> Set out in section 26Q of the Conservation Act 1987.

managed for conservation purposes by Department of Conservation, with the remainder managed for hunting purposes by Fish & Game.

Fish & Game (Fish & Game) undertake a number of proactive wetland restoration and management projects in the Bay of Plenty. While the primary objective of management is to maintain and enhance habitats for game species, the enhancement activities can also have many positive effects for indigenous species. For instance, large parts of the Kaituna wetland have been restored, and are now managed, by Fish & Game. These activities have enhanced habitats for many indigenous birds which are not game species. Fish & Game report that the creation of gamebird habitat at Kaituna has resulted in more diverse indigenous fauna than those in parts of the wetland that are not actively managed. Fish & Game staff state that their 'hands-on' management and advocacy work in wetland management often achieve more conservation outcomes than work undertaken by other statutory agencies.

Fish and Game, together with hunters, have undertaken large scale, long term enhancement works at several major wetlands in the Bay of Plenty, particularly Kaituna and Awaitei. They are currently actively involved in restoration projects at Kaituna, Kapenga and Awakaponga. Weed control work is undertaken at other wetlands. Individual hunters undertake the bulk of works, in return for hunting rights to reserve areas. At Kaituna, for example, hunters maintain animal pest traps around the edge of the reserve, in some cases patrolling on a daily basis.

Fish and Game have obtained funding from Environment B·O·P's Environmental Enhancement Fund for a 5-year wetland restoration project at Awakaponga. This 8 hectare wetland beside the Tarawera river is heavily infested with invasive exotic plant species, including willow, pampas and *Glyceria*. Fish & Game intend to recreate the indigenous communities, including wetland to dryland sequences, which were originally present.

As Fish and Game has limited resources, they try to target their efforts to one wetland at a time. Fish & Game staff interviewed were supportive of combining efforts with those of other agencies (including Department of Conservation, district councils and Environment B·O·P) to work on individual wetland restoration and enhancement projects. Fish & Game Eastern Region are fortunate in having skilled technical staff with relevant knowledge, who are available to contribute to wetland restoration projects. They are keen to collaborate with technical staff from other agencies who can also contribute their skills to wetland restoration projects. Environment B·O·P hydrological skills are seen as particularly necessary, as so many wetlands in the Bay of Plenty today are detached from their original water sources for much of the year. Human intervention is required to provide the water necessary for the ongoing survival and function of these wetlands.

### 6.8.3 Private Landowners

Private landowners sometimes approach Fish & Game for advice and assistance in developing or enhancing wetlands on their properties. Fish & Game staff are able to provide technical advice. They also advise landowners of funds available for assistance in undertaking protection works, including Environment B·O·P's environmental plans. An additional source of funding is the Gamebird Habitat Trust, a national independent trust funded by game licence fees. Fish & Game staff see considerable scope for enhanced cooperation with Environment B·O·P (and possibly other agencies) in achieving protection of wetlands on private land. Limited

resources currently restrict the extent to which Fish & Game staff can provide technical advice to landowners in order to assist with wetland protection and restoration. Working together with Environment B·O·P technical and field staff is seen to have great potential as a means of improving wetland protection on private land.

#### 6.8.4 Public Awareness and Education

Fish & Game New Zealand is the national coordinator for World Wetlands Day. Each year, Eastern Region Fish & Game coordinates several events to mark the day. The organisation also participates in events coordinated by other organisations, such as Conservation Week and NZ Landcare Trust events.

Fish & Game New Zealand also has education resources such as the 'Wonderful Wetlands Kit', which identifies the importance of wetlands both as game bird habitat and indigenous ecosystems.

#### 6.8.5 Statutory Advocacy

Fish & Game state that problems in the area of statutory advocacy for their agency are similar to those outlined for Department of Conservation above (see 6.2.2). They state that there is uncertainty about their role, for both Environment B·O·P and the public. Resource availability is also a similar problem.

### 6.9 Landcare Trust

The NZ Landcare Trust is an independent charitable trust established for the purpose of promoting and facilitating sustainable land management with landowners<sup>36</sup>. Its main role is facilitation, making landowners aware of financial and technical resources and linking them with the relevant agencies that can provide advice and resources.

Landcare Trust appointed a regional coordinator for the Bay of Plenty early this year. The coordinator makes landowners aware of Environment B·O·P's environmental programmes and environmental enhancement fund (amongst other resources available to landowners), amongst other activities. As a result of Landcare Trust's work, several landowners and community groups are involved in, or planning, wetland restoration work in both freshwater and estuarine ecosystems around Tauranga harbour and its catchment. Landcare Trust's regional coordinator considers there is great potential for landowner involvement with wetland restoration around the Bay of Plenty.

<sup>36</sup> NZ Landcare Trust was established in 1996 with 3 years of seed funding from the Ministry for the Environment. Transpower is currently its major sponsor. Seven organisations have input into the Trust, each providing a trustee to oversee the Trust's operations. Federated Farmers and Fish & Game were involved with setting up the Trust in 1996, and have been joined by Rural Women New Zealand, the Federation of Maori Authorities, the Ecological Foundation, Royal Forest and Bird, and Federated Mountain Clubs of New Zealand.

Landcare Trust is working with Environment B·O·P and communities to encourage protection of natural areas on private land, particularly in the Tauranga Harbour Area where Landcare Trust staff are working closely with Environment B·O·P soil conservators. Environment B·O·P's role is to provide technical advice and funding for environmental programmes.

Actions that the coordinator considers could be of assistance in furthering landowner involvement in wetland restoration include:

Access to hydrological expertise. For many sites, information is needed about whether hydrological regimes are sufficient for wetlands to be restored and maintained (e.g. if flows have been diverted, lowlands drained, surrounding land uses incompatible – can the wetland be restored?).

Access to wetland ecology expertise, ideally, an expert that groups could call on to advise them about wetland restoration projects. This could also be of great benefit for educational purposes, and for increasing landowners' interests in wetlands and awareness of the need to protect them. Information needs include both wetland ecology, and rehabilitation methods (e.g. species to plant). Advice is also needed about which wetlands can be recovered, and which cannot, so that resources are not wasted on projects with low chances of success.

Educational material/information about values of wetlands (e.g. nutrient filtering, whitebait habitat). Resources with a visual component are particularly sought. Community knowledge about interrelations between different ecosystem types and zones is also needed (e.g. transition from estuary/intertidal zone, freshwater wetland/terrestrial ecosystem).

## 6.10 QEII Trust

Land Resources staff are currently having discussions with the QEII Trust with a view to developing a partnership in which both Environment B·O·P and the Trust contribute to the protection of natural areas on private land. Both parties wish to develop a relationship so that QEII covenants can be more widely used as a primary legal protection mechanism on private land. Environment B·O·P can then provide the resources to physically protect and manage these natural areas.

Like Nga Whenua Rahui, the QEII Trust is a beneficiary of the Government 'Green Package', so currently has more funds available than in the past.



## Chapter 7: National Developments

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### 7.1 RMA Amendment

The proposed amendment to the RMA would add responsibilities for aquatic ecosystems and indigenous biodiversity to the functions of regional councils. If approved, this amendment would clarify Environment B·O·P's role in indigenous biodiversity management. It is likely, however, to mean substantial work for some parts of the organisation in making changes to plans and to the Regional Policy Statement.

### 7.2 New Zealand Biodiversity Strategy

The New Zealand Biodiversity Strategy<sup>37</sup> identifies actions for managing wetlands, along with other aspects of freshwater biodiversity. The Strategy, inter alia:

- Recognises that responsibilities for freshwater ecosystems are fragmented and overlapping
- Recognises the need for coordination between management of freshwater and coastal environments
- Identifies regional councils as one of the key players in protection and management of freshwater ecosystems (including wetlands)
- Recommends that a National Policy Statement on Biodiversity be developed

### 7.3 National Policy Statement on Biodiversity

Development of a National Policy Statement (NPS) on biodiversity is one of the actions identified by the NZ Biodiversity Strategy. A draft NPS has been released for discussion but is currently too non-specific to be of much practical use.

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<sup>37</sup> Department of Conservation, Ministry for the Environment. The New Zealand Biodiversity Strategy. February 2000.

### 7.3.1 References to Wetlands

The current wording of the draft NPS identifies lowland wetlands as one of the priority ecosystem types needing management for halting the decline of indigenous biodiversity<sup>38</sup>.

The draft NPS also refers to the need to protect the hydrological functioning of wetlands.

## 7.4 New Zealand Wetlands Management Policy

A national wetlands management policy was developed in 1986, to give effect to the Ramsar Convention on Wetlands. It sets out objectives for preservation and protection of wetlands, a wetlands inventory, and public awareness.

The NZ Biodiversity Strategy includes the action of developing clear national criteria for protecting and managing biodiversity in wetlands through a review of the 1986 policy, and incorporating these into a NPS on Biodiversity.

## 7.5 Coordinated Monitoring of New Zealand Wetlands

As noted earlier, a report by the Auditor General found that New Zealand is not meeting its obligations under the Ramsar Convention<sup>39</sup> for wetland monitoring and reporting (inter alia). In response to this, Government is developing an approach for coordinated wetland monitoring across the country. The intent is to enable wetland condition and extent to be measured in a consistent manner across the country, allowing comparable data to be collected that can be used to assess national trends in wetlands.

There has been considerable difficulty in reaching agreement on criteria for classifying wetlands and assessing their condition. Scientists from CRIs<sup>40</sup>, universities and resource management agencies around New Zealand have been working on this issue. Consensus has been reached on eco-classification types, but methods for measuring condition are not yet agreed. A Sustainable Management Fund (SMF) project is currently underway to achieve this outcome<sup>41</sup>. Environment B·O·P has contributed financially to this project. As a result of this funding, the Kaituna wetland is one of the locations at which indicators are being trialled nationally<sup>42</sup>. Environment B·O·P staff are involved in consultation on the development of indicators, field guides and other components of the SMF project.

<sup>38</sup> Ministry for the Environment. May 2001. Towards a National Policy Statement on Biodiversity. Preliminary Wording (for initial discussion purposes only).

<sup>39</sup> Convention on Wetlands (Ramsar, Iran, 1971), popularly known as the "Ramsar Convention". Official name: Convention on Wetlands of International Importance especially as Waterfowl Habitat. Enacted 1975.

<sup>40</sup> Crown Research Institutes

<sup>41</sup> Coordinated Monitoring of New Zealand Wetlands

<sup>42</sup> By NIWA and Landcare, as part of SMF project.

It is hoped that by mid-2002, agreement will have been reached, and handbooks and manuals will be available to monitoring agencies, so that coordinated monitoring of New Zealand's wetlands can occur.

These manuals will only outline the technical methods for monitoring wetlands. They will not specify which agencies have monitoring responsibilities.

Agreement between agencies on monitoring responsibilities is needed in order for New Zealand to meet its Ramsar obligations for national wetland monitoring. Central government Department of Conservation staff<sup>43</sup> consider this is most likely to occur by way of a Memorandum of Cooperation between central government agencies, including the Minister for Conservation and Minister for the Environment, together with Local Government New Zealand.

### 7.5.1 Environmental Performance Indicators (EPIs)

Freshwater and biodiversity indicators are currently being trialled by the Ministry for the Environment as part of the Environmental Performance Indicators programme. Both include indicators and techniques that can be used for wetland monitoring.

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<sup>43</sup> Chris Richmond, Department of Conservation





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## Chapter 8: Uncertainties About Agency Responsibilities

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A difficulty in initiating monitoring projects, and other biodiversity projects, is uncertainty regarding the responsibilities of the regional council, district councils and Department of Conservation for monitoring wetlands, and for indigenous biodiversity monitoring in general. It is understood that the NERMN wetland module project management group have requested an assessment of Environment B·O·P's monitoring responsibilities, in order to ensure that monitoring delivers the results specified in policies and plans.

The monitoring responsibilities of an agency acting under the RMA depend on interpretation of section 35. A common interpretation is that agencies have to monitor those aspects of the environment affected by their decision-making. As noted previously, hydrological factors are crucial to the function of wetland and therefore need to be monitored as a key aspect, and indicator, of wetland condition. Vegetation can also be monitored to indicate hydrological function. This gives Environment B·O·P a clearer mandate for involvement in monitoring wetlands because of their dependence on hydrological regimes, and the link to regional council responsibilities for water quality and quantity.

A wider range of interpretations is possible regarding responsibilities for biodiversity monitoring, given regional councils' responsibilities under sections 30(1)(a) and (b) of the RMA. This means there are a large number of potential overlaps between district and regional council responsibilities for monitoring indigenous biodiversity. In addition, Department of Conservation can undertake research, surveys and investigations under section 53 of the Conservation Act.

Central government has provided little guidance on this issue. Nationally, there has been a range of interpretations of regional council monitoring responsibilities, and different local solutions. For example, in Tasman District, Tasman District Council (a unitary authority), Fish & Game and Department of Conservation have joined together to provide funding and undertake monitoring.

