Section 32 Evaluation Report

Ecosystems and Indigenous Biodiversity Chapter

NAPIER CITY COUNCIL
Te Kaunihera o Ahuriri

Contents Ecosystems and Indigenous Biodiversity Chapter

1. Overview

This Section 32 Report provides and evaluation of the Ecosystems and Indigenous Biodiversity chapter.

The Ecosystems and Indigenous Biodiversity (ECO) chapter of the District Plan aims to protect, maintain, and restore Napier's remaining indigenous biodiversity through an approach that integrates regulatory protection and restoration efforts. The ECO chapter addresses critical issues facing Napier's indigenous biodiversity, which has suffered extensive loss due to agriculture and urbanization—mirroring national trends where over 70,000 hectares of native vegetation were lost between 1996 and 2012, leaving nearly 4,000 native species at risk. This chapter gives effect to the applicable provisions of the National Policy Statement on Indigenous Biodiversity (NPSIB), National Policy Statement for Freshwater Management (NPSFW), New Zealand Coastal Policy Statement (NZCPS). It also meets Napier City Council's (Council) obligations under the Resource Management Act 1991 (RMA), including to recognize and provide for matters of national importance, including the protection of significant indigenous vegetation and significant habitats of indigenous fauna.

Napier, despite its extensive land modification for urban development, still retains valuable ecosystems, including the Ahuriri Estuary and Kanuka stands at Bay View. Indigenous biodiversity also provides vital ecosystem services, including water quality, nutrient cycling, pollination, and flood protection, all which support Napier's economic resilience and climate adaptation.

The ECO provisions are crafted to achieve several key goals including protecting critical habitats and species, managing land use and development to prevent adverse impacts on indigenous biodiversity, and promoting the restoration of ecosystems to enhance their resilience and functionality. The chapter also emphasizes the importance of supporting tangata whenua as kaitiaki (guardians), recognizing Māori cultural values and the right to sustainably manage their land. Additionally, specified Māori land often holds significant biodiversity values, and this chapter seeks to balance conservation efforts with the rights of Māori landowners to exercise kaitiakitanga (guardianship) and tino rangatiratanga (self-determination).

The ECO chapter framework is underpinned by a commitment to protect, avoid loss, and restore biodiversity across the district. Protection emphasizes identifying and mapping areas of indigenous vegetation and habitat, and putting measures in place to safeguard their unique qualities. Avoiding loss involves minimizing adverse impacts from various activities, particularly in mapped areas, through careful planning and management. Restoration focuses on enhancing areas that could become high value areas, aiming to strengthen ecological resilience, improve environmental functions, and promote connections across the district to support overall biodiversity health.

The chapter adopts a tiered approach to biodiversity management, assigning levels of protection according to ecological significance:

1. **Significant Vegetation or Habitat (SIVH) - More Restrictive (Highest Protection)**:

- Areas recognised for their significant ecological value and importance, particularly under Section 6(c) of the RMA.
- Activities within these areas are subject to the strictest controls to ensure the protection, maintenance, and restoration of indigenous biodiversity.

2. **Restoration Area - Less Restrictive (Moderate Protection)**:
    - Areas of ecological value that fall below the significant threshold for protection under Section 6(c) of the RMA, however are recognized under Section 7, and give effect to clause 3.16 of the NPSIB
    - Managed with less restrictive measures, focusing on maintaining ecological functions while allowing more flexible land use and development.
3. **Unmapped District Wide Biodiversity – Least Restrictive (Low Protection)**
    - Applies to areas not specifically identified or mapped as having significant ecological value at either the city or district level.
    - Provides a precautionary approach where effects on biodiversity could be significant, though activities generally have a higher threshold for regulation, allowing for more flexible land use.

This allows Napier's District Plan to prioritize high-value biodiversity areas while accommodating practical land use needs in less sensitive areas, aiming for a sustainable coexistence of ecological and community priorities.

2. Statutory & Policy Context

2.1. Resource Management Act

Under s 31 of the RMA territorial authorities, including this Council, bear responsibility for the integrated management of land use, development, and the protection of natural and physical resources within their respective districts. These resources encompass essential components of the natural environment—air, water, soil, and ecosystems—mandating that the Council ensures sustainable management practices in alignment with the RMA's purpose.

The overarching purpose of the RMA, as set forth in s5, is to promote the sustainable management of natural and physical resources. Section 5(2) defines sustainable management as enabling people and communities to meet their social, economic, and cultural well-being, and their health and safety needs, through resource use and protection while:

> *(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;*
> *(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
> *(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Sections 6, 7, and 8 of the RMA provide further direction through principles of national importance, other guiding considerations, and Treaty obligations, which collectively underpin the Council's duties in district planning.

