

Chapter 9

HABITATS AND LANDSCAPES

PREAMBLE

Sections 6 and 7 of the Act provide clear direction to all persons exercising powers and functions under it that are particularly relevant to habitats and landscapes. Section 6 provides, among other things that the coastal environment, wetlands, water bodies, outstanding natural features and landscapes, significant indigenous vegetation, and significant habitats of indigenous fauna, are matters of national importance. Section 7 requires that particular regard be given to *other matters* such as the intrinsic value of ecosystems, maintenance and enhancement of amenity values and maintenance and enhancement of environmental quality.

Section 6(b) of the Act requires outstanding natural features and landscapes to be afforded protection from inappropriate subdivision, use and development. Most of these features on the West Coast are already afforded adequate protection by their inclusion in the Department of Conservation estate. However, since human settlement, nationally important outstanding natural features and landscapes, and significant indigenous vegetation and significant habitats of indigenous fauna have been modified in much of New Zealand. The region also has the most extensive lowland forests and wetlands, but once common forest types on the West Coast, such as matai/totara or kowhai/ribbonwood, are now reduced to scattered remnants, some outside land managed by the Department of Conservation. Some of the nation's most significant habitats such as wetlands exist on the West Coast. Wetlands, including estuaries, have what is possibly the highest ecological productivity and diversity. Many of these areas are subject to pressure from development. The objectives, policies and methods in this chapter are intended to manage the effects of activities on the values of these areas such as wetlands.

A number of issues which arise out of habitat and landscape modification follow. These are in connection with conflicts in land use, changing ecosystems and a decline in some indigenous species, and impacts on the character of water bodies. These issues and the backgrounds to them follow.

ISSUE 9.1:

- a) Adverse effects on the natural character of wetlands, lakes and rivers and their margins, and on outstanding natural features and landscapes, resulting from inappropriate subdivision, use and development.**
- b) Adverse effects on ecosystems have impacts within the wider catchment.**
- c) In some areas public access to lakes and rivers and their margins is inadequate.**

d) Adverse effects of activities including damage to significant indigenous vegetation and impacts on the significant habitats of indigenous fauna.

The primary issue in respect of the management of habitats and landscapes arises from conflicts in land use. Conservation of land for ecological, hydrological, cultural, and landscape values may not always be compatible with use for agriculture, forestry, waste disposal, or mining. Habitats and landscapes can also have commercial value. These include sphagnum moss, forestry, and eel and whitebait fisheries. They can also be important as feeding areas for waterfowl and often provide passive recreational values.

The ecological sustainability of wetlands, lakes, rivers and their margins, as well as other outstanding natural features, can be directly, or indirectly, threatened by a variety of land uses. The Regional Council will promote catchment management practices that are consistent with the protection of these outstanding features.

Section 6(d) of the Act states that maintenance and enhancement of public access to and along the Coastal Marine Area, lakes and rivers is a matter of national importance. Access can be provided through the establishment of esplanade reserves and strips, the use of unformed legal roads and access agreements with land owners.

ISSUE 9.2

a) Changing ecosystems and a decline of some indigenous species.

b) Reduced biodiversity and modification of existing indigenous ecosystems as a result of introduced pests and weeds.

The West Coast enjoys a reputation as a largely unspoiled region. However, some indigenous ecosystems and species are threatened, endangered or are extinct. Introduced predators such as rats, stoats, possums and weasels have caused some bird species to disappear from certain areas. Possums, as well as being predators of bird nests, have significantly modified most of the rata-kamahai forests in the central West Coast. In attempts to reverse the trend of ecosystem change, the Department of Conservation is carrying out active management within remaining strongholds of species or ecosystems that have become rare or, elsewhere, disappeared. Known as *mainland habitat islands* such areas will be more intensively managed with the aim of maintaining or restoring ecosystems/communities in a manner similar to that carried out on some offshore islands for the purpose of restoring populations of kakapo, saddleback, and tuatara.

The Regional Council has, under the Biosecurity Act 1993, prepared a proposed regional pest management strategy. This will contribute to the management, control and eradication of plant pests within the region.

Indigenous forests not protected by the Department of Conservation, or by virtue of some other form of public ownership, deserve special mention. Where landowners agree that indigenous forest or other ecosystems on their land should be protected, financial assistance may be available from organisations such as the Department of Conservation-administered Forest

Heritage Fund and the Queen Elizabeth the Second Trust.