Other than lobbying central government for clarification of monitoring responsibilities, local cooperation with other agencies to reach agreement on monitoring responsibilities is probably the best interim solution. National guidance is unlikely to be immediately forthcoming, whereas monitoring programmes such as the NERMN freshwater wetlands module need to begin as soon as possible in order to give an accurate picture of the state of the region's biodiversity, including wetlands, and to measure the effect of actions by Environment B·O·P and other agencies on its state.

A recent report by the Parliamentary Commissioner for the Environment confirmed that there is a lack of national guidance and clearly defined responsibilities for wetland management<sup>44</sup>. It suggested that there is a place for ‘national direction and support given that wetland protection and management is considered to be a matter of national importance’.

The report recommended that the Ministers for the Environment and Conservation:

***‘Define national wetland priorities, targets, guidelines, standards, incentives, monitoring and agency roles that will assist regional and local authorities to implement different wetland conservation and protection priorities within a clearly defined framework’.***

Uncertainty regarding monitoring responsibilities for wetlands, and for other aspects of indigenous biodiversity, is a nationally recognised issue. The potential overlap between regional councils, local councils and Department of Conservation is recognised. There is a need for national guidance on this issue from central government.

The Group Manager Regulation and Resource Management recommends development of a Memorandum of Understanding (MoU) with relevant authorities in the region, clearly setting out responsibilities for wetland monitoring and other technical aspects related to wetlands. MoUs could be developed with district councils, the Department of Conservation (at Conservancy level) and Fish & Game Eastern Region<sup>45</sup>. This would clarify responsibilities and improve the chances of better integrated management of wetlands.

As an example, Environment B·O·P has a MoU with the Medical Officer of Health for the Bay of Plenty. This specifies processes and responsibilities for issuing health warnings (for example when water monitoring by Environment B·O·P detects a potential health risk).

### **Recommended Actions:**

- 1 Liaise with local Department of Conservation, Fish & Game and district councils to develop agreed approach to monitoring wetlands (and other components of biodiversity). This could be achieved through Heritage Strategy frameworks
- 2 Investigate development of a Memorandum of Understanding with Department of Conservation, Fish & Game and district councils for monitoring wetlands.
- 3 Write to the Department of Conservation/Minister for the Environment stating current difficulties in ascertaining monitoring responsibilities for biodiversity and requesting clarification from Government<sup>46</sup>.

<sup>44</sup> Parliamentary Commissioner for the Environment (March 2002). Boggy patch or ecological heritage? Valuing wetlands in Tasman.

<sup>45</sup> As Fish & Game are sole or joint managers of a number of wetlands in the Bay of Plenty, and undertake various monitoring programmes in association with this role, they should also be included in the development of a MOU for wetland monitoring.

<sup>46</sup> This action was suggested by Chris Richmond of the Department of Conservation Policy Division in Wellington, to provide evidence to senior public servants and Ministers of the need for increased clarity regarding this issue. It is recommended because it may assist in developing a more coordinated national approach to biodiversity monitoring, regarding this issue.

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## Chapter 9: Conclusions

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Environment B·O·P is involved in a range of wetland protection and management activities across the organisation. However, there is a lack of coordination of wetland protection activities within Environment B·O·P, as well as with different agencies. There is scope to improve the coordination and delivery of Environment B·O·P activities related to wetland protection, restoration and enhancement. In addition a number of policies are yet to be addressed, or are only partly addressed by current activities.

### 9.1 Policy Framework

Wetlands are addressed within a number of existing policy frameworks. These include the Regional Policy Statement, Regional Plans, the Heritage Strategy and the Environmental Programmes Indigenous Biodiversity Policy. Some policies refer directly to wetlands, while others refer more broadly to natural heritage management as a whole.

### 9.2 Policy Implementation

In general, Environment B·O·P has an adequate policy framework for wetland protection, restoration and enhancement. What is required is improved **implementation** of policy, including better coordination of Environment B·O·P's activities. Some policies are already being implemented; fully or in part; others require further work.

**Implementation of policies for wetland protection and enhancement is a key issue for Environment B·O·P**

To be useful, policy must be linked to action. Staff therefore need to be reminded of the policies relevant to their work areas in order for them to be implemented.

An initial assessment of the extent to which these policies has been implemented was commenced (see Appendix 7). However, this was completed only for sections of the Regional Policy Statement directly relevant to wetlands. As the Regional Policy Statement and regional plans contain policies relevant to the work of many sections of Environment B·O·P, it was considered more appropriate that individual sections undertake a fuller assessment, so that they can determine the extent to which different policies are being addressed by their activities.

To aid this process, policies relevant to wetland protection and enhancement have been tabulated (see appendix 7). It is recommended that managers and staff identify the policies relevant to their work areas, and assess:

- (i) whether work currently being undertaken in their work area addresses these policies;
- (ii) the degree to which these policies are being implemented;
- (iii) whether work programmes need to be modified or expanded so that the policies are fulfilled.

This assessment can then be collated and reviewed on a regular basis, to allow assessment of progress on wetland issues.

In some cases, the generic wording of the policy may make it difficult for staff to determine how it relates to their area of work. Many policies are applicable to several different parts of Environment B·O·P. Nevertheless, managers and staff are still encouraged to assess how their work responds to these policies, in order to determine whether policies are being implemented sufficiently.

### 9.3 **Need for Improved Coordination Within Environment B·O·P**

Investigations for this report have highlighted the need for increased co-ordination between Environment B·O·P staff working on wetland issues. As stated above, Environment B·O·P is already undertaking a wide range of activities related to wetland protection and enhancement, and has an existing policy and planning framework for these activities. What investigations have also revealed, however, is the extent to which staff were unaware of other wetland activities being undertaken by their colleagues, as well as the existence of policies and methods that needed to be implemented in their areas of work.

To address this situation, the establishment of an internal 'wetland team' is recommended, linking all staff within the organisation whose work, in whatever capacity, relates to wetland protection and/or enhancement. It should include staff working in Environmental Investigations, Technical Services, Land Resources, Environmental Planning, Strategic Policy<sup>47</sup> and Consents and Compliance.

The purpose of such a team would be to improve coordination of Environment B·O·P's wetland activities, resulting in more integrated and efficient delivery of outcomes for wetland protection and enhancement.

The team would need appropriate terms of reference to define its functions, and systems to ensure that desired outcomes are delivered and reported. This report could form a starting point for the team. One of the team's first actions could be to develop the recommendations provided at the end of this report, into a series of concrete actions.

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<sup>47</sup> Particularly from the Heritage Strategy perspective.

The establishment of a separate new 'wetlands project' is not recommended. Actions undertaken within existing programmes and budget items already address wetlands across the organisation, (although most are not separately itemised in the annual plan<sup>48</sup>). It is improved communication, integration and coordination of activities that is required. Some additional allocations to existing budget items will probably be needed in the annual plan, however, to allow for staff participation in team meetings.

**Recommendation:**

**Establish a 'wetland team' within Environment B·O·P to improve integration and coordination between staff working on wetland issues within Environment B·O·P.**

## 9.4 Integration With Other Agencies

Close integration with other agencies is needed for effective protection and enhancement of the region's wetlands, as for all aspects of indigenous biodiversity<sup>49</sup>

Environment B·O·P's wetland protection and enhancement activities need to be integrated with those of other agencies. Otherwise, there is a risk of duplication of effort, inefficiency and confusion (both for agencies and the community). Desired outcomes for wetland protection and enhancement will be delivered more effectively in the Bay of Plenty if agencies cooperate on initiatives, on an ongoing basis.

There are already some good examples of this occurring (e.g. the Wetlands Forum, weekly Rivers and Drainage emails to Department of Conservation and other agencies), but coordination needs to be improved for effective service delivery to occur.

Examples of potential coordinated multi-agency actions include:

- Public education (e.g. joint community education re wetlands with Department of Conservation and Fish & Game);
- Integration with upcoming national initiatives by Department of Conservation regarding public awareness about wetlands)
- Development of a regional wetland protection/enhancement schedule (for purposes of prioritising wetlands for protection and enhancement works)

Improved information management (by all agencies)

<sup>48</sup> The 2001-02 Annual Plan has only two separate budget items for wetlands: one for Technical Services, the other for development of a NERMN module. The LTFS also identifies a 10-year programme of wetland restoration by Technical Services, related to water level control and fish passage. However, numerous other programmes within the annual plan include components which include wetlands, including development of environmental programmes, animal and plant pest control and plan development. However, in most cases, it would be difficult to itemise how much of these individual programmes were directed to wetland work. It would also be inefficient and would not relate to practical delivery of these programmes. One of the key points about wetland activities within Environment B·O·P is that they are, for the most part, addressed within existing programmes, and need to be integrated with such work. What is needed is not a separate project, but improved coordination between existing ones.

<sup>49</sup> Shaw WB, Hall AR. April 2000. Operational Policy for the Voluntary Protection and Enhancement of Indigenous Biodiversity on Private Land. Wildland Consultants Ltd. Report prepared for Environment B·O·P. .

In order for coordination to occur, there is also a need for improved communication channels between different agencies. The Wetlands Forum provides a good basis for communication between agencies. However, meetings are too infrequent for agencies to provide each other with regular updates on their respective activities<sup>50</sup>. In addition, relevant staff of different organisations are often not aware of the forum, its purpose, or the topic of its meetings. This is often simply a reflection of the size of the organisations involved and the range of issues which staff of each agency work upon. Each agency needs to ensure that relevant staff are informed about the forum, and are made aware of upcoming meetings.

Additional communication channels could be valuable in improving networks between those working on wetland issues in the Bay of Plenty. Some of these methods are the subject of ongoing discussion by the Wetland Forum, and obviously need to be progressed in consultation with all relevant agencies. Options include:

- Establishment of a wetlands website for the Bay of Plenty. This idea has been recommended by the Wetlands Forum and is supported by Environment B·O·P<sup>51</sup>. The website would be accessible to all agencies in the Bay of Plenty working on wetlands, and post regular updates. It would also have links to information resources.
- Production of a brief, regular (e.g. bi-monthly) newsletter, informing participants of all agencies' recent activities related to wetlands, and of new initiatives nationally. This suggestion is also supported by the Wetlands Forum.
- Meetings on specific topics as required.
- Strengthening of informal networks between individual staff working on specific areas. This includes ensuring that relevant contacts are made at staff level. This could be facilitated by distributing lists between organisations, naming all officers who have functions related to wetlands, or who may be relevant contacts even if their job description does not directly relate to wetlands (e.g. education officers). An email group and/or the website above could be a means of facilitating this option.

Developing agreements on responsibilities for monitoring wetlands is also recommended, to improve coordination and monitoring efforts and increase efficiency (as discussed in Chapter 8). Recommended actions include:

- Liaise with local Department of Conservation, Fish & Game and district councils to develop agreed approach to monitoring wetlands (and other components of biodiversity). This could be achieved through Heritage Strategy frameworks.

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<sup>50</sup> Until recently, the Wetlands Forum met every six months. The frequency of meetings has now been increased to three times a year. There may also be value in additional, one-off meetings on specific topics.

<sup>51</sup> Environment B·O·P has informally indicated that it could provide funding for establishment of a website and newsletter, providing costs are reasonable.

- Investigate development of a Memorandum of Understanding with Department of Conservation and district councils for monitoring wetlands.

Coordinated work by relevant agencies on restoration and/or protection of individual wetlands has also been suggested, as a means of pooling resources and expertise, and improving outcomes. Department of Conservation, Fish & Game and relevant district councils could all work together on restoration of specific wetlands. Each agency would bring different specialist skills to the project (e.g. Department of Conservation, Fish & Game: habitat restoration; Environment B·O·P: hydrology). This could yield improved wetland restoration outcomes, compared with those that could be achieved by each agency working alone.

**Recommendation:**

- **enhance relationships with other agencies working on wetland protection**
- **support establishment of a wetland website for the Bay of Plenty**
- **support development of a wetland newsletter for the Bay of Plenty**
- **investigate coordinated approaches to monitoring and restoration activities**

## 9.5 Prioritisation

An explicit process is needed for setting priorities for protection, restoration and enhancement of remaining wetlands, in order to ensure resources are targeted (to the most significant wetlands). Priority setting is identified as a gap in Environment B·O·P's current wetland protection activities.

This key task of prioritising wetland protection activities could be progressed by the internal wetland specialist team. Prioritisation of regionally significant wetlands for protection and/or enhancement is specified in the Regional Policy Statement, Regional Land Management Plan and Proposed Regional Water and Land Plan<sup>52</sup>. Work has already been undertaken identifying Significant Natural Areas (SNAs) in the Bay of Plenty in natural heritage surveys conducted by consultants for district councils and Environment B·O·P.

Processes for prioritising natural heritage areas have already been undertaken to an extent, through the natural heritage surveys undertaken throughout the Bay of Plenty, and the development of draft heritage criteria for determining significance of natural heritage areas. This information can form a basis for prioritisation decisions.

However, these activities are not well known across the organisation. All relevant staff need to be made aware of these resources, so that they can be utilised in prioritising wetlands for protection activities. Processes are also needed so that all relevant staff have access to these resources, and can agree on a process for prioritising protection and enhancement activities for individual wetlands.

