

AUCKLAND CITY OPERATIVE DISTRICT PLAN

(Hauraki Gulf Islands Section)

Proposed Plan Change under Section 73 of the
Resource Management Act 1991

PROPOSED PLAN CHANGE: PLAN MODIFICATION No. 25

AMMENDMENTS TO PART 6 – INDIGENOUS VEGETATION CLEARANCE STANDARDS

Date of Council Resolution:	10 July 2002	
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PART A: AMENDMENTS TO PART 6B – STANDARDS FOR PERMITTED ACTIVITIES

1. Amend Clause 6B.1.3.3 Indigenous Vegetation Clearance, by deleting the existing clause in its entirety and replacing it with the following:

The following indigenous vegetation clearance standards shall apply to all permitted activities:

- i) No activity shall require the destruction, removal or modification of any rare, threatened or endemic species listed in Appendix D, and
- ii) Unless otherwise stated no indigenous vegetation over 3 metres in height shall be cleared.

In addition the following exceptions shall apply:

- A. The clearance of indigenous vegetation shall not exceed the dimensions specified in Table 1 for the relevant land unit applying to that land, provided that where any of the land has been cleared since the Plan became operative on 18 July 1996, any clearing of indigenous vegetation shall not increase the total area of cleared land beyond the dimensions specified in Table 1.
- B. On Great Barrier Island only, manuka up to 6 metres in height may be removed in any Land Unit.
- C. For Land Unit 3 and 5 indigenous vegetation less than 6 metres in height or with a girth less than 600mm (measured at 1.4 metres above the ground), may be cleared.
- D. For Land Unit 11, the following shall apply:
 - i) For the purposes of establishing a permitted building platform, indigenous vegetation less than 6 metres in height or with a girth (measured at 1.4 metres above ground) less than 600mm, may be cleared,
 - ii) For any other purposes indigenous vegetation clearance shall be subject to the standards in 6B.1.3.3.A.

Note: For the purposes of this rule a "permitted building platform" shall mean that part of the site that at present or in the future or currently is/will be occupied by structures for the purposes of a

dwelling, garaging, utility sheds (ie for the storage of generators, water tanks, implements, cut firewood etc), manoeuvring areas and parking. The permitted building platform only relates to structures which comply with the provisions in the Building Act. A strip of 3m around the external walls of buildings is also included within the permitted building platform for the purposes of maintenance. The total amount of area occupied by buildings must comply with Rule 6B.1.2.4 Lot Coverage and the provisions in Part 6B Table 1. The permitted building platform is not intended to provide for accessways, tennis courts, swimming pools or other activities incidental to the dwelling etc.

Reason/Explanation

The Council has imposed limitations on the removal of indigenous trees and shrubs in order to protect the natural character of the Hauraki Gulf Islands, while still recognising the 'right' to clear for the purpose of establishing a dwelling or buildings and use of the land for rural productivity. These include limitations on both the areal extent of indigenous vegetation which may be cleared and on the clearance of trees and shrubs above a certain height. The extent of indigenous bush, trees and shrubs which may be cleared as of right is limited in land units to ensure that the natural values and character of the land unit are not detrimentally affected. The height *restrictions* are set in recognition of the relative maturity of trees and shrubs above those limits and the important contribution that they make to the natural environment, landscape and amenity values of the district. In some land units, indigenous vegetation may only be cleared if a resource consent is obtained. This control recognises that in those units, vegetation is a key element which must be retained to protect the character and functioning of the land unit.