The Forests Act 1949 (*Part IIIA Provisions Relating to Indigenous Forests*) is a potential mechanism for the perpetuation of indigenous forest on privately owned land. Its purpose is to promote sustainable forest management of indigenous forest land. This is a significant matter on the West Coast as an estimated 37% of private land consists of indigenous forest, in one form or another. This Act provides for controls on felling and export of indigenous timber and forest products, by requiring forest owners to manage their indigenous forests according to registered sustainable management plans that must be approved and registered by the Ministry of Forestry. It also recognises the need to protect associated ecological, soil and water quality, amenity and commercial values.

The West Coast's Crown indigenous production forests, which are the major national source of indigenous wood, are not subject to the Forests Act (Part IIIA) but are subject to the West Coast Accord contract. This requires that certain designated podocarp forests may be overcut during the transition period until adequate exotic species are available to maintain the sawmilling industry at its 1986 equivalent level of cut. Thereafter podocarp production forests will be sustainably managed, and those beech and beech podocarp forests which are identified for a sustained yield beech industry will be maintained as beech forests in perpetuity. These indigenous forests are separate from those administered for conservation purposes by the Department of Conservation, which administers 90% of such forests in the region.

Forests, when managed on a sustainable basis, have a number of benefits or uses. These include maintenance of landscape and aesthetic values, soil conservation, land rehabilitation, protection of water quality and quantity. Forests can act as carbon sinks, protect and sustain biodiversity, and provide for a sustainable livelihood through being the source of a range of forest products.

ISSUE 9.3 Water bodies.

Effects on the natural character of wetlands, lakes and rivers and their margins arising from land uses.

Lakes, wetlands and rivers together with their beds, islands, floodplains and terrestrial margins are all important elements of aquatic ecosystems. Most indigenous fish species are migratory. They depend on some vegetation along the margins of waterways for the maintenance of habitat values, including shade, cover and food for all, or part, of their life cycle. New Zealand also has a distinctive aquatic invertebrate fauna, which is dependent on habitat protection.

There will always be a legitimate need for gravel extraction and other activities that can have impacts on flood protection works, structures in riverbeds and diversion of waterways. The important aim is to manage their use or construction in such a way as to avoid, remedy or mitigate adverse effects on aquatic ecosystems.

OBJECTIVES

9.1 To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna.

9.2 To protect the outstanding natural features and landscapes of the West Coast from inappropriate subdivision, use and development.

9.3 To preserve the natural character of the wetlands, lakes and rivers.

9.4 To maintain and enhance public access to the coastal marine area, rivers, lakes and their margins.

HABITAT AND LANDSCAPE POLICIES

POLICY 9.1

Preserve the natural character of the West Coast's wetlands, lakes and rivers and their margins and protect them, and outstanding natural features and landscapes, from inappropriate subdivision, use and development.

In deciding whether subdivision, use and development are inappropriate matters to be considered will include the following:

- a) The degree to which the adverse effects of the discharge of contaminants can be avoided, remedied or mitigated, through provision of adequate services, particularly the disposal of wastes;*
- b) The extent of sporadic development and its effects on natural character;*
- c) The degree and significance of actual, potential and cumulative effects on natural character that arise;*
- d) The extent to which the subdivision, use and development recognises and provides for the relationship of Poutini Ngai Tahu and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;*
- e) The practicality of locating any subdivision, use or development away from the areas of significant indigenous vegetation and significant habitats of indigenous fauna (policy 9.2), the coastal environment, wetlands, lakes, and rivers and their margins, where adverse effects on natural character can be avoided, remedied or mitigated to a greater degree or extent;*
- f) The extent to which any subdivision, use or development provides a public benefit;*
- g) The degree to which the subdivision, use or development will be threatened by, or contribute to, the occurrence of natural hazards; and*
- h) Where rehabilitation plantings are required, the practicality of using indigenous species, preferably of locally derived stock.*

In deciding whether a natural feature or landscape is outstanding matters to be considered will include the following:

- (a) Its use, value or degree of representativeness of/for scenic, amenity, recreational, heritage, intrinsic and scientific purposes;*
- (b) Its association with areas of significant indigenous vegetation and significant habitats of indigenous fauna (see policy 9.2);*
- (c) The significance of its association with the coastal environment,*

Cross reference policy 9.1

Heritage policy 6; Soil Conservation and Rivers policy 7; Water policies 8.1.1, 8.2.1 – 8.2.3; Solid and Hazardous Waste policies 12.1.2, 1.8 and 3.1; Natural Hazards policies 11.1 – 11.4.

wetlands, lakes and rivers and their margins;

- (d) *The relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga; and*
- (e) *The inclusion or exclusion of a water body from a water conservation order.*

Policy 9.1 corresponds with policy Coastal Environment Policy 10.1.1.