<sup>52</sup> These policies and methods also state that prioritisation will be undertaken in conjunction with relevant agencies.



Land Resources staff already use natural heritage information to assist in targeting their actions, as outlined earlier in this report. However, the extent to which they can target their resources towards the highest ranked sites is somewhat limited by the fact that landowner participation in environmental programmes is entirely voluntary

Prioritisation of wetlands for protection needs to be undertaken in conjunction with relevant Environment B·O·P staff, and also with Department of Conservation, Fish & Game, landowners and the wider community, as noted in the Regional Policy Statement.

**Recommendation:**

**In consultation with relevant internal staff and external agencies, commence a process for prioritising the region's significant wetlands for protection. This should be progressed in conjunction with the Heritage Strategy. Make use of natural heritage surveys, and heritage criteria, in decision-making.**

## 9.6 Consents

### 9.6.1 Consents for Restoration and Enhancement

The need to obtain resource consent for wetland modification (including enhancement activities) is reported to be a disincentive for many private landowners. This issue needs to be addressed so that resource consents are not a barrier to restoration and enhancement work.

There is still a need for some form of assessment, so that enhancement activities are undertaken in an environmentally appropriate way. Wetland restoration is a specialised field. Without guidance or provision of technical advice, the 'restoration' or 'enhancement activities' performed by well-meaning landowners could have adverse effects on the wetland concerned. It must be remembered that consents provide a safeguard for wetlands against inappropriate works which may diminish their values.

The policies and rules of the Proposed Regional Water and Land Plan should assist in addressing these issues, provided they are retained throughout the submission process. However, additional staffing resources, or funding access to external technical expertise, may be needed in order for these rules to be workable (e.g. development of Wetland Management Agreements, preparation of AEEs).

A 'wetland care officer' has been suggested by several staff as a possible means of providing specialist advice on wetland protection, restoration and enhancement to private landowners. Such an officer would require specialist knowledge about wetland ecology and restoration techniques. It is also uncertain whether there would be sufficient work to maintain this as a full-time position. Another option could be making this officer available as a region-wide resource to all agencies, to be called on to advise on wetland protection and restoration, and also for community awareness and education.

**Recommendation:**

**Retain current approach of the Proposed Regional Water and Land Plan <sup>53</sup>, so that the need to obtain consent does not become a financial or technical barrier to wetland restoration and enhancement.**

Waiving or reimbursing consent fees for wetland restoration and enhancement activities is another recommended action. Obtaining a consent can be an important method of ensuring that major restoration works, or works in significant wetlands, are undertaken in an appropriate manner. However, having to pay to obtain a consent is a disincentive for landowners to go through appropriate channels. Environment B·O·P should be encouraging landowners to undertake wetland restoration and enhancement. Waiving or reimbursing consent fees allows Environment B·O·P to ensure that correct procedures are followed in restoration practices, and to conduct monitoring, without imposing a financial barrier. It also allows for enforcement action to be taken if necessary.

Reimbursement of consent fees is already available on application to Council. An existing Council policy (Remission of Consent Application Fee Charges)<sup>54</sup> sets out the procedure for requesting remittance of costs, in accordance with section 36(5) of the RMA. Few staff seem to be aware of this option. It must also be noted that reimbursement of fees is not guaranteed, so may not be a sufficient incentive for landowners.

Consent fee waiving may be more effective than reimbursement. However, it should only occur where the proposed restoration or enhancement works will maintain, or enhance, wetland values (including water quality, hydrology, soil conservation and indigenous biodiversity).

Provisions in the Proposed Water and Land Plan will obviate the need for consents for some minor enhancement activities in wetlands, and so may reduce the number of landowners discouraged from undertaking enhancement works because of the need to obtain consents.

**Recommendation:**

- **Where appropriate, make landowners aware of the existing Council policy for remission of consent application charges.**
- **Encourage Council to favourably consider applications for remission of fees for wetland activities with environmental benefits.**
- **Investigate the need for other options to waive or reimburse consent fees for wetland restoration and enhancement works that maintain or enhance significant wetland values.**

<sup>53</sup> Environment B·O·P. October 2001. Draft Proposed Regional Water and Land Plan Version 3.3, Chapter 8: Wetlands

<sup>54</sup> See Minutes of Council meeting 2 March 2000, item 5.4.

## 9.7 Resource Consent Practice

### 9.7.1 Definition of Modification

There appear to be some differences in the understanding of ‘wetland modification’ among Environment B·O·P staff. Under the Regional Land Management Plan, all wetland modification activities require consent, including enhancement<sup>55</sup>. There does not seem to be a clear understanding of the definition of wetland modification across the organisation. This means that the public may receive conflicting messages about the need to obtain consents for wetland modification (e.g. from consent and compliance officers compared with soil conservation officers). The approach outlined in the Proposed Regional Water and Land Plan is likely to assist with this situation.

In the interim, however, it is recommended that relevant staff be provided with clear information on the definition of wetland modification, so that consistent guidance on the requirements for consents can be provided to the public. Environment B·O·P field staff need to be provided with the appropriate training on applications of Environment B·O·P’s rules regarding wetland modification, and the basis for these rules, in order for Environment B·O·P to give consistent messages to landowners regarding consents. This could be achieved by planners or consent officers holding seminars for field officers on rules relevant to wetlands. (Seminars could also be held on other topics identified as useful by field and/or consent officers).

**Recommendation:**

**Provide clear advice to relevant staff, including field staff, about the application of rules and the need to obtain consents for wetland modification, including enhancement activities.**

Another difficulty for some staff, including consent officers, can be confidently identifying wetlands and their extent. This can make it difficult for field staff to advise landowners on where Environment B·O·P’s wetland rules apply. Staff should be encouraged to consult relevant technical experts (e.g. terrestrial ecologist) when they are uncertain about the identification of wetlands.

**Recommendation:**

**Encourage staff to consult relevant technical experts when they are uncertain about identification of wetlands and their extent**

### 9.7.2 Part II

There is some confusion within Environment B·O·P regarding the regional council’s responsibilities for heritage matters, particularly in the context of processing resource consent applications. Although the regional council is required to have regard to Part II of the RMA in undertaking all its functions, including assessing resource consent functions, these responsibilities may not always be recognised when processing consents, because of the focus on section 30(1)(c) functions in a regulatory context.

<sup>55</sup> Rule 10.5.7. Weed removal and other vegetation clearance needed to maintenance of water bodies created for hydro-electric power generation are excepted from this requirement, provided such activities comply with general permitted activity conditions.

It appears that some Environment B·O·P regulatory staff consider providing for natural and cultural heritage values to be a district function in the context of consents. This conflicts with case law findings on regional council functions regarding Part II in the context of consents<sup>56</sup>. There is a need for a wider understanding of regional council functions relating to heritage, including relevant case law, not only in consents but across the organisation.

This is relevant not only for wetland protection but for other aspects of natural heritage, and for cultural heritage also. Addressing this issue is broader than the scope of this report. However, it is recommended that this issue be investigated in the future so that all parts of the organisation have a common understanding of Environment B·O·P's responsibilities under Part II.

**Recommendations:**

- **Assess how Part II matters should be addressed when considering and deciding on resource consent applications;**
- **Assess application of Part II to Environment B·O·P's activities as a whole.**

### 9.7.3 Environment B·O·P Policies

The application of relevant Environment B·O·P policies to resource consent decisions is another issue raised by some staff. The policies themselves often advocate protection, but their application can be subjective. For example, in consent reporting, the relevant policies may be listed, but the necessary level of consideration is not always given to each of them. In some cases this is because the wording of the policies is so general that there is room for a range of interpretations. In other cases, it may be because the matter the policy addresses is not considered by some staff to be a core regional council function.

## 9.8 Education

Education is a key example of an area in which benefits could be gained from a more coordinated approach between relevant agencies.

Policies and methods in the Regional Policy Statement, and in regional plans, state that Environment B·O·P will undertake and support education programmes and information provision to promote awareness and understanding of the values of heritage resources, and to enhance public awareness of the roles and values of ecosystems.

The need for wetland education resources was stated by the majority of agencies contacted during the preparation of this report. Suggested actions and needs include:

Working together with Department of Conservation and Fish & Game to develop a regional wetland education strategy, including production of a 'Wetland Resource Kit';

<sup>56</sup> Royal Forest and Bird Protection Society of New Zealand Incorporated v Manawatu-Wanganui Regional Council and GM Twist (A 86/95; 26 September 1995, Shepherd D)

Shared access to technical advice, including for community education purposes (see below).

As noted earlier, Department of Conservation is currently collating information on wetland education and community relations at a national level from all agencies, including nongovernmental organisations. Any future development of educational materials should check the status of these developments prior to preparation of material, as it may save duplication. However, the decision on whether to develop regional education programmes, or to wait to use national material, should be based on how long it will be before the Department of Conservation material is developed.

**Recommendation:**

**Work with other agencies, regionally and nationally, to develop wetland education resources.**

## 9.9 Access to Technical Advice

### 9.9.1 Ecology and Restoration

This is a crucial time for setting future directions for wetland management in the Bay of Plenty as the Proposed Regional Water and Land Plan (RWLP) is released. Considerable consultation has taken place during the development of this plan on provisions for wetland protection and enhancement. There is a need to encourage landowners to retire and protect wetland on their properties, while ensuring that these protection and enhancement activities are undertaken in ways which are appropriate to the ecological values of wetland areas. The scarcity of wetland ecosystems in the Bay of Plenty underlines the importance of ensuring that where enhancement activities are undertaken, they are done correctly.

In preparation of the wetlands chapter of the Proposed Regional Water and Land Plan, it has been suggested that (i) wetland management plans be drawn up for landowners for minor works on wetland which do not require a consent; and (ii) that technical advice on wetland protection be provided to landowners without charge in order to prepare assessments of environmental effects accompanying resource consent applications for larger scale wetland enhancement activities, or for significant wetlands on private property.

There has been a lot of discussion about how to provide specialist ecological advice for wetland enhancement and restoration to private landowners. This has also arisen in conversations with other stakeholders during the preparation of this report. While Environment B·O·P's soil conservation officers already offer advice on wetland protection, they are very busy and not always able to meet the demand. In addition, wetland restoration and enhancement is a specialist area, requiring wetland ecology and restoration skills and knowledge, which are not always held by soil conservation officers.

A number of suggestions have been made about how this technical advice could be provided both to landowners and to other agencies across the Bay of Plenty. One is to employ a full or part-time wetland officer ('wetland care officer') whose services could be made available not only to Environment B·O·P, but also to any other organisations working with private landowners to advocate protection of wetland areas (e.g. district councils, Landcare Trust).

Another suggestion is that technical expertise already held within organisations in the Bay of Plenty or Waikato (e.g. Department of Conservation, Environment B·O·P, Fish & Game, NIWA, private consultants), be made available to landowners who require advice in order to develop plans for how best to retire the area of wetland on their property. The practicality of this option would obviously depend on the existing commitments of staff within these organisations. Joint funding is likely to be required for such an option to be workable.

**Recommendation:**

**Investigate options for providing specialist wetland protection and restoration advice to private landowners**

### 9.9.2 Hydrological Information

Wetlands require an ongoing water source for their functional ecology. For many wetlands the hydrological balance has been disrupted, often so severely that the wetland cannot survive. Even for wetlands with an existing water source, fluctuation of water flows, including floods and flood retention, can be as important as water supply within certain levels. The hydrological skills of Technical Services staff are a valuable source of advice on how to enhance or restore water supply to wetlands. Their skills have already been deployed to restore hydrological regimes in a number of important wetlands in the Bay of Plenty.

To date, Technical Services' expertise has been used primarily for restoration and enhancement of water levels for larger identified wetlands, mostly on Department of Conservation estate<sup>57</sup>.

It is obviously important that works have been targeted towards these significant wetlands. However, advice on hydrological regimes is also required to restore or enhance other wetlands, including those on private land.

Landcare Trust staff in the Bay of Plenty have identified hydrological expertise as an area where there is a need for access to technical advice. Technical Services staff have said themselves that they need direction on prioritisation of wetlands to work on for future projects. Making Technical Services staff available to work on hydrological restoration of wetlands on private land could be a means of providing highly valuable advice for wetland restoration.

The allocation of Technical Services staff to these projects would need to be linked to a prioritisation process for wetlands, and would obviously also need to take into account staff time allocations for other projects.

Providing Technical Services staff with access to reports on natural heritage areas (as used by Land Resources) would be helpful in assisting Technical Services staff to prioritise their actions.

<sup>57</sup> The majority of wetlands for which hydrological maintenance, enhancement or restoration activities have been undertaken by Environment B·O·P are those in the Rangitaiki Plains. The need for works in each of these wetlands was specifically identified in the Tarawera Plan. A mechanism is needed for making the hydrological skills within Environment B·O·P available for the restoration and enhancement of other wetlands within the Bay of Plenty.

Technical Services staff should be included in any wetland project team set up within Environment B·O·P.