Under s 6, the Council is required to "recognise and provide for" matters of national importance, relevant to this chapter, including:

> *(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and*
> *(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

These provisions establish essential foundations for policy and regulatory direction within this chapter, explicitly mandating the protection of indigenous biodiversity.

Additionally, s7 instructs the Council to have "particular regard" to several relevant matters, including:

> *(a) kaitiakitanga;*
> *(aa) the ethic of stewardship;*
> *(d) intrinsic values of ecosystems;*
> *(f) maintenance and enhancement of the quality of the environment; and*
> *(g) any finite characteristics of natural and physical resources.*

Section 8 further requires that the Council takes into account the principles of the Treaty of Waitangi. As part of this process, tangata whenua, through iwi authorities, have been consulted, with the Council remaining obligated to make informed decisions that reflect the insights gained through this consultation.

In addition to these responsibilities, section 31(b)(iii) specifically tasks the Council with regulating impacts arising from land use, development, or protective activities concerning the preservation of indigenous biological diversity. This statutory requirement serves as a critical basis for the policies and rules incorporated into the district plan to safeguard ecosystems and biodiversity.

The provisions of the Ecosystems and Indigenous Biodiversity (ECO) chapter are crafted to give effect to the requirements of the Resource Management Act 1991 (RMA), specifically addressing sections 5, 6, 7, 8, 30, and 31. The chapter aligns with the purpose of the RMA under section 5 by promoting sustainable management of natural and physical resources, and it fulfills the principles under sections 6, 7, and 8 by safeguarding significant indigenous vegetation and habitats of indigenous fauna (section 6(c)), promoting the intrinsic values of ecosystems (section 7(d)), and honoring principles of partnership and participation with tangata whenua (section 8). This is achieved through a structured, tiered mapping approach that identifies and categorizes areas based on their ecological significance.The chapter establishes protection for ecologically significant areas by mapping significant vegetation and habitats in alignment with section 6(c) of the RMA, applying targeted measures to ensure biodiversity preservation, and maps other areas recognised under s7. Where the ecological effects of proposed activities are uncertain, the chapter applies a precautionary approach, which supports the preservation of indigenous biodiversity values, in accordance with section 5's focus on sustainable management.

These provisions, supported by both regulatory and non-regulatory tools, ensure that the ECO chapter assists the Council in fulfilling its responsibilities under sections 30 and 31 of the RMA. By addressing the ecological significance of areas and taking a strategic approach to biodiversity conservation, the ECO chapter upholds the statutory framework, aligns with national biodiversity goals, and protects Napier's unique ecological heritage

The provisions in this chapter that relate to the protection of significant indigenous vegetation and significant habitats of indigenous fauna have immediate legal effect under Section 86B(3) of the RMA. According to the RMA, a rule in a proposed plan has immediate legal effect if it meets certain criteria, specifically if it:

(b) protects areas of significant indigenous vegetation; or
(c) protects areas of significant habitats of indigenous fauna.

This ensures that the protective measures outlined in this chapter can be applied immediately, reinforcing the conservation of Napier's unique biodiversity from the moment the proposed chapter is notified.

2.2. The Resource Management (Freshwater and Other Matters) Amendment Act

The Resource Management (Freshwater and Other Matters) Amendment Act 2024 (Amendment Act) came into force on 25 October 2024 and enacts a temporary three-year suspension on key obligations set forth by the National Policy Statement for Indigenous Biodiversity (NPSIB) 2023. This suspension specifically affects requirements regarding the identification and assessment of Significant Natural Areas (SNAs) in accordance with specific criteria. The following provisions of the NPS-IB do not apply during the three-year period:

- Policy 6, which mandates a uniform approach to SNA identification;
- Clauses 3.8(1), (6), and (8), which outline procedures for SNA assessment and inclusions in plans;
- Clause 3.9(1), which requires territorial authorities to notify a plan or plan change for identified SNAs; and
- Clause 3.9(3), which mandates a 10-year reassessment of SNA classifications, are temporarily set aside.

During this three-year period, local authorities are not obligated to identify, assess or map SNAs in accordance with NPS-IB criteria within district plans, effectively deferring these NPSIB requirements until the suspension period concludes. Clause 4.1(1) of the NPSIB, which stipulates that local authorities must implement the NPSIB "as soon as reasonably practicable," has also been suspended for three years in relation to the provisions identified above. As a result, local authorities are not required to act on SNA identification and notification provisions until the expiration of the three-year suspension.