POLICY 9.2 Recognise and provide for the protection of significant indigenous vegetation and significant habitats of indigenous fauna. Matters to be considered as a guide for decision making include those that follow, any one of which may determine whether areas of indigenous vegetation and/or habitats of indigenous fauna are “significant”.

- a) *The desirability for their protection by statute or covenant;*
- b) *Protection status, including reserves created under the West Coast Accord;*
- c) *The degree to which the area is representative of an association of species or an ecosystem that is typical of the region;*
- d) *The likelihood of the area retaining its viability, quality and integrity of processes over a long time period;*
- e) *The presence or absence of an indigenous species or community of indigenous species that is rare or threatened regionally or nationally;*
- f) *The degree to which the area is distinctive in terms of indigenous species that are unusual, endemic, or that reach a distribution limit in the region;*
- g) *The extent to which the area has been modified from a natural state or affected by weeds or pest species;*
- h) *Its connection with other areas of significant indigenous vegetation or significant habitats of indigenous fauna;*
- i) *Its contribution to the avoidance or mitigation of natural hazards;*
- j) *Its use or value on a local, regional or national scale for public access, recreation, amenity and heritage purposes;*
- k) *The relationship of Poutini Ngai Tahu and their culture and traditions with their ancestral lands, water, sites, waahi tapu, mahinga kai and other taonga;*
- l) *The contribution of the area or habitat to maintenance and enhancement of ecological and reproductive processes water quality, water flow and soil conservation;*
- m) *The relationship of the area or habitat to any water body included in a water conservation order;*
- n) *Whether they occur near wetlands and estuaries;*
- o) *The importance to migratory species, including whitebait; and*
- p) *The relevance of ecological districts in relation to matters (c), (e) and (f).*

Policy 9.2 corresponds with Coastal Environment policy 10.1.2.

POLICY 9.3 Have particular regard to the protection of the habitat of trout and salmon.

POLICY 9.4 Enable the continued development, use and maintenance of network utilities in or near habitats and landscapes..

Cross reference policy 9.2

*Heritage policy 6;
Soil Conservation and Rivers policy 7; Water policies 8.1.1, 8.2.1 – 8.2.3; Natural Hazards policies 11.1-4; Solid and Hazardous Waste policies 12.1.2, 12.1.8 and 12.3.1;*

Cross reference policy 9.3

Heritage policies; Soils and Rivers policy 8, Water policies 8.1.1,

Policy 9.4 corresponds with Coastal Environment policy 10.1.3.

POLICY 9.5 Promote, and where necessary require land use practices which avoid, remedy or mitigate offsite adverse effects on areas of significant vegetation and significant habitats of indigenous fauna and outstanding natural features and landscapes. Such practices include:

- a) The judicious application of fertiliser and agrichemicals;***
- b) Reducing discharge of contaminants into water from land uses; and***
- c) Stock control procedures to prevent excessive stock entry into water bodies and into significant indigenous vegetation.***

POLICY 9.6 Promote the containment and reduction of noxious and potentially noxious pests and weeds in situations where they cause, or are likely to cause, adverse effects, including:

- a) Destruction or degradation of indigenous flora or fauna;***
- b) Reduction in biodiversity;***
- c) Land instability; and***
- d) Spread within waterways.***

POLICY 9.7 Facilitate the maintenance and enhancement of public access to and along the margins of lakes and rivers, except where restrictions are necessary to:

- a) Protect or maintain areas of significant vegetation and significant habitats of indigenous fauna;***
- b) Protect the cultural and spiritual values of Poutini Ngai Tahu including mahinga kai;***
- c) Protect public health and safety;***
- d) Ensure a level of security consistent with the purpose for a resource consent; and***
- e) In other exceptional circumstances sufficient to justify the restriction, notwithstanding the national importance of maintaining that access.***

Policy 9.7 corresponds with Coastal Environment policy 10.1.4.

POLICY 9.8 To promote and encourage the restoration, where appropriate, of degraded wetlands, and where practicable, creation of artificial wetlands.

8.2.1-8.2.3; *Solid and Hazardous Waste policies 12.1.2, 12.1.6 and 12.3.1*

Cross reference policy 9.4

Energy policy 14.1 and Network Utilities policy 15.2.

Cross reference Policy 9.5

Soils and Rivers n policy 7; Water 8.2.1-2.3; Coastal Environment policies 10.5.1-5.4; Solid and Hazardous Waste 12.1.2, 12.1.6 and 3.1,

Cross reference policy 9.6

Cross Boundary policy 4.1; Soils and Rivers policies 7 and Natural Hazards policies 11.1.2, 11.4 & 11.6.