**Recommendation:**

**Develop a mechanism for providing hydrological advice for wetland restoration and enhancement on private land, and for ensuring Technical Services' input to internal wetland projects.**

## 9.10 Information Management

Information management is another area that needs to be addressed in the management of wetlands across the Bay of Plenty. A freshwater wetlands database already exists. To date its function has primarily been to gather all existing information on wetlands in the Bay of Plenty. It has not been subject to a process for assessing the quality of data, or systematic ranking of wetlands in the database. Considerable work would be required to undertake this, and it is debatable whether such a retrospective assessment would be a wise use of resources.

Environment B·O·P staff have been undertaking investigations about possible options for the management of information on freshwater wetlands in the future. Should the existing freshwater database be upgraded, or be integrated with the indigenous biodiversity and natural heritage database currently under preparation as part of the heritage strategy? These investigations are being pursued by staff, with the recognition that management of information on wetlands is a key component of future management of wetland activities in the Bay of Plenty.

Staff are currently assessing determining Environment B·O·P's future role for managing information on wetlands. Questions they are addressing include:

- What are the information needs of users (both internal and external)? What level of detail of information do they require?
- To what extent would external users (e.g. Department of Conservation, district councils) use a freshwater wetlands database produced by Environment B·O·P? Is it Environment B·O·P's responsibility to provide such a database?
- What extent of an 'inventory' is needed to satisfy the requirements of Environment B·O·P's Regional Policy Statement and Plans?

Decisions about the management of freshwater wetlands information need to be made in conjunction with development of the natural heritage and indigenous biodiversity database.

**Recommendation:**

**Finalise decisions between relevant staff, together with other agencies, regarding the best methods to manage wetland information in the region<sup>58</sup>. Consider the potential to use such a database/inventory as part of the process of prioritising wetlands for protection.**

<sup>58</sup> Note: work on this issue is being progressed by Planning and Investigations staff, as noted earlier in this report.

## 9.11 Promotion of Artificial Wetlands

Several Consent and Compliance officers commented that there is considerable scope for Environment B·O·P to become more actively involved in advocating the construction of artificial wetlands for water quality enhancement purposes. The potential water quality benefits of such an approach are directly linked to Environment B·O·P's section 30 functions. It should also be noted that a method in the Regional Policy Statement states that Environment B·O·P will develop guidelines to educate the community on how to reduce the effects of diffuse source discharges through protection and enhancement of riparian and wetland areas<sup>59</sup>.

This issue is not discussed further here, as the report's focus is wetland protection. However, water quality benefits should be noted as an additional benefit of wetland protection, enhancement and creation. This should be considered when determining Environment B·O·P's future wetland activities, including promotion of wetland protection.

Actions could include:

- Produce practical information about how to enhance and protect wetlands for these purposes;
- Advocate the construction of artificial wetlands, and the enhancement of existing wetlands, to reduce adverse effects on water quality.

**Recommendation:**

**Promote the value of wetlands for water quality improvement**

## 9.12 Other Related Issues: General Comments

### 9.12.1 Integrated Management: Land and Water

There is a need for Environment B·O·P's wetland protection activities to acknowledge the need to consider different environmental compartments when making wetland management decision. Wetlands exist in the margins between soil and water, and in estuaries, between fresh and salt water. They cannot be managed in isolation. The effects of activities on land and water are critical factors to be considered when determining management options for individual wetlands. It is also important that planning structures are sufficiently flexible to take into account the fact that wetlands straddle these compartments.

### 9.12.2 Mangroves

There has been controversy about the issue of increased mangrove growth in the Tauranga area. This has implications for the management of estuarine wetlands. Public concerns related to mangrove advance include potential threats to other saltmarsh species associations, and public access and amenity issues.

<sup>59</sup> Method 6.3.1(c)(xii) RPS



Environment B·O·P is involved with an inter-council Mangrove Working Group, which aims to develop a consistent, coordinated approach to the management of mangroves.

### 9.12.3 Landowner Consultation

Several staff in regular contact with landowners have commented that nobody notifies landowners that wetlands (or other areas of indigenous biodiversity) on their property are listed as significant under the Coastal or Regional Land Management Plan, or on the Ecosites database. This issue needs to be managed sensitively. There is a view that landowners have a right to know about listings relating to their properties. However, others fear that some landowners could damage features on their land listed as significant, in order to avoid future restrictions on development of their properties.

The public release of heritage information is an issue that is being considered by staff and requires development of protocols.

## 9.13 Issues Outside Scope of Report

A number of additional issues have arisen which are outside the scope of the report, as they are relevant not only to wetland activities, but to wider aspects of Environment B·O·P's activities. However, they need to be addressed in future. They include:

### 9.13.1 Statutory Contacts: Role of Department of Conservation?

Conversations should be held with Department of Conservation to determine the role of the regional council in commenting on district consent applications with the potential to affect indigenous biodiversity (including areas of significant vegetation and significant habitats of indigenous fauna).

### 9.13.2 Part II

As mentioned in section 9.6 above, a wider assessment of Environment B·O·P's responsibilities related to Part II of the RMA is required, in order to develop a common understanding across the organisation. At present, different interpretations are used by different sections, and to some extent, by individual staff.

## Chapter 10: Recommendations

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### 10.1 Key Actions

Key actions and themes identified in this report as important to wetland protection, enhancement and restoration include the following:

- Prioritisation of wetlands for protection and enhancement;
- Information management;
- Recognise dependence of wetlands on functioning hydrological regimes, and the need to integrate hydrology aspects (including Technical Services) into restoration and management actions;
- Address wetland management within existing programmes, but assign priority based on scarcity and threat;
- Recognise stronger regional council mandate for involvement in this aspect of biodiversity because of its links to water quality and quantity (for which Environment B·O·P has statutory responsibilities);
- Need to involve all relevant staff across the organisation;
- Need for more effective, ongoing liaison with other agencies regarding wetlands.

### 10.2 Policy

Further work is not required to redefine Council's vision, objectives or policies. However, work is needed on **implementation** of policies related to wetlands in all areas of Environment B·O·P's activities.

Recommended steps to achieve implementation are outlined below.

### 10.3 Coordination Within Environment B·O·P

- **Recommendation 1:** establish a “wetland team” within Environment B·O·P to improve integration and coordination between staff working on wetland issues

This team can focus on policy implementation (including the recommendations in this report) across the organisation. The team can also guide Environment B·O·P's future wetland policy development.

#### 10.4 Policy Implementation

**Recommendation 2:** That each section assess the application of relevant wetland policies to their work areas (see section 9.2), and determine:

- (i) whether work currently being undertaken in their work area addresses these policies;
- (ii) the degree to which these policies are being implemented;
- (iii) whether work programmes need to be modified or expanded so that the policies are fulfilled;
- (iv) whether there is a need for modification of existing rules and policies to better provide for wetland protection and restoration.

#### 10.5 Work With Other Agencies

**Recommendation 3:** enhance relationships with other agencies working on wetland protection, in order to deliver coordinated regional outcomes

- (i) Support establishment of a wetland website for the Bay of Plenty
- (ii) Support development of a wetland newsletter for the Bay of Plenty
- (iii) Investigate coordinated approaches to monitoring and restoration activities.

#### 10.6 Prioritisation

**Recommendation 4:** in consultation with relevant internal staff and external agencies, commence a process for prioritising the region's significant wetlands for protection. This should be progressed in conjunction with the Heritage Strategy. Make use of natural heritage survey reports, and heritage criteria, in decision-making.

Remove Barriers to Wetland Enhancement

**Recommendation 5:** retain current approach of the Proposed Regional Water and Land Plan, so that the need to obtain resource consent does not become a financial or technical barrier to wetland restoration and enhancement.

**Recommendation 6:** explore options for remission of consent fees for wetland restoration works, where appropriate.

- (i) Where appropriate, inform landowners of the existing Council policy for remission of consent application charges.

- (ii) Encourage Council to favourably consider applications for remission of fees for wetland activities with environmental benefits.
- (iii) Investigate the need for other options to waive or reimburse consent fees for wetland restoration and enhancement works that maintain or enhance significant wetland values.

**Recommendation 7:** provide clear advice to relevant staff, including field staff, about the application of rules and the need to obtain consents for wetland modification, including enhancement activities.

**Recommendation 8:** encourage staff to consult relevant technical experts when they are uncertain about identification of wetlands and their extent.

## 10.7 Part II Matters

**Recommendation 9:** assess how Part II matters should be addressed when considering and deciding on resource consent applications.

**Recommendation 10:** assess application of Part II to Environment B·O·P's activities as a whole.

## 10.8 Education

**Recommendation 11:** work with other agencies, regionally and nationally, to develop and use wetland education resources

## 10.9 Provide Technical Advice

**Recommendation 12:** investigate options for providing specialist wetland protection and restoration advice to private landowners

**Recommendation 13:** develop a mechanism for providing hydrological advice for wetland restoration and enhancement on private land, and for ensuring Technical Services' input to internal wetland projects.

## 10.10 Information Management

**Recommendation 14:** assess wetland information management needs (e.g. database) within Environment B·O·P, and by external agencies.

- (i) Finalise decisions between relevant staff, together with other agencies, regarding the best methods to manage wetland information in the region.
- (ii) Consider the potential to use such a database/inventory as part of the process of prioritising wetlands for protection.

### 10.11 **Promote Benefits of Wetlands**

**Recommendation 15:** Promote the value of wetlands for water quality improvement and biodiversity.

### 10.12 **Statutory Advocacy**

**Recommendation 16:** Clarify Environment B·O·P's role in commenting on heritage issues in consent applications to district councils, and on district plans, particularly with regard to Department of Conservation's role.

## **Chapter 11: Appendices**

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Appendix 1 – Extracts of Relevant Legislation

Appendix 2 – Excerpts from New Zealand Coastal Policy Statement

Appendix 3 – Excerpts of Bay of Plenty Regional Policy Statement

Appendix 4 – Proposed Bay of Plenty Regional Land Management Plan (‘Land Plan’)

Appendix 5 – Proposed Regional Plan for the Tarawera River Catchment

Appendix 6 – Proposed Bay of Plenty Regional Coastal Environmental Plan (‘Coastal Plan’)

Appendix 7 – Excerpts of Regional Policy Statement relevant to Monitoring

Appendix 8 – Rate Relief (Excerpt from Rating Powers Amendment Act 1992)

Appendix 9 – Table of Relevant Policies and Methods (from Regional Policy Statement and Regional Plans)



## Appendix 1: Extracts of Relevant Legislation

### Resource Management Act 1991

**Wetland:** Includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

### Part II

**Section 6: Matters of National Importance** - In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

**Section 7: Other Matters** – In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to –

- (a) Kaitiakitanga:
- (b) The efficient use and development of natural and physical resources:
- (c) The maintenance and enhancement of amenity values:
- (d) Intrinsic values of ecosystems:
- (e) Recognition and protection of the heritage values of sites, buildings, places, or areas:
- (f) Maintenance and enhancement of the quality of the environment:
- (g) Any finite characteristics of natural and physical resources:
- (h) The protection of the habitat of trout and salmon.



**Section 8: Treaty of Waitangi** – In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

### **FUNCTIONS OF REGIONAL AND DISTRICT COUNCILS UNDER THE RESOURCE MANAGEMENT ACT 1991**

**Section 30: Functions of Regional Councils Under This Act** – (1) Every regional council shall have the following functions for the purpose of giving effect to this Act in its region:

- (a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region:
- (b) The preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance:
- (c) The control of the use of land for the purpose of –
  - (i) Soil conservation:
  - (ii) The maintenance and enhancement of the quality of water in water bodies and coastal water:
  - (iii) The maintenance of the quantity of water in water bodies and coastal water:
  - (iv) The avoidance or mitigation of natural hazards:
  - (v) The prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances:
- (d) In respect of any coastal marine area in the region, the control (in conjunction with the Minister of Conservation) of –
  - (i) Land and associated natural and physical resources:
  - (ii) The occupation of space on land of the Crown or land vested in the regional council, that is foreshore or seabed, and the extraction of sand, shingle, shell, or other natural material from that land:
  - (iii) The taking, use, damming, and diversion of water:
  - (iv) Discharges of contaminants into or onto land, air, or water and discharges of water into water:
    - (a) The dumping and incineration of waste or other matter and the dumping of ships, aircraft, and offshore installations:
  - (v) Any actual or potential effects of the use, development, or protection of land, including the avoidance or mitigation of natural hazards and the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances:

- (vi) The emission of noise and the mitigation of the effects of noise:
- (vii) Activities in relation to the surface of water:
- (e) The control of the taking, use, damming, and diversion of water, and the control of the quantity, level, and flow of water in any water body, including –
  - (i) The setting of any maximum or minimum levels or flows of water:
  - (ii) The control of the range, or rate of change, of levels or flows of water:
  - (iii) The control of the taking or use of geothermal energy:
- (f) The control of discharges of contaminants into or onto land, air, or water and discharges of water into water:
- (g) In relation to any bed of a water body, the control of the introduction or planting of any plant in, on, or under that land, for the purpose of –
  - (i) Soil conservation:
  - (ii) The maintenance and enhancement of the quality of water in that water body:
  - (iii) The maintenance of the quantity of water in that water body:
  - (iv) The avoidance or mitigation of natural hazards:
- (h) Any other functions specified in this Act.
- (2) The functions of the regional council and the Minister of Conservation under subparagraph (i) or subparagraph (ii) or subparagraph (vii) of subsection (1)(d) do not apply to the control of the harvesting or enhancement of populations of aquatic organisms, where the purpose of that control is to conserve, use, enhance, or develop any fisheries resources controlled under the Fisheries Act 1996.