However, all other NPSIB provisions, including those addressing the management of indigenous biodiversity outside SNAs, engagement with tangata whenua, and integration of land, freshwater, and coastal ecosystems, continue to apply, with local authorities expected to implement these requirements without delay. Local authorities are required to publicly notify any changes to plans necessary to give effect to clause 3.16 (indigenous biodiversity outside

SNAs) and clause 3.24 (Information requirements) within five years after the commencement date, as set out in clause 4.2 of the NPSIB as amended.

The Amendment Act does not alter the statutory obligations of councils under the RMA, particularly regarding Section 6(c), which mandates the protection of areas with significant indigenous vegetation and significant habitats of indigenous fauna. However, any new areas identified as significant during this period will not qualify as “NPSIB SNAs” and thus will not trigger the NPSIB’s protective measures.
In summary, the amendment suspends certain SNA obligations under the NPSIB, but it does not relieve local authorities of their duty to manage and protect indigenous biodiversity as required by the remaining parts of the NPSIB or the RMA.

Local authorities remain bound by their obligations to protect biodiversity, particularly under s 6(c) of the RMA, which mandates that areas with significant indigenous vegetation and habitats for indigenous fauna are recognised and provided for as a matter of national importance. This statutory duty persists despite the Resource Management (Freshwater and Other Matters) Amendment Act’s temporary suspension of specific NPS-IB (National Policy Statement for Indigenous Biodiversity) provisions related to the identification, assessment, and protection of areas that meet the specific criteria for SNAs. The suspension effectively leaves the responsibility to councils' discretion on how to meet the obligation to recognise and provide for the matters set out in s 6(c).

The Council had already undertaken much of the work required by the NPSIB before the Amendment Act came into force. It has continued with the identification, mapping, and protection of areas that meet the SNA criteria in the NPSIB to meet its obligations to protect biodiversity, particularly under s 6(c) of the RMA. This approach aligns with the wider framework initially outlined in the NPS-IB, providing clear guidance to landowners regarding potential impacts on their property while fulfilling the council's duty to safeguard biological diversity. The decision to uphold mapping and protection measures aims to prevent biodiversity loss, protect critical habitats, and provide transparency and certainty for landowners, particularly those whose properties might be affected by these conservation efforts. Continuing with the mapping and protective measures enhances the council's ability to manage adverse impacts from development and land use effectively. This strategy establishes a clear baseline for identifying areas at risk, facilitating targeted policy and rule development that minimizes environmental harm. Collaborative engagement with tangata whenua and stakeholders, as recommended by the NPS-IB, also remains a priority, ensuring that mātauranga Māori and culturally appropriate biodiversity practices are integrated into council approaches. Restoration and resilience efforts are particularly vital in historically degraded areas, supporting both immediate biodiversity needs and long-term ecological sustainability.

In the assessment report, areas previously referred to as "SNAs" are now classified as "SIVH" (Significant Indigenous Vegetation or Habitat) in the ECO Chapter, aligning with updated terminology in RMA s6c to avoid confusion. Similarly, areas previously known as "City SNAs" are now classified as "Restoration Areas." This change in naming does not affect the criteria applied to these areas; the criteria remain aligned with best practices to give effect to Section 6(c) of the RMA. The updated classifications and names ensure clarity, distinguishing these areas from clauses in the NPSIB that are currently suspended.

3. Higher Order Documents and Local Planning Context

Under the Resource Management Act (RMA), national-level guidance on ecosystems and indigenous biodiversity is provided through specific National Policy Statements (NPS), which establish high-order policy direction and consistency. These include:

- New Zealand Coastal Policy Statement (2010)
- National Policy Statement on Indigenous Biodiversity (2024)
- National Policy Statement for Freshwater Management (2020)

Additionally, the structure and format of District Plan provisions are governed by the National Planning Standards.

3.1. National Planning Standards

The National Planning Standards enforce a consistent structure and terminology across district plans, ensuring alignment and coherence among councils. For the Ecosystems and Indigenous Biodiversity chapter, these standards shape content presentation and policy consistency by:

- Standardizing Terminology: Ensuring terms such as "Significant Natural Areas (SNAs)" are consistently applied across jurisdictions.
- Objective and Policy Formatting: Mandating structured layouts for objectives, policies, and methods to streamline compliance.
- Integrated Management: Encouraging biodiversity management that spans land, freshwater, and coastal ecosystems.
- Mapping Requirements: Setting criteria for mapping SNAs, fostering a unified approach for identifying and zoning ecologically significant areas.
- Indigenous Engagement: Emphasizing the inclusion of mātauranga Māori, with tangata whenua engagement central to biodiversity planning.
- By applying these standards, councils align district plans with national biodiversity strategies, ensuring clarity, accessibility, and regional consistency.