Cross reference policy 9.7

All Poutini Ngai Tahu policies and Network Utilities policy 15.1.

METHODS

9.1 Support the development of inventories, schedules and catchment plans of outstanding natural features and landscapes and areas of significant indigenous vegetation and significant habitats of indigenous fauna for use in regional plans and as checklists when considering resource consent applications. Territorial authorities will be required to use these and to insert relevant provisions in district plans. Where information is not readily available, support the establishment of consultative “landcare groups” to identify important areas.

9.2 Consult with Poutini Ngai Tahu, the West Coast Fish and Game Council, the Department of Conservation and other organisations, to identify in the relevant regional plan, those rivers, or sections of

- 9.2 rivers, from which gravel extraction can be allowed and at what rate.
- 9.3 Educate land managers through means such as news media articles, information sheets and field days on appropriate land use.
- 9.4 Consider the use of selected codes of practice as a means of ensuring compliance with regional rules.
- 9.5 Have regard to management plans and strategies prepared by the Department of Conservation, Poutini Ngai Tahu and others for the protection of outstanding habitats and landscapes.
- 9.6 Use bonds as appropriate to ensure compliance with resource consent conditions and as a means of financing remedial work.
- 9.7 Provide landowners and occupiers with materials, information, expertise or the manpower required to control or eradicate noxious plants on their land. These resources will be provided on a cost recovery basis. Monitor, as required, the spread of noxious plants and pests. Where necessary, the Regional Council will carry out appropriate control measures. Pest management strategies may be prepared as provided by the Biosecurity Act 1993.
- 9.8 Make representations to the Crown for funding the control of pests and weeds.
- 9.9 In conjunction with territorial authorities promote, encourage and where necessary require the inclusion of appropriate mechanisms in regional and district plans and through the resource consent process to take into account the need for maintaining and enhancing public access to and along water bodies.
- 9.10 Use economic instruments where appropriate and encourage their use in district plans.
- 9.11 Include provisions in relevant regional plans, which will recognise and provide for the preservation of the natural character of wetlands.

EXPLANATION

These objectives, policies and methods apply to a wide range of land uses, such as disturbance of the land, gravel extraction from riverbeds, construction of structures in water bodies, flood protection works and the diversion of water bodies. While recognising that such land uses are important, appropriate checks and balances are required in order to ensure that adverse effects are avoided, remedied or mitigated.

Policies 9.1 and 9.2 include the terms *significant*, *outstanding* and *inappropriate*. Although they are difficult to define, with respect to habitats, the matters listed under these policies will be used by the Regional Council to determine what is significant, outstanding or inappropriate. This will assist the council to consider resource consent applications in a consistent manner. It will in turn give resource users more certainty as to their definition and application. These policies also address most of the

matters of national importance as required under section 6 of the Act.

It is likely that some land uses will necessitate restoration plantings after their completion. Where this is the case, it is preferable that indigenous species from locally derived stock be used.

Policy 9.1, among other things, includes as matters to be considered, the extent to which subdivision, use or development provides a public benefit and the degree to which it is practicable to avoid, remedy or mitigate any adverse effects because of the need to maintain infrastructure. For example an essential part of the maintenance of high voltage transmission lines is the need to remove or trim vegetation that grows over time in order to ensure that integrity of supply is maintained. On the other hand inappropriate development should be avoided because it could lead to a proliferation of structures such as masts, huts and lines which can adversely affect visual, amenity, habitat and landscape values (See Policy 9.4 and policies in Chapters 14 and 15 on Energy and Network Utilities respectively).

In respect of subdivision, use and development, Policy 9.1 also recognises that well thought out landscaping, including indigenous species, and erosion control can significantly enhance landscape values.

The word *subdivision* appears in policies 9.1 and 9.3 because of the Regional Council's broad functions provided in section 30 of the Act. The council does not have control of the subdivision of land itself as this is a territorial authority function under section 31(c) of the Act.

On the West Coast, in most situations, more than one of the matters listed under policy 9.2 may apply. However in some situations only one matter may be sufficient for an area to be deemed "significant" and the list is not intended to be exhaustive.

Policy 9.3 recognises the importance of the West Coast's trout and salmon habitats and is intended to give particular regard to the protection of their habitats as specifically provided for by section 7(h) of the Act.

Policy 9.4 recognises that to meet social and economic goals, activities in outstanding habitats and landscapes are important to people and communities. The Act enables these to take place, provided that natural and physical resources are sustainably managed and that they are contained within the limits of the other policies set out in this RPS.