**Section 31: Functions of Territorial Authorities Under This Act** – Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:

- (a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:
- (b) The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of the avoidance or mitigation of natural hazards and the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances.
- (c) The control of subdivision of land:
- (d) The control of the emission of noise and the mitigation of the effects of noise:
- (e) The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:

- (f) Any other functions specified in this Act.

## **Functions of the Department of Conservation (s6, Conservation Act)**

### **Functions of Department**

The functions of the Department are to administer this Act and the enactments specified in the First Schedule to this Act, and, subject to this Act and those enactments and to the directions (if any) of the Minister,—

- (a) To manage for conservation purposes, all land, and all other natural and historic resources, for the time being held under this Act, and all other land and natural and historic resources whose owner agrees with the Minister that they should be managed by the Department:
- [(ab) To preserve so far as is practicable all indigenous freshwater fisheries, and protect recreational freshwater fisheries and freshwater fish habitats:]
- (b) To advocate the conservation of natural and historic resources generally:
- (c) To promote the benefits to present and future generations of—
- (i) The conservation of natural and historic resources generally and the natural and historic resources of New Zealand in particular; and
- (ii) The conservation of the natural and historic resources of New Zealand's sub-antarctic islands and, consistently with all relevant international agreements, of the Ross Dependency and Antarctica generally; and
- (iii) International co-operation on matters relating to conservation:
- (d) To prepare, provide, disseminate, promote, and publicise educational and promotional material relating to conservation:
- (e) To the extent that the use of any natural or historic resource for recreation or tourism is not inconsistent with its conservation, to foster the use of natural and historic resources for recreation, and to allow their use for tourism:
- (f) To advise the Minister on matters relating to any of those functions or to conservation generally:
- (g) Every other function conferred on it by any other enactment.

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## Appendix 2: Excerpts from New Zealand Coastal Policy Statement

### CHAPTER 1 - NATIONAL PRIORITIES FOR THE PRESERVATION OF THE NATURAL CHARACTER OF THE COASTAL ENVIRONMENT INCLUDING PROTECTION FROM INAPPROPRIATE SUBDIVISION, USE AND DEVELOPMENT

#### Policy 1.1.1

It is a national priority to preserve the natural character of the coastal environment by:

- (i) Encouraging appropriate subdivision, use or development in areas where the natural character has already been compromised and avoiding sprawling or sporadic subdivision, use or development in the coastal environment;
- (ii) taking into account the potential effects of subdivision, use, or development on the values relating to the natural character of the coastal environment, both within and outside the immediate location; and
- (iii) avoiding cumulative adverse effects of subdivision, use and development in the coastal environment.

#### Policy 1.1.2

It is a national priority for the preservation of the natural character of the coastal environment to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna in that environment by:

- (a) avoiding any actual or potential adverse effects of activities on the following areas or habitats:
  - (i) areas and habitats important to the continued survival of any indigenous species; and
  - (ii) areas containing nationally vulnerable species or nationally outstanding examples of indigenous community types;
- (b) avoiding or remedying any actual or potential adverse effects of activities on the following areas:
  - (i) outstanding or rare indigenous community types within an ecological region or ecological district;
  - (ii) habitat important to regionally endangered or nationally rare species and ecological corridors connecting such areas; and
  - (iii) areas important to migratory species, and to vulnerable stages of common indigenous species, in particular wetlands and estuaries;

- (l) protecting ecosystems which are unique to the coastal environment and vulnerable to modification including estuaries, coastal wetlands, mangroves and dunes and their margins; and
- (m) recognising that any other areas of predominantly indigenous vegetation or habitats of significant indigenous fauna should be disturbed only to the extent reasonably necessary to carry out approved activities.

### **Policy 1.1.3**

It is a national priority to protect the following features, which in themselves or in combination are essential or important elements of the natural character of the coastal environment:

- (n) landscapes, seascapes and landforms, including:
  - (i) significant representative examples of each landform which provide the variety in each region;
  - (ii) visually or scientifically significant geological features; and
  - (iii) the collective characteristics which give the coastal environment its natural character including wild and scenic areas;
- (o) characteristics of special spiritual, historical or cultural significance to Maori identified in accordance with tikanga Maori; and
- (p) significant places or areas of historic or cultural significance.

### **Policy 1.1.4**

It is a national priority for the preservation of natural character of the coastal environment to protect the integrity, functioning, and resilience of the coastal environment in terms of:

- (a) the dynamic processes and features arising from the natural movement of sediments, water and air;
- (b) natural movement of biota;
- (c) natural substrate composition;
- (d) natural water and air quality;
- (e) natural bio diversity, productivity and biotic patterns; and
- (f) intrinsic values of ecosystems.

### **Policy 1.1.5**

It is a national priority to restore and rehabilitate the natural character of the coastal environment where appropriate.

## Appendix 3: Excerpts of Bay of Plenty Regional Policy Statement

### Chapter 6: Land

#### Policies

- 6.3.1(b)(ix) To recognise that landowners have the primary responsibility for the sustainable management of riparian and wetland areas.
- 6.3.1(b)(xi) To protect, and enhance where practicable, the region's remaining wetlands.
- 6.3.1(b)(xv) To recognise the need for the integrated management of riparian areas and wetlands.

#### Methods

#### Environment B·O·P and District Councils are encouraged to:

- 6.3.1(c)(iv) Provide for the protection and restoration of significant wetlands through regional and district plans.
- 6.3.1(c)(v) Avoid, remedy or mitigate the adverse effects of activities on wetlands including through rules, protective covenants and bonds, and land use controls, in regional and district plans.

#### Environment B·O·P will:

- 6.3.1(c)(xii) Develop guidelines with landowners, to educate both them and the wider community on how to reduce the effects of diffuse source discharges through the protection and enhancement of riparian and wetland areas.
- 6.3.1(c)(xiii) Identify and prioritise for protection regionally significant wetlands in consultation with land owners, iwi, district councils, the Department of Conservation, the Eastern Region Fish and Game Council and the community.
- 6.3.1(c)(xiv) Establish and maintain a regional wetlands inventory in conjunction with iwi, district councils, the Department of Conservation, the Eastern Region Fish and Game Council and the community.
- 6.3.1(c)(xv) Advocate to landowners the protection of wetlands with significant ecological, intrinsic and cultural values and recommend that they seek the assistance of organisations such as the Department of Conservation and the Queen Elizabeth II National Trust.
- 8.3.2 Water Allocation
- 8.3.2(a) Objective
- The efficient management of water-body levels and flows which enables people and communities to provide for their well-being, preserves the

natural character of wetlands, lakes and rivers and their margins, and protects outstanding natural features, aquatic life and significant values.

Policy 8.3.2(b)(iv) To recognise and provide for the preservation of the natural character of wetlands, and lakes and rivers and their margins and the protection of them from inappropriate subdivision, use and development.

## **Chapter 16: Natural Character and Indigenous Ecosystems**

### 16.3.1 Preservation and Protection

#### 16.3.1(a) Objective

*The preservation of the natural character of the region, including the protection of significant indigenous habitats and ecosystems, having particular regard to intrinsic values of ecosystems.*

#### 16.3.1(b) Policies

16.3.1(b)(i) To recognise and promote awareness of the life-supporting capacity and the intrinsic values of ecosystems and the importance of protecting indigenous biodiversity.

16.3.1(b)(ii) To ensure that intrinsic values of ecosystems are given particular regard to in resource management decisions and operations.

16.3.1(b)(iii) To protect the diversity of the region's significant indigenous ecosystems, habitats and species including both representative and unique elements.

16.3.1(b)(iv) To manage resources in a manner that will ensure recognition of and provision for significant indigenous habitats and ecosystems.

16.3.1(b)(v) To avoid, remedy or mitigate any adverse effects of inappropriate subdivision, use and development on habitats and ecosystems.

16.3.1(b)(vi) To recognise indigenous marine, lowland forest and freshwater habitats and ecosystems, in particular, as being underrepresented in the reserves network of the Bay of Plenty Region.

#### 16.3.1(c) Methods of Implementation

### **Environment B·O·P and District Councils are encouraged to:**

16.3.1(c)(i) Enhance, through education and advocacy, public awareness of the role and values of ecosystems and the importance of protecting them and maintaining them in a state of good health.

16.3.1(c)(ii) Use a variety of methods to avoid, remedy or mitigate any adverse effects on representative and otherwise significant natural communities, ecosystems and their intrinsic values, and habitats, such as:

- (a) Education;
- (b) Appropriate policies, rules and other provisions within regional and district plans;
- (c) The purchase of land for reserves;
- (d) The acquisition of land through reserves contributions;
- (e) The use of heritage protection orders and water conservation orders;
- (f) The use of conservation covenants or other voluntary agreements;
- (g) Incentives such as rating relief;
- (h) The use of operational works such as farm plans (e.g. fencing);
- (i) Requiring an assessment of ecological effects as part of the resource consent application procedure;
- (j) Decisions on applications and the imposition of appropriate conditions of resource consents;
- (k) Adopting environmentally sound practices when carrying out their own activities; and
- (l) Any other appropriate technique or mechanism.
- (m)

**Environment B·O·P will:**

- 16.3.1(c)(iii) Encourage educational institutions, community groups and conservation interests to consider and use all opportunities available to them for increasing ecosystems awareness in the region.
- 16.3.1(c)(iv) Promote, in consultation with other organisations and the community, the development and implementation of an appropriate methodology for identifying and prioritising for protection representative and otherwise significant natural communities and habitats.
- 16.3.1(c)(v) Encourage government agencies, other organisations and the community to formally protect and, if appropriate, purchase identified key sites.
- 16.3.1(c)(vi) Promote and advocate the establishment of a network of marine reserves representative of the full range of marine habitats and ecosystems present in the region's coastal marine area.
- 16.3.1(c)(vii) Promote greater communication and co-ordination between those groups responsible for implementing the protection and management of natural communities and habitats, and between research agencies and these groups.
- 16.3.2 Ecological Restoration and Rehabilitation



16.3.2(a) Objective

*The restoration or rehabilitation of natural communities and habitats in order to increase the survival probabilities of significant indigenous flora, fauna and ecosystems.*

16.3.2(b) Policies

16.3.2(b)(i) To consider retention or establishment of vegetation corridors linking otherwise isolated habitats and greater use of buffer zones.

16.3.2(b)(ii) To encourage a co-ordinated and co-operative approach to ecological restoration.

16.3.2(b)(iii) To consider the protection of remaining habitats from further fragmentation, degradation and invasion by pests.

16.3.2(b)(iv) To support non-regulatory initiatives for the restoration or rehabilitation of degraded habitats.

16.3.2(c) Methods of Implementation

**Environment B·O·P and District Councils are encouraged to:**

16.3.2(c)(i) Collaborate with central government agencies to identify priorities for the ecological restoration or rehabilitation of natural communities and habitats.

16.3.2(c)(ii) Promote equity and social responsibility in facilitating community based participation in ecological restoration or rehabilitation programmes.

16.3.2(c)(iii) Encourage active participation in ecological restoration or rehabilitation projects to avoid adverse effects of development or activities and to mitigate or offset such effects through compensatory works.

16.3.2(c)(iv) Include in their plans appropriate policies that recognise the importance of targeted ecological restoration or rehabilitation as a necessary ingredient of sustainable management.

16.3.2(c)(v) Identify, in consultation with other agencies, areas where the establishment or retention of corridors and buffer zones is needed, and advocate and promote their establishment or retention with appropriate methods, including plan provisions.

16.3.2(c)(vi) Include policies in plans for avoiding the fragmentation of ecosystems.

## Appendix 4: Proposed Bay of Plenty Regional Land Management Plan ('Land Plan')

- 7.4.2 Objective
- 7.4.2(a) The retention and enhancement of the values of the remaining wetlands in the Bay of Plenty.
- 7.4.3 Policies
- 7.4.3(a) To recognise wetlands as part of lake and river systems when identifying riparian areas.
- 7.4.3(b) To require consents for the modification or the protection, maintenance or enhancement of all wetlands (including those identified in Appendix 4).
- 7.4.3(c) To identify and prioritise for protection, the natural character of regionally significant wetlands.
- 7.4.3(d) To establish and maintain a regional wetlands inventory which will supersede that contained in Appendix 4.
- 7.4.3(e) To control the modification and avoid the destruction of wetlands identified in Appendix 4.
- 7.4.3(f) To manage small wetlands so that their natural functions remain.
- 7.4.4 Methods
- 7.4.4(a) Work with territorial authorities, the Department of Conservation, tangata whenua, the Eastern Region Fish and Game Council and the community, to establish and maintain a regional wetlands inventory.
- 7.4.4(b) Consult territorial authorities, the Department of Conservation, tangata whenua, the Eastern Region Fish and Game Council and the community, to fully identify and prioritise regionally significant wetlands for their protection.
- 7.4.4(c) Develop rules to control both the modification of and allow for the protection, maintenance and enhancement of all wetlands.