2. Modify Table 1 – Standards for Permitted Activities, by deleting the existing provisions in row 3.3 Indigenous Vegetation Clearance, as it applies to Land Unit 1, 2, 3, 4, 5, 7, 9, 10, 11 and 16

3. Modify Table 1 – Standards for Permitted Activities, by deleting the existing row 3.3 Indigenous Vegetation Clearance for Land Units 1, 2, 3, 4, 5, 7, 9, 10, 11 and 16 and replacing it with the following:

		Coastal Cliffs	Dune Systems & Sand Flats	Alluvial Flats	Wetland Systems	Foothills & Lower Slopes	Steep Infertile Coastal Slopes	Low Fertility Slopes	Forest and Bush Areas	Traditional Residential	Quarrying
		1	2	3	4	5	7	9	10	11	16
3.3 Indigenous Vegetation Clearance		No clearance as a permitted activity	Lesser of 25% or 500m ²	50%	No clearance as a permitted activity	50%	No clearance as a permitted activity	No clearance as a permitted activity	1000m ²	22.5% of site area	No clearance as a permitted activity

4. Amend Clause 6C.1.3.3 Indigenous Vegetation Clearance, by deleting the existing clause in its entirety and replacing it with the following:

A. Restricted Discretionary Activities

The following are the restricted discretionary activities provided for, subject to the criteria listed below:

- a) For all land units, indigenous vegetation clearance is a restricted discretionary activity for the establishment of an accessway to a site that is no wider than 4 metres.
- b) The trimming, maintenance, removal or destruction of any indigenous tree, where the Council is satisfied that the tree(s) is/are in a dangerous, diseased or damaged condition.
- c) Note: Maintenance or trimming with the use of hand operated secateurs is permitted.
- d) Indigenous vegetation clearance in Land Unit 1, 4, 7 and 9, is not provided for as a permitted activity in Table 1. Any indigenous vegetation clearance is to be considered as a restricted discretionary activity.

Assessment Criteria

Council may grant or refuse consent, and (if granted) may impose *conditions* under Section 108 of the RMA in respect of the following matters over which it has restricted the exercise of its discretion:

- i) The relevant objectives and policies of the Strategic Management Area, Policy Area and Land Unit;
- ii) The nature, extent, clearance and removal method of the indigenous vegetation clearance so as to minimise adverse *environmental* effects arising from the loss of indigenous vegetation cover, taking into account:
 - the naturalness of the area when compared to similar ecosystems within the relevant ecological district or environmental domain;
 - the importance of the area to indigenous fauna;
 - the degree to which there has been cumulative loss of the extent and species diversity of this type of ecosystem from the prehuman state within the ecological district or environmental domain;
 - the rarity of the ecosystem or community;
 - the presence of species that are rare, threatened or endemic to the Hauraki Gulf Islands;
 - the presence of species at their distributional limits;
 - the importance of the area for assisting the movement of indigenous species;
 - the importance of the area for maintaining water quality in freshwater and saline environments;
 - the importance of the area for maintaining the biodiversity values of adjacent freshwater or saline environments;
 - any slope instability issues;
 - the location of any buildings within the natural environment and mitigation measures to locate any development sympathetically within the landscape;
 - the quantity of vegetation to be cleared;

- the extent of the area to be cleared;
 - the location of the area to be cleared and the proximity to existing cleared land;
 - the proximity to watercourses and any mitigation works to prevent erosion.
- iii) The extent to which the indigenous vegetation clearance is likely to:
- have an adverse effect on the natural character of the coastal, estuarine/wetland, and inland slopes environments;
 - have an adverse visual effect or negative effect on landscape qualities which cannot be avoided, remedied or mitigated by planning or other landscaping.
- iv) Measures to avoid, remedy or mitigate adverse effects on adjacent sites, taking into account:
- method of clearance, hours of operation (noise issues ie chainsaws, bulldozers);
 - remedial planting;
 - alternatives to driveways from the road to building platform, including parking platforms and partial walking access;
 - alternatives to removing the tree in its entirety, including removal of dangerous, diseased or damaged limbs, cabling or propping.
- v) Financial contributions as provided for in Part 9 of this Plan

Non-Notification of Restricted Discretionary Activities

Except as provided for by section 94(5) of the Act, restricted discretionary activities will be considered without notification or the need to obtain the written approval of affected persons. The Council will restrict the exercise of its discretion to the matters specified in the Plan.