3.2. National Environmental Standards

Under Section 44 of the RMA, local authorities must ensure their plan rules align with National Environmental Standards (NES) and avoid conflicts or duplication. The following NES are relevant to the *Ecosystems and Indigenous Biodiversity* chapter in Napier's Proposed District Plan (PDP):

- National Environmental Standard for Plantation Forestry (NES-PF)
  The NES-PF governs all aspects of plantation forestry, from afforestation through to replanting. Within this standard:
  - Regulation 6(2)(b) allows the PDP to adopt more stringent rules for protecting Significant Indigenous Vegetation or Habitat (SIVH), ensuring high-priority areas are safeguarded even in forestry contexts.
  - Regulations 93 and 94 provide permitted standards for indigenous vegetation clearance outside SIVH areas, which helps balance forestry activities with vegetation protection on non-classified land.

- National Environmental Standard for Freshwater (NES-F)
  The NES-F addresses activities impacting freshwater health and ecosystems, which has particular relevance to Napier's estuarine and riparian areas, such as the Ahuriri Estuary. Under this standard:
    - Regulation 5 clarifies that the NES-F applies primarily to regional councils under Section 30 of the RMA, focusing on broader freshwater ecosystem management.
    - Regulation 6 allows Napier's PDP to implement stricter rules than the NES-F for freshwater-related provisions, except in fish passage regulations (Regulations 70–74). For example, the NES-F's protections would complement Napier's PDP rules, particularly in areas where land use, water quality, and biodiversity intersect, such as around estuaries and streams.

Together, these NES provisions ensure Napier's PDP aligns with national standards, while enabling additional safeguards specific to Napier's ecological and freshwater resources where needed.

3.3. New Zealand Coastal Policy Statement (2010)

The NZCPS mandates protections for indigenous biodiversity within coastal environments. Policy 11 directs territorial authorities to:

(a) avoid adverse effects of activities on:
- *(i) indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;*
- *(ii) taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;*
- *(iii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;*
- *(iv) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;*
- *(v) areas containing nationally significant examples of indigenous community types; and*
- *(vi) areas set aside for full or partial protection of indigenous biological diversity under other legislation; and*

(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:
- *(i) areas of predominantly indigenous vegetation in the coastal environment;*
- *(ii) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;*
- *(iii) indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;*
- *(iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;*
- *(v) habitats, including areas and routes, important to migratory species; and*
- *(vi) ecological corridors, and areas important for linking or maintaining biological values identified under this policy.'*

To implement Policy 11, councils must prioritize conservation actions, focusing on rigorous biodiversity protections in sensitive coastal areas. Napier City Council collaborates with ecological experts, iwi, and stakeholders to identify and map significant coastal areas, ensuring these meet the criteria in Policy 11. The provisions in the District Plan satisfy the legal test under Section 75(3)(b) of the RMA by giving effect to the New Zealand Coastal Policy Statement (NZCPS), ensuring that coastal areas are managed in a way that protects natural character, maintains indigenous biodiversity, and addresses both ecological resilience and coastal hazards in line with national coastal objectives. By doing so, the council ensures the district planning frameworks give effect to NZCPS objectives, supporting the sustainable management of coastal biodiversity.

3.4. National Policy Statement on Indigenous Biodiversity (NPS-IB) (2023) (as amended)

The NPS-IB (2023) establishes a framework to maintain and enhance indigenous biodiversity across New Zealand, with a “no net loss” approach. This NPS aims to integrate biodiversity conservation with sustainable land use, balancing environmental protection with social, cultural, and economic wellbeing. A core aspect of the NPS-IB is the partnership with tangata whenua, who are acknowledged as essential partners in biodiversity management. Local authorities are directed to engage with iwi and hapū, incorporating mātauranga Māori (Māori knowledge) to respect the cultural significance of indigenous biodiversity. This partnership aligns with the principles of the Treaty of Waitangi, recognizing biodiversity as both an ecological and cultural asset.

The NPS-IB also introduces a structured hierarchy for managing biodiversity impacts from land use and development. Local authorities are required to notify plan provisions that avoid adverse effects on indigenous biodiversity within or near SNAs. If avoidance is impracticable, authorities must pursue measures to minimize or remedy impacts, with offsets or compensation as a last option.