## Appendix 5: Proposed Regional Plan for the Tarawera River Catchment

### Chapters 14 (Freshwater Ecology) and 15 (Surface Water Quantity)

- 14.5.2 Objectives
- 14.5.2(a) Protection, maintenance and enhancement of the life supporting capacity of surface water bodies in the Tarawera River catchment.
- 14.5.2(b) Protection, maintenance and enhancement of the landscape, indigenous vegetation, habitat, migration pathways and natural character of the remnant wetlands in the Lower Tarawera River catchment.
- 14.5.3 Policies
- 14.5.3(a) To ensure that the natural values of wetlands are not further degraded but are protected and where practicable enhanced for the benefit of future generations.
- 14.5.3(b) To ensure that wetland values are provided for when maintaining and establishing drainage systems.
- 14.5.3(c) To discourage subdivision and development that results in the drainage, fragmentation or destruction of wetlands.
- 14.5.3(d) To discourage the access of stock into wetlands and promote the effective fencing of wetlands.
- 14.5.3(e) To promote the restoration and enhancement of wetlands.
- 14.5.3(f) To promote the creation of new wetlands.
- 14.5.3(g) To ensure that the existing wetland habitats are preserved and the creation and development of new wetland habitats encouraged.
- 14.5.3(h) To ensure that wetland and river habitats and migration pathways are conserved and, as appropriate, enhanced.
- 14.5.4 Methods of Implementation
- Environment B·O·P will:**
- 14.5.4(a) Make appropriate submissions to district councils through the statutory consents process, to discourage the subdivision (resulting in fragmentation), drainage and development of wetlands.

- 14.5.4(b) Cooperate with relevant organisations and individual to determine the most appropriate methods of the protection and enhancement of threatened wetlands.
- 14.5.4(c) Promote the maintenance of water levels in wetlands within the minimum and maximum levels specified in Rule 14.4.5(a) (Chapter 14 – *Surface Water Quantity*).
- 14.5.4(d) Research, in conjunction with district councils, tangata whenua, the Department of Conservation, Eastern Region Fish and Game Council, and other relevant organisations and individuals, the values and management needs of privately and publicly owned wetlands.
- 14.5.4(e) Research, in conjunction with district councils, tangata whenua, the Department of Conservation, Eastern Region Fish and Game Council, and other relevant organisations and individuals, the importance of the natural values of the wetlands in sustaining natural habitats and communities.
- 14.5.4(f) Promote, in conjunction with district councils, the Department of Conservation, Eastern Region Fish and Game Council, and other relevant organisations and individuals, research into the location and significance of the wetland and river habitat and migration pathways of aquatic life, particularly native fish species, and fish food species.
- 15.4.3 Policies
- 15.4.3(b) To ensure that the integrity of aquatic ecosystems and habitats is not adversely affected as the result of water allocation decisions.
- 15.4.3(c) To ensure that the natural character of water bodies is not adversely affected by water allocation decisions.
- 15.4.3(d) To ensure that the taking of water from surface water bodies does not adversely effect water quality to the extent that fisheries, wildlife and aquatic life are threatened.
- 15.4.3(h) To promote land uses which do not adversely affect stream and river flows or lake and wetland levels.
- 15.4.4 Methods of Implementation – General

**Environment B·O·P will:**

- 15.4.4(a) Promote the maintenance of water levels in wetlands within established minimum and maximum levels, and promote water levels that ensure the integrity of natural ecosystems and natural character.
- 15.4.4(b) Contribute financial assistance for capital works associated with the initial restoration and development of wetland water level control structures, on the basis specified in the Appendix 11, and consider

funding on a case by case basis for the initial restoration and development of wetland water level control structures for other wetlands.

#### 15.4.5 Methods of Implementation – Rules

15.4.5(a) The taking, diverting or damming of surface water, or the discharging of water into surface water for the purpose of maintaining the levels of those wetlands indicated below, or for the express purpose of facilitating fish passage in and out of wetlands, or for controlling plant pest in wetlands, is a Permitted Activity, subject to compliance with the following minimum and maximum levels:

Wetland	Minimum Level		Maximum Level	
	(Metres Datum)	Moturiki	(Metres Datum)	Moturiki
Tarawera Cut Wildlife Mgmt Res	00.50m		00.90m	
Bregman's Wildlife Mgmt Res	00.20m		00.60m	
Awaiti Wildlife Management Res	-0.20m		-0.06m	
Lake Tamarenuui	11.93m		12.43m	
Tumurau Lagoon	06.50m		06.80m	
Matata Lagoon	00.55m		00.80m	

Subject to the water being taken, diverted, dammed or discharged in the same manner, as it was when this regional plan was publicly notified.

Note: The above rule relates to the taking, diverting, damming and discharge of water. Rules relating to the placement and maintenance of control structures are contained in Chapter 12 – River and Lake Beds.

15.4.5(b) Except as provided by Rule 14.4.5(a), the taking, diverting, damming, or discharging of surface water into or out of any wetland is a Discretionary Activity restricted to the following activities:

- (i) For the purpose of achieving and maintaining the water levels of wetlands specified in Appendix 5 of this regional plan; or
- (ii) For the express purposes of facilitating fish migration; or
- (iii) For controlling noxious plants in any wetland.

15.4.5(c) Except as provided by Rules 14.4.5(a) and 14.4.5(b), the discharge of water into, or taking of water, from surface water in those wetlands specified in Appendix 11 of this regional plan, is a Discretionary Activity.



## Appendix 6: Proposed Bay of Plenty Regional Coastal Environmental Plan ('Coastal Plan')

### Chapter 6: Significant Areas of Flora and Fauna

#### 6.2 Issue, Objective, Policies and Methods

##### 6.2.1 Key Issue

*There is ongoing loss and degradation of significant vegetation and significant habitats of indigenous fauna within the coastal environment through inappropriate subdivision, use and development.*

##### 6.2.2 Objective

*The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna within the coastal environment.*

##### 6.2.3 Policies

- 6.2.3(a) To preserve the ecological values of the Coastal Habitat Preservation Zone by avoiding adverse effects on those values, and encouraging restoration and enhancement of those values where appropriate (a summary of those values is provided in the Sixth Schedule – Significant Marshbird Habitat Areas and the Seventh Schedule – Significant Indigenous Vegetation Areas).
- 6.2.3(b) To avoid or remedy adverse effects on the values of the sites and areas of significance in the Coastal Management Zone. The sites and areas are shown on the maps, and a summary of values is provided in the Third Schedule – Areas of Significant Conservation Value, the Sixth Schedule – Significant Marshbird Habitat Areas, and the Seventh Schedule – Significant Indigenous Vegetation Areas. Remediation can be achieved by means of a financial contribution, where appropriate, as set out in the Tenth Schedule – Financial Contributions.
- 6.2.3(c) To promote and encourage the appropriate protection and management of all sites of significance on land within the coastal environment, as identified in the maps, the Sixth Schedule – Significant Marshbird Habitat Areas, and the Seventh Schedule – Significant Indigenous Vegetation Areas.
- 6.2.3(d) To afford an appropriate level of protection to significant indigenous vegetation and habitats of indigenous fauna, which are not specifically identified in this plan.
- 6.2.3(e) To ensure that all Environment B·O·P planning, decision-making and operations within the coastal environment provide for the protection of



significant sites of indigenous vegetation and significant habitats of indigenous fauna as matters of national importance.

- 6.2.3(f) To promote the undertaking of the further studies necessary in order to complete the identification of all areas of significant indigenous vegetation and significant habitats of indigenous fauna within the coastal environment.
- 6.2.3(g) To encourage landowners or lease holders in the development of conservation strategies for the significant sites identified in the maps and shown in the Sixth Schedule – Significant Marshbird Habitat Areas and the Seventh Schedule – Significant Indigenous Vegetation Areas and to work with them in the development of these strategies.
- 6.2.3(h) To encourage district councils to take into account the adverse effects that domestic dogs and cats have on the wildlife of the Coastal Habitat Preservation Zone and other sites of significance identified in this plan, when preparing district plans which regulate urban development and public access.
- 6.2.4 Methods of Implementation - Services
- 6.2.4(a) The relevant provisions of the Biosecurity Act will be used to facilitate the management of pest problems in the Coastal Habitat Preservation Zone and other sites of significance.
- 6.2.4(b) Environment B·O·P with district councils will prioritise remedial actions to address unauthorised activities in the Coastal Habitat Preservation Zone and other sites of significance identified in this plan.

#### 6.2.5 Methods of Implementation - Advocacy

##### **Environment B·O·P will:**

- 6.2.5(a) Encourage research on marshbird habitats within the Maketu, Little Waihi, Waiotahi, Waiaua and Waioeka/Otara estuaries.
- 6.2.5(b) Encourage research on other wildlife habitats within the coastal environment, with particular regard to sub-tidal areas, intertidal mudflats, beaches, spits and fresh water wetlands.
- 6.2.5(c) Encourage further botanical research for the purpose of identifying any additional areas of significant indigenous vegetation within the coastal environment.
- 6.2.5(d) Encourage district councils to seek the protection of the natural character of the coastal environment, and sites of ecological significance within the landward component of the coastal environment by way of:
- appropriate provisions within district plans;
  - the purchase of land for reserves;

- the acquisition of land through reserves contributions;
- the use of heritage protection orders;
- the use of conservation covenants or other voluntary agreements;
- incentives (such as rating relief);
- the use of operational works (such as fencing);
- the inclusion of appropriate conditions on resource consents;
- any other appropriate technique or mechanism;
- reserve management plans.

6.2.5(e) Encourage the Department of Conservation to develop and implement appropriate strategies for the purposes of protecting areas of significant indigenous vegetation and significant sites of indigenous fauna within the coastal environment, including:

- appropriate provisions within conservation management strategies;
- the development and implementation of management plans for coastal reserves (where applicable);
- the purchase of land for reserves;
- the use of conservation covenants or other agreements;
- the use of operational works (such as fencing);
- any other appropriate technique or mechanism.

6.2.5(f) Encourage landowners to provide appropriate protection and management of privately owned areas within the coastal environment, which have significant indigenous vegetation or significant habitats of indigenous fauna.

#### 6.2.6 Methods of Implementation - Education

Environment B·O·P will be involved in education programmes to raise community awareness of the need, and means to maintain significant indigenous vegetation and fauna in the coastal environment. This includes the Coastcare programme.

Preserve the ecological values of the Coastal Habitat Preservation Zone by avoiding adverse effects on those values, and encouraging restoration and enhancement of those values where appropriate. (6.2.3(a))

Avoid or remedy adverse effects on the values of the sites and areas of significance in the Coastal Management Zone. (6.2.3(b))

Promote and encourage the appropriate protection and management of all sites of significance on land within the coastal environment. (6.2.3(c))

To afford an appropriate level of protection to significant indigenous vegetation and habitats of indigenous fauna which are not specifically identified in this plan. 6.2.3(d)

To ensure that all Environment B·O·P planning, decision-making and operations within the coastal environment provide for the protection of significant sites of indigenous vegetation and significant habitats of indigenous fauna as matters of national importance. 6.2.3(e)

To promote the undertaking of the further studies necessary in order to complete the identification of all areas of significant indigenous vegetation and significant habitats of indigenous fauna within the coastal environment. 6.2.3(f)

To encourage landowners or lease holders in the development of conservation strategies for identified significant sites, and to work with them in the development of these strategies. 6.2.3(g).

## Appendix 7: Excerpts of Regional Policy Statement Relevant to Monitoring

5.3.11 Monitoring

5.3.11(a) Objective

*Sufficient information on the state of the environment and the effects of resource use, development and protection to enable assessment of the effectiveness of this policy statement and regional and district plans and measurement of progress towards the sustainable management of the natural and physical resources of the region.*

5.3.11(b) Policies

5.3.11(b)(i) To maintain and acquire sufficient information on the state of the environment:

- (a) To determine the effects of resource use, development and protection;
- (b) To assess the suitability and effectiveness of the Statement and regional and district plans for the region;
- (c) To assess the effectiveness of the Statement and regional and district plans in achieving their objectives and policies.

5.3.11(b)(ii) To assess the degree to which those carrying on resource related activities comply with relevant provisions of the Act, regulations, rules in plans and conditions of resource consents.

5.3.11(c) Methods of Implementation

### **Environment B·O·P and District Councils are encouraged to:**

5.3.11(c)(i) Assess information needs and undertake special investigations and research as required.

5.3.11(c)(ii) Consult, where necessary, other relevant resource management and research agencies and, where possible, co-operate with them to share information, avoid duplication, develop consistent methodologies and reduce costs.

5.3.11(c)(iii) Develop comprehensive, flexible and integrated monitoring strategies dealing with all of the components of monitoring that are necessary to effectively carry out their functions.

5.3.11(c)(iv) Work with holders of major consents to develop appropriate monitoring programmes which provide information on compliance with resource

consents, and assist in assessing the effects on the environment. Appropriate monitoring programmes may include provisions for self-monitoring by consent holders, audited to the satisfaction of the consenting council.