B. Discretionary Activities

The following are the discretionary activities provided for, subject to the criteria listed in Part 6E:

- a) Clearance of indigenous vegetation, not provided for as a permitted or restricted discretionary activity, that does not exceed the standards specified in Table 3 for the relevant land unit applying to that land.
- b) Within Land Unit 3 and 5, any clearance of indigenous vegetation greater than 6 metres in height or with a girth (measured at 1.4 metres above ground) greater than 600mm.
- c) Within Land Unit 11, the destruction, removal or modification of any indigenous vegetation greater than 6 metres in height or with a girth (measured at 1.4 metres above ground) greater than 600mm.
- d) Indigenous vegetation clearance in Land Unit 16 where there is no Quarry Management Plan shall be assessed in accordance with the criteria in Part 6E.

Exception:

- i) Rule 6C.1.3.3 shall not apply for any indigenous vegetation clearance within Outer Island Site of Ecological Significance 37. Any indigenous vegetation clearance for the Outer Islands Site of Ecological Significance 37 shall be assessed in terms of Rule 6C.1.3.2 only; and
- ii) No activity shall require the destruction, removal or modification of any rare, threatened or endemic species listed in Appendix D,

Assessment Criteria

All discretionary activities are subject to the criteria listed in Part 6E:

Non-Notified Discretionary Applications

Pursuant to S.94(5) of the Act, any application for the following clearance of indigenous vegetation activities shall be non-notified and the consent of any affected parties shall not be required:

- a) Where clearance of indigenous vegetation on any lot exceeds the permitted activity standards but does not exceed the standards specified for the relevant land unit in Table 2; and where the permitted activity standards for Protection Yards (6B.1.3.7) for the relevant land unit are met; or
- b) Where clearance of indigenous vegetation is undertaken as part of a public work of a network utility operator to underground services, and it can be satisfactorily demonstrated that:
 - the particular choice of route is necessary, and ;
 - there is an ability to reinstate similar indigenous vegetation through replacement planting.

All other Discretionary Applications

Any discretionary activity application shall be assessed in accordance with S94 of the Act.

5. Insert in Part 11 – Definitions, between ‘Houseboat’ and ‘Industry’, the following definition:

Indigenous Vegetation means an area of trees or other plants, comprised wholly or predominantly of species indigenous to New Zealand, including , but not limited to:

- a) dune vegetation – assemblages of plants growing on a dune structure adjacent to the coast which may include one or more of the following plant species;
- b) spinifex, pingao, Austrofestuca, sand convolvulus, pohuehue, sand coprosma; or
- c) wetland vegetation – assemblages of plants within permanently or temporarily wet areas, shallow water and land water margins. Wetlands may be fresh, brackish or saline, and are characterised in their natural state by plants and animals that are adapted to living in wet conditions; or
- d) forest and shrubland vegetation – assemblages of trees and or shrubs forming a canopy with other associated plant species beneath. This includes vegetation with lower tiers damaged by grazing animals.

6. Modify Table 2 – Standards for Non-Notified Discretionary Activities, by deleting row 3.3 Indigenous Vegetation Clearance for Land Units 1, 2, 3, 4, 5, 7, 9, 12, 16 and 18 from Table 2.

7. Modify Table 2 – Standards for Non-Notified Discretionary Activities, by deleting the existing row 3.3 Indigenous Vegetation Clearance for Land Units 1, 2, 3, 4, 5, 7, 9, 12, 16 and 18 and replacing it with the following:

	Coastal Cliffs	Dune Systems & Sand Flats	Alluvial Flats	Wetland Systems	Foothills & Lower Slopes	Steep Infertile Coastal Slopes	Low Fertility Slopes	Bush Residential	Quarry	Outdoor Activity
	1	2	3	4	5	7	9	12	16	18
3.3 Indigenous Vegetation Clearance	5% or 1500m ² which-ever is the greater (**)	No clearance provided as non-notified discretionary activity	60%	5% or 1500m ² which-ever is the greater (**)	60%	5% or 1500m ² which-ever is the greater (**)	5% or 1500m ² which-ever is the greater (**)	No clearance provided as non-notified discretionary activity	No clearance provided as non-notified discretionary activity	500m ²

(**) Restricted Discretionary Activity