In order to satisfy section 7(b) of the Act the Regional Council will seek to ensure efficient use of infrastructure (e.g. upgrading existing utilities) is considered before new facilities are constructed. This should make it possible to avoid adverse environmental effects on habitats and landscapes. Where new structures are required and avoidance is shown to be impracticable, any adverse effects should be remedied and/or mitigated. For example high voltage transmission towers and lines cannot be readily screened from view, but rationalisation of lines, site rehabilitation, and judicious route selection and location of structures may offer acceptable ways of remedying or mitigating their adverse effects. (See policies in Chapter 14 and 15).

Most of Policy 9.5 is closely related to water quality and must be read in conjunction with that section of this RPS. It is included here because there are cases where matters of national importance need to be provided for by the appropriate management of catchments. The Regional Council will ensure that relevant resource consents have performance standards that will prevent the deterioration of water quality.

Pests and weeds are covered by Policy 9.6. Their effects on economic values, principally farming, are not acknowledged in the policy as these matters are provided for in the Biosecurity Act 1993. The Regional Council receives Crown funding to carry out control of possums for such purposes because of its role under that Act. This funding is likely to be withdrawn. The Biosecurity Act makes provision for preparation of pest management strategies to enable a more co-ordinated approach to alleviating the problems posed by pests and weeds.

The Department of Conservation also receives funding to control possums to protect conservation values. The Regional Council supports this because there is a spin-off in the protection of natural and physical resources it is responsible for.

Although there have been recent increases in the level of government funding for controlling possums, this has been sufficient to carry out control operations in only a few of the many key areas of the West Coast's conservation estate. This is one reason why the Regional Council will advocate more funding for this activity. Increased funding for the protection of the conservation estate should improve co-ordination with the Regional Council's operations on farmland, and ensure that re-infestation does not recur as quickly.

Some pest and weed control is paid for by landowners.

Policy 9.7 covers a further matter of national importance that must be recognised and provided for under section 6(d) of the Act.

Policies 9.1, 9.2, 9.3, 9.4, and 9.7 correspond with policies in Chapter 10. (The Coastal Environment) because of the need for integrated management of natural and physical resources across the administrative boundary of the Coastal Marine Area.

There is a need for a logical system of defining which habitats of fauna, and vegetation, as well as landscapes, are of significance in the context of the policies in this chapter. Schedules or inventories, like the New Zealand Geological Society (1993) need to be further identified or developed. These could be used as checklists when processing resource consent applications.

Subject to funding being available, the Regional Council supports the compilation of these inventories.

Economic instruments to help achieve the objectives could be used by the application of bonds or rates relief.

There are some rivers on the West Coast from which only limited amounts of gravel can be extracted such as the Punakaiki River because of the

potential for erosion. In those situations the Regional Council will set limits on volumes and rates of extraction.

Management of the margins of water bodies is a complex matter. While well-vegetated riparian margins have benefits (described in the Explanation in Chapter 8.2 on Water) the use of vegetated riparian strips is not always practical and their potential for generating adverse effects on other values should not be overlooked. For example, trees falling into a river could cause it to be diverted causing erosion. The roots of willows can have the potential to spread along waterways and this is undesirable. While recognising its obligations under section 6(a) of the Act, for these reasons the Regional Council prefers not to impose blanket controls on the management of wetlands, lakes and rivers and their margins. Policies 8.2.3 and 8.2.4 in Chapter 8 address this matter.

Gravel removal may be managed by either a district council as a *land use* or by the Regional Council as an *activity* in the bed of a river. To facilitate integrated management with its soil conservation and water management functions and because significant impacts on the water and soil may arise from extraction of gravel, it is appropriate that the Regional Council manage its removal.

As provided in section 30(1)(c) of the Act the Regional Council will control the management of the effects of habitat and landscape modification, land use for the purpose of soil conservation, maintenance of water quality and water quantity, and the avoidance and mitigation of natural hazards. This role includes management of the ecological impacts of works in waterways such as gravel extraction, flood protection works and diversions.

ANTICIPATED ENVIRONMENTAL RESULTS

- 9.1 Ensuring that relevant regional and district plans, management plans and resource consents contain conditions to adequately protect significant indigenous vegetation and habitats of indigenous fauna, together with outstanding natural features and landscapes.
- 9.2 Ensuring that the habitats of trout and salmon are similarly protected.
- 9.3 Maintenance and enhancement of public access to and along the margins of water bodies.
- 9.4 The containment and reduction of noxious, and potentially noxious, pests and weeds while protecting the above values.