- 5.3.11(c)(v) Include, in monitoring programmes, social, economic and cultural indicators in relation to their functions.
- 5.3.11(c)(vi) Liaise with consent holders and sector groups when developing impact and compliance monitoring programmes.
- 5.3.11(c)(vii) Appropriately document and report on the results of impact and compliance monitoring, including the audited self-monitoring by consent holders.
- 5.3.11(c)(viii) Use the information provided by monitoring programmes to assess their performance in terms of meeting the policies and objectives in the Statement, any relevant plans, and their overall responsibility to promote sustainable resource management.
- 5.3.11(c)(ix) Assess, regularly and where appropriate, community attitudes to determine the effectiveness of council strategies and programmes.

**Environment B·O·P will:**

- 5.3.11(c)(x) Maintain and where appropriate, develop and expand its Natural Environment Regional Monitoring Network to monitor indicators of the state of the region's:
  - (a) Surface (fresh) water resources and associated ecosystems;
  - (b) Groundwater resources;
  - (c) Geothermal resources;
  - (d) Coastal land and water resources and associated ecosystems (in conjunction with the Department of Conservation);
  - (e) Land resources;
  - (f) Air resources; and
  - (g) Natural hazards.
- 5.3.11(c)(xi) Document and report on the state of the region's natural and physical resources and associated ecosystems, and the effects of the use, development and protection of these resources.

**District Councils are encouraged to:**

- 5.3.11(c)(xii) Establish (if necessary), maintain and where appropriate expand monitoring programmes and report on the district's environment relevant to its functions.

## Appendix 8: Rate Relief (Excerpt from Rating Powers Amendment Act 1992)

[180G Policy to remit or postpone rates on land voluntarily protected for natural or historic or cultural conservation purposes

- (1) A local authority may, in accordance with the special consultative procedure, adopt a policy in respect of the remission or postponement, or both, of rates in respect of any land on which natural or historic or cultural features are voluntarily preserved or enhanced by the occupier, including, but not limited to, land referred to in paragraph (e) or paragraph (o) of Part I of the Second Schedule to this Act.
- (2) Without limiting the generality of subsection (1) of this section, a local authority may include a policy under this section in the annual report prepared and adopted under section 223D of the Local Government Act 1974.
- (3) Every policy under this section shall state the criteria and conditions subject to which the local authority will remit or postpone rates under this Part of this Act.
- (4) In determining its rates relief policy under this section, the local authority shall have regard to the following matters:
  - (a) The desirability of preserving particular natural or historic or cultural features within the district; and
  - (b) Whether, and to what extent, the preservation of particular natural or historic or cultural features might be prejudicially affected if rates relief is not granted in respect of the land on which they are situated; and
  - (c) Whether, and to what extent, preservation of particular natural or historic or cultural features are likely to be encouraged by the granting of rates relief; and
  - (d) The extent to which the preservation of different types of natural, historic, and cultural features should be recognised by different criteria and conditions for rates relief, and whether different levels of rates relief should apply; and
  - (e) The extent to which rates relief should be available where the preservation of natural or historic or cultural features does not restrict economic utilisation of the land; and
  - (f) Such other matters as the local authority considers relevant.
- (5) Any policy determined under this section may provide for—
  - (a) The remission of all or part of the rates otherwise payable for a whole year or years, or any lesser period;
  - (b) The postponement of all or part of the rates otherwise payable for a whole year or years, or any lesser period;
  - (c) A combination of the remission of rates under paragraph (a) of this subsection and the postponement of rates under paragraph (b) of this subsection; and may specify different conditions and criteria accordingly

- (6) A local authority may, from time to time, in accordance with the special consultative procedure, amend its policy under this section.
- (7) Any policy under this section may be suspended or revoked by resolution of the local authority.
- (8) No amendment, suspension, or revocation of any policy under this section shall affect any remission or postponement granted under that policy before the amendment, suspension, or revocation.

## Appendix 9: Table of Relevant Policies and Methods (from Regional Policy Statement and Regional Plans)

Objective/Policy/Method	Extent to which current Environment B·O·P activities fulfil policy measure <sup>60</sup>	Additional action required? Or, amendment to policy required?
<b>Regional Policy Statement</b>		
<b>Chapter 6: Land</b>		
Policy 6.3.1  6.3.1(b)(ix)      Recognise that landowners have the primary responsibility for sustainable management of riparian and wetland areas.	Partly addressed. The essential role of landowners is recognised through the development of environmental plans, and policies and methods in Environment B·O·P plans (including the Proposed Regional Water and Land Plan).	It may be unrealistic to expect all the necessary actions for wetlands to be undertaken by landowners. Stating that they have the 'primary responsibility for management' could be problematic. It could be interpreted as an abdication of responsibilities by other agencies. Management does not refer only to retirement and land management. Monitoring, strategic direction, policy setting etc are primary responsibilities of agencies such as Environment B·O·P.
6.3.1(b)(xi)      To protect, and enhance where practicable, the region's remaining wetlands.	Addressed partly, but lack of coordination and strategic approaches have limited its extent. Excellent positive initiatives are being undertaken by Environment B·O·P and other agencies, e.g environmental plans, water level restoration works in wetlands by Technical Services.	Considerable additional effort is required to protect and enhance the region's remaining wetlands. An integrated approach by all relevant agencies, and a deliberate, ongoing prioritisation effort is required. Improved coordination and communication is needed, both within Environment B·O·P and between relevant agencies.

<sup>60</sup> Note: as mentioned in chapter 9, this analysis has been undertaken only for parts of the RPS land chapter relevant to wetlands. The above information is a subjective assessment only; time did not permit the exercise to be completed for all policies and methods in the RPS and regional plans. In addition, as noted in chapter 9, it was decided that this exercise may be more effective if undertaken by the sections in Environment B·O·P directly involved in wetland activities.



6.3.1(b)(xv)	Recognise the need for integrated management of riparian areas and wetlands.	Addressed partly. The issue is recognised to some extent, but there is some lack of actions to address it.	There is a need to manage wetlands as part of an ecological continuum, both between aquatic and terrestrial ecosystems, and between land, water (and in many cases saline and freshwater) environments. Wetland ecosystems need to be managed in integration with adjoining terrestrial environments (and in the case of maritime wetlands, adjoining freshwater wetlands, where relevant). The dependence of wetlands on functioning hydrological systems also needs to be recognised and responded to.
Methods	Environment B·O·P and District Councils are encouraged to:	Environment B·O·P plans provide for wetlands generically. Specific wetlands are identified in the Tarawera and Regional Land Plans.	Need to look specifically at district plans to assess efficacy of their wetland protection provisions. Some councils consider regulation related to wetlands to be a RC function. Part II responsibilities? Should restoration of individual wetlands be programmed specifically in regional plans? (as for Tarawera Plan). There are probably more effective means of doing this – e.g. annually updated/reviewed prioritisation schedule of individual wetlands requiring works.
6.3.1(c)(iv)	Provide for the protection and restoration of significant wetlands through regional and district plans.	District Councils Plans provide for wetland protection to varying degrees. Changes to some plans may be needed to provide the necessary level of protection in some districts.	
Method 6.3.1(c)(v)	Avoid, remedy or mitigate the adverse effects of activities on wetlands including through rules, protective covenants and bonds, and land use controls, in regional and district plans.	Consents re wetlands in regional plans.	?
Environment B·O·P will:	Method 6.3.1(c)(xii) Develop guidelines with landowners, to educate both them and the wider community on how to reduce the effects of diffuse source discharges	No. Happens on an informal basis in communications with landowners by soil conservators, and in stream protection advocacy. However, no formal guidelines	

	through the protection and enhancement of riparian and wetland areas.	produced.	
Method 6.3.1(c)(xiii)	Identify and prioritise for protection regionally significant wetlands in consultation with land owners, iwi, district councils, the Department of Conservation, the Eastern Region Fish and Game Council and the community.	Has not been done as a formal process. However, protection in cooperation between relevant agencies has been achieved for some significant wetlands.	Further action needed.
Method 6.3.1(c)(xiv)	Establish and maintain a regional wetlands inventory in conjunction with iwi, district councils, the Department of Conservation, the Eastern Region Fish and Game Council and the community.	Freshwater wetlands database exists, but requires refinement.	Additional investigations into the scope of this work needed.
Method 6.3.1(c)(xv)	Advocate to landowners the protection of wetlands with significant ecological, intrinsic and cultural values and recommend that they seek the assistance of organisations such as the Department of Conservation and the Queen Elizabeth II National Trust.	Occurs on an ongoing basis by soil conservators. Biodiversity Policy developed and implemented since Regional Policy Statement was written; landowners can now seek assistance from Environment B·O·P for protection of wetlands.	Ongoing work needed. This is one of the main actions that Environment B·O·P is undertaking for wetland protection, and its importance is signalled to increase. Additional resourcing of soil conservation officers is required for them to be able to exert these functions effectively, particularly considering that wetland protection and restoration often requires specialist technical skills. The skills of Environment B·O·P's technical services staff should also be called on where advice is required regarding hydrological regimes.
<b>Chapter 8: Fresh Water</b>			
8.3.2(a)	Objective The efficient management of water-body levels and flows which enables people and communities to provide for their well-being, preserves the natural character of wetlands, lakes and rivers and their margins, and protects outstanding natural features, aquatic life and		

	significant values.		
8.3.2(b)(iv)	To recognise and provide for the preservation of the natural character of wetlands, and lakes and rivers and their margins and the protection of them from inappropriate subdivision, use and development.		
<b>Chapter 16: Natural Character and Indigenous Ecosystems</b>			
16.3.1 16.3.1(a)	Preservation and Protection Objective The preservation of the natural character of the region, including the protection of significant indigenous habitats and ecosystems <sup>61</sup> , having particular regard to intrinsic values of ecosystems.		
16.3.1(b) 16.3.1(b)(i)	Policies To recognise and promote awareness of the life-supporting capacity and the intrinsic values of ecosystems and the importance of protecting indigenous biodiversity.		
16.3.1(b)(ii)	To ensure that intrinsic values of ecosystems are given particular regard to in resource management decisions and operations.		
16.3.1(b)(iii)	To protect the diversity of the region's significant indigenous ecosystems, habitats and species including both representative and unique elements.		
16.3.1(b)(iv)	To manage resources in a manner that will ensure recognition of and provision for significant indigenous habitats and ecosystems.		
16.3.1(b)(v)	To avoid, remedy or mitigate any adverse effects of inappropriate subdivision, use and development on habitats and ecosystems.		
16.3.1(b)(vi)	To recognise indigenous marine, lowland forest and freshwater habitats and ecosystems, in particular, as being underrepresented in the		

<sup>61</sup> Note that the Draft Change to the Bay of Plenty Regional Policy Statement includes 'indigenous vegetation or habitat of indigenous fauna that is underrepresented, or contains an unprotected ecosystem type' in the criteria for significance. (Environment B·O·P September 2000).

<p>reserves network of the Bay of Plenty Region.</p>		
<p>16.3.1(c) Methods of Implementation Environment B·O·P and District Councils are encouraged to:</p> <p>16.3.1(c)(i) Enhance, through education and advocacy, public awareness of the role and values of ecosystems and the importance of protecting them and maintaining them in a state of good health.</p>		
<p>16.3.1(c)(ii) Use a variety of methods to avoid, remedy or mitigate any adverse effects on representative and otherwise significant natural communities, ecosystems and their intrinsic values, and habitats, such as:</p> <ul style="list-style-type: none"> <li>(a) Education;</li> <li>(b) Appropriate policies, rules and other provisions within regional and district plans;</li> <li>(c) The purchase of land for reserves;</li> <li>(d) The acquisition of land through reserves contributions;</li> <li>(e) The use of heritage protection orders and water conservation orders;</li> <li>(f) The use of conservation covenants or other voluntary agreements;</li> <li>(g) Incentives such as rating relief;</li> <li>(h) The use of operational works such as farm plans (e.g. fencing);</li> <li>(i) Requiring an assessment of ecological effects as part of the resource consent application procedure;</li> <li>(j) Decisions on applications and the imposition of appropriate conditions of resource consents;</li> <li>(k) Adopting environmentally sound practices when carrying out their own activities; and</li> <li>(l) Any other appropriate technique or mechanism.</li> </ul>		
<p>Environment B·O·P will:</p> <p>16.3.1(c)(iii) Encourage educational institutions, community groups and conservation interests to consider and use all</p>		

	opportunities available to them for increasing ecosystems awareness in the region.		
16.3.1(c)(iv)	Promote, in consultation with other organisations and the community, the development and implementation of an appropriate methodology for identifying and prioritising for protection representative and otherwise significant natural communities and habitats.		
16.3.1(c)(v)	Encourage government agencies, other organisations and the community to formally protect and, if appropriate, purchase identified key sites.		
16.3.1(c)(vi)	Promote and advocate the establishment of a network of marine reserves representative of the full range of marine habitats and ecosystems present in the region's coastal marine area.		
16.3.1(c)(vii)	Promote greater communication and co-ordination between those groups responsible for implementing the protection and management of natural communities and habitats, and between research agencies and these groups.		
16.3.2 16.3.2(a)	Ecological Restoration and Rehabilitation Objective The restoration or rehabilitation of natural communities and habitats in order to increase the survival probabilities of significant indigenous flora, fauna and ecosystems.		
16.3.2(b) 16.3.2(b)(i)	Policies To consider retention or establishment of vegetation corridors linking otherwise isolated habitats and greater use of buffer zones.		
16.3.2(b)(ii)	To encourage a co-ordinated and co-operative approach to ecological restoration.		
16.3.2(b)(iii)	To consider the protection of remaining habitats from further fragmentation, degradation and invasion by pests.		
16.3.2(b)(iv)	To support non-regulatory initiatives for the restoration or		

	rehabilitation of degraded habitats.		
16.3.2(c)	Methods of Implementation		
16.3.2(c)(i)	Environment B·O·P and District Councils are encouraged to: Collaborate with central government agencies to identify priorities for the ecological restoration or rehabilitation of natural communities and habitats.		
16.3.2(c)(ii)	Promote equity and social responsibility in facilitating community based participation in ecological restoration or rehabilitation programmes.		
16.3.2(c)(iii)	Encourage active participation in ecological restoration or rehabilitation projects to avoid adverse effects of development or activities and to mitigate or offset such effects through compensatory works.		
16.3.2(c)(iv)	Include in their plans appropriate policies that recognise the importance of targeted ecological restoration or rehabilitation as a necessary ingredient of sustainable management.		
16.3.2(c)(v)	Identify, in consultation with other agencies, areas where the establishment or retention of corridors and buffer zones is needed, and advocate and promote their establishment or retention with appropriate methods, including plan provisions.		
16.3.2(c)(vi)	Include policies in plans for avoiding the fragmentation of ecosystems.		

<b>Proposed Regional Land Management Plan</b>		
7.4.2	Objective	
7.4.2(a)	The retention and enhancement of the values of the remaining wetlands in the Bay of Plenty.	
7.4.3	Policies	
7.4.3(a)	To recognise wetlands as part of lake and river systems when identifying riparian areas.	
7.4.3(b)	To require consents for the modification or the protection, maintenance or enhancement of all wetlands (including those identified in Appendix 4).	
7.4.3(c)	To identify and prioritise for protection, the natural character of regionally significant wetlands.	
7.4.3(d)	To establish and maintain a regional wetlands inventory which will supersede that contained in Appendix 4.	
7.4.3(e)	To control the modification and avoid the destruction of wetlands identified in Appendix 4.	
7.4.3(f)	To manage small wetlands so that their natural functions remain.	
7.4.4	Methods	
7.4.4(a)	Work with territorial authorities, the Department of Conservation, tangata whenua, the Eastern Region Fish and Game Council and the community, to establish and maintain a regional wetlands inventory.	
7.4.4(b)	Consult territorial authorities, the Department of Conservation, tangata whenua, the Eastern Region Fish and Game Council and the community, to fully identify and prioritise regionally significant wetlands for their protection.	
7.4.4(c)	Develop rules to control both the modification of and allow for the protection, maintenance and enhancement of all wetlands.	

<b>Proposed Regional Plan for the Tarawera River Catchment</b>			
<b>Chapters 14 (Freshwater Ecology) and 15 (Surface Water Quantity)</b>			
14.5.2	Objectives		
14.5.2(a)	Protection, maintenance and enhancement of the life supporting capacity of surface water bodies in the Tarawera River catchment.		
14.5.2(b)	Protection, maintenance and enhancement of the landscape, indigenous vegetation, habitat, migration pathways and natural character of the remnant wetlands in the Lower Tarawera River catchment.		
14.5.3	Policies		
14.5.3(a)	To ensure that the natural values of wetlands are not further degraded but are protected and where practicable enhanced for the benefit of future generations.		
14.5.3(b)	To ensure that wetland values are provided for when maintaining and establishing drainage systems.		
14.5.3(c)	To discourage subdivision and development that results in the drainage, fragmentation or destruction of wetlands.		
14.5.3(d)	To discourage the access of stock into wetlands and promote the effective fencing of wetlands.		
14.5.3(e)	To promote the restoration and enhancement of wetlands.		
14.5.3(f)	To promote the creation of new wetlands.		
14.5.3(g)	To ensure that the existing wetland habitats are preserved and the creation and development of new wetland habitats encouraged.		
14.5.3(h)	To ensure that wetland and river habitats and migration pathways are conserved and, as appropriate, enhanced.		
14.5.4	Methods of Implementation		
	Environment B·O·P will:		
4.5.4(a)	Make appropriate submissions to district councils through the statutory consents process, to discourage the subdivision (resulting in fragmentation), drainage and development of wetlands.		



14.5.4(b)	Cooperate with relevant organisations and individual to determine the most appropriate methods of the protection and enhancement of threatened wetlands.		
14.5.4(c)	Promote the maintenance of water levels in wetlands within the minimum and maximum levels specified in Rule 14.4.5(a) (Chapter 14 – Surface Water Quantity).		
14.5.4(d)	Research, in conjunction with district councils, tangata whenua, the Department of Conservation, Eastern Region Fish and Game Council, and other relevant organisations and individuals, the values and management needs of privately and publicly owned wetlands.		
14.5.4(e)	Research, in conjunction with district councils, tangata whenua, the Department of Conservation, Eastern Region Fish and Game Council, and other relevant organisations and individuals, the importance of the natural values of the wetlands in sustaining natural habitats and communities.		
14.5.4(f)	Promote, in conjunction with district councils, the Department of Conservation, Eastern Region Fish and Game Council, and other relevant organisations and individuals, research into the location and significance of the wetland and river habitat and migration pathways of aquatic life, particularly native fish species, and fish food species.		
<b>Chapter 15: Surface Water Quantity</b>			
15.4.3	Policies		
15.4.3(b)	To ensure that the integrity of aquatic ecosystems and habitats is not adversely affected as the result of water allocation decisions.		
15.4.3(c)	To ensure that the natural character of water bodies is not adversely affected by water allocation decisions.		
15.4.3(d)	To ensure that the taking of water from surface water bodies does not adversely effect water quality to the extent that fisheries, wildlife and aquatic life are threatened.		

	15.4.3(h) To promote land uses which do not adversely affect stream and river flows or lake and wetland levels.		
15.4.4	Methods of Implementation – General  Environment B·O·P will:		
15.4.4(a)	Promote the maintenance of water levels in wetlands within established minimum and maximum levels, and promote water levels that ensure the integrity of natural ecosystems and natural character.		
15.4.4(b)	Contribute financial assistance for capital works associated with the initial restoration and development of wetland water level control structures, on the basis specified in the Appendix 11, and consider funding on a case by case basis for the initial restoration and development of wetland water level control structures for other wetlands.		
<b>Wetland</b>		<b>Minimum Level (Metres Moturiki Datum)</b>	<b>Maximum Level (Metres Moturiki Datum)</b>
Tarawera Cut Wildlife Mgmt Res		00.50m	00.90m
Bregman's Wildlife Mgmt Res		00.20m	00.60m
Awaiti Wildlife Management Res		-0.20m	-0.06m
Lake Tamarenu		11.93m	12.43m
Tumurau Lagoon		06.50m	06.80m
Matata Lagoon		00.55m	00.80m
	subject to the water being taken, diverted, dammed or discharged in the same manner as it was when this regional plan was publicly notified.  Note: The above rule relates to the taking, diverting, damming and discharge of water. Rules relating to the placement and maintenance of control structures are contained in Chapter 12 – River and Lake Beds.		

15.4.5(b)	<p>Except as provided by Rule 14.4.5(a), the taking, diverting, damming, or discharging of surface water into or out of any wetland is a <u>Discretionary Activity</u> restricted to the following activities:</p> <p>(i) For the purpose of achieving and maintaining the water levels of wetlands specified in Appendix 5 of this regional plan; or</p> <p>(ii) For the express purposes of facilitating fish migration; or</p> <p>(iii) For controlling noxious plants in any wetland.</p>		
15.4.5(c)	<p>Except as provided by Rules 14.4.5(a) and 14.4.5(b), the discharge of water into, or taking of water, from surface water in those wetlands specified in Appendix 11 of this regional plan, is a <u>Discretionary Activity</u>.</p>		

### **Proposed Bay of Plenty Regional Coastal Environmental Plan ('Coastal Plan')**

<b>Chapter 6: Significant Areas of Flora and Fauna</b>			
6.2.2	<p>Objective</p> <p>The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna within the coastal environment.</p>		
6.2.3	<p>Policies</p> <p>6.2.3(a) To preserve the ecological values of the Coastal Habitat Preservation Zone by avoiding adverse effects on those values, and encouraging restoration and enhancement of those values where appropriate (a summary of those values is provided in the Sixth Schedule – Significant Marshbird Habitat Areas and the Seventh Schedule – Significant Indigenous Vegetation Areas).</p>		
6.2.3(b)	<p>To avoid or remedy adverse effects on the values of the sites and areas of significance in the Coastal Management Zone. The sites and areas are shown on the maps, and a summary of values is provided in the Third Schedule – Areas of Significant Conservation Value, the Sixth Schedule – Significant Marshbird Habitat Areas, and the Seventh Schedule – Significant</p>		

	<p>Indigenous Vegetation Areas. Remediation can be achieved by means of a financial contribution, where appropriate, as set out in the Tenth Schedule – Financial Contributions.</p>		
6.2.3(c)	<p>To promote and encourage the appropriate protection and management of all sites of significance on land within the coastal environment, as identified in the maps, the Sixth Schedule – Significant Marshbird Habitat Areas, and the Seventh Schedule – Significant Indigenous Vegetation Areas.</p>		
6.2.3(d)	<p>To afford an appropriate level of protection to significant indigenous vegetation and habitats of indigenous fauna which are not specifically identified in this plan.</p>		
6.2.3(e)	<p>To ensure that all Environment B·O·P planning, decision-making and operations within the coastal environment provide for the protection of significant sites of indigenous vegetation and significant habitats of indigenous fauna as matters of national importance.</p>		
6.2.3(f)	<p>To promote the undertaking of the further studies necessary in order to complete the identification of all areas of significant indigenous vegetation and significant habitats of indigenous fauna within the coastal environment.</p>		
6.2.3(g)	<p>To encourage landowners or lease holders in the development of conservation strategies for the significant sites identified in the maps and shown in the Sixth Schedule – Significant Marshbird Habitat Areas and the Seventh Schedule – Significant Indigenous Vegetation Areas and to work with them in the development of these strategies.</p>		
6.2.3(h)	<p>To encourage district councils to take into account the adverse effects that domestic dogs and cats have on the wildlife of the Coastal Habitat Preservation Zone and other sites of significance identified in this plan, when preparing district plans which regulate urban development and</p>		

	public access.		
6.2.4	Methods of Implementation - Services		
6.2.4(a)	The relevant provisions of the Biosecurity Act will be used to facilitate the management of pest problems in the Coastal Habitat Preservation Zone and other sites of significance.		
6.2.4(b)	Environment B·O·P with district councils will prioritise remedial actions to address unauthorised activities in the Coastal Habitat Preservation Zone and other sites of significance identified in this plan.		
6.2.5	Methods of Implementation - Advocacy		
	Environment B·O·P will:		
6.2.5(a)	Encourage research on marshbird habitats within the Maketu, Little Waihi, Waioeka, Waiaua and Waioeka/Otara estuaries.		
6.2.5(b)	Encourage research on other wildlife habitats within the coastal environment, with particular regard to sub-tidal areas, intertidal mudflats, beaches, spits and fresh water wetlands.		
6.2.5(c)	Encourage further botanical research for the purpose of identifying any additional areas of significant indigenous vegetation within the coastal environment.		
6.2.5(d)	Encourage district councils to seek the protection of the natural character of the coastal environment, and sites of ecological significance within the landward component of the coastal environment by way of: appropriate provisions within district plans; the purchase of land for reserves; the acquisition of land through reserves contributions; the use of heritage protection orders; the use of conservation covenants or other voluntary agreements; incentives (such as rating relief); the use of operational works (such as fencing); the inclusion of appropriate conditions on resource consents; any other appropriate technique or		

	mechanism; reserve management plans.		
6.2.5(e)	Encourage the Department of Conservation to develop and implement appropriate strategies for the purposes of protecting areas of significant indigenous vegetation and significant sites of indigenous fauna within the coastal environment, including: appropriate provisions within conservation management strategies; the development and implementation of management plans for coastal reserves (where applicable); the purchase of land for reserves; the use of conservation covenants or other agreements; the use of operational works (such as fencing);any other appropriate technique or mechanism.		
6.2.5(f)	Encourage landowners to provide appropriate protection and management of privately-owned areas within the coastal environment which have significant indigenous vegetation or significant habitats of indigenous fauna.		
6.2.6	Methods of Implementation - Education Environment B·O·P will be involved in education programmes to raise community awareness of the need, and means to maintain significant indigenous vegetation and fauna in the coastal environment. This includes the Coastcare programme.		