The new significant indigenous vegetation and significant habitat of indigenous fauna areas identified in the ECO are not NPS-IB SNAs and the NPS-IB does not apply to these areas in accordance with the Amendment Act. However, the Council is not prevented from using the criteria to meet its obligations to protect biodiversity, particularly under s 6(c) of the RMA, which continues to apply.

The policies of the NPSIB require councils to manage indigenous biodiversity through a precautionary approach (Policy 3), support resilience to climate change (Policy 4), and integrate management practices across boundaries (Policy 5). Councils are also expected to provide for established activities and those that support social and economic wellbeing, while still protecting biodiversity (Policies 9, 10). Indigenous biodiversity restoration and increased vegetation cover, especially in urban and non-urban areas, are promoted (Policies 13, 14), along with the protection of species that are highly mobile or culturally significant, like taonga species (Policies 2, 15).

The implementation clauses state that councils must act in an integrated and precautionary manner (Clauses 3.2, 3.3), ensuring that decisions about biodiversity are transparent, consistent, and based on the best available information. Councils are also required to actively engage tangata whenua as kaitiaki, respecting their knowledge and roles in managing

biodiversity within their rohe, and collaborating with them as partners in decision-making (Clause 3.3).

Additionally, councils must consider social, economic, and cultural factors in their biodiversity strategies, working closely with communities to align policies with local wellbeing and values (Clause 3.5). Climate resilience is a key component, with councils directed to enhance the resilience of ecosystems against climate impacts, particularly for ecosystems like wetlands that act as natural buffers (Clause 3.6). A precautionary approach is also required when adverse effects on biodiversity are uncertain, encouraging councils to prevent irreversible damage by making cautious, well-considered decisions (Clause 3.7).

Councils are required to maintain and enhance indigenous biodiversity not only within but also outside classified SNAs, supporting an interconnected ecological network across landscapes (Clause 3.16). To foster this, councils are encouraged to develop regional biodiversity strategies in collaboration with neighboring councils and other agencies, addressing biodiversity at a landscape scale (Clause 3.23).

3.5. Regional Policy Statement (RPS) and Regional Plan

Despite the temporary pause on specific NPS-IB requirements, regional policy statements provide a foundational framework that helps ensure councils' biodiversity protections are robust, enforceable, and ecologically justified.

Under Section 75(3)(c) of the RMA, the District Plan must "give effect to" the Regional Policy Statement (RPS), which aligns with regional land and water management goals. In accordance with Section 75(4)(b), the District Plan must not contradict regional plan provisions. Key provisions within the Hawke's Bay RPS that pertain to indigenous biodiversity include:

- *Integrated Land Use and Freshwater Management (Issue 3.1A):*
    - *Objective LW1: Advocates for integrated management of freshwater and land resources.*
    - *Objective LW2: Supports a holistic approach to environmental stewardship.*
    - *Objective LW3: Emphasizes tangata whenua values in managing land and freshwater resources.*

- *Scarcity of Indigenous Vegetation and Wetlands (Issue 3.4):*
    - *Objective OBJ15: Prioritizes the preservation of significant indigenous vegetation, fauna habitats, and ecologically critical wetlands, particularly given increased land-use pressures.*

In accordance with s 75(4)(b), the District Plan must not be inconsistent with regional plan provisions. The Tukituki River Catchment chapter within the Hawke's Bay Regional Plan also highlights the significance of riparian management as a means to enhance biodiversity. District planning for ecosystems and indigenous biodiversity has been informed by these provisions, ensuring alignment with RPS goals.

3.6. Hawke's Bay Regional Coastal Environment Plan (2014)

As mandated by s 75(4)(b) of the RMA, the District Plan must not be inconsistent with a regional plan, including a regional coastal plan. The Hawke's Bay Regional Coastal Environment Plan governs activities within the coastal environment, incorporating objectives and policies to protect indigenous species and habitats. Provisions within the District Plan's Ecosystems and Indigenous Biodiversity chapter are crafted to ensure compliance with these standards, particularly in Statutory Acknowledgement Areas where SNAs are identified, prioritizing both coastal and indigenous biodiversity.

3.7. Local Policies, Plans, and Strategies: Hawke's Bay Biodiversity Strategy (2016)

The Hawke's Bay Biodiversity Strategy of 2016 provides a collaborative framework for regional biodiversity enhancement, recognizing both native and beneficial introduced species. This strategy values Māori cultural perspectives, aligning conservation with community and regional planning efforts. Key actions include:

- Ecosystem Mapping and Prioritization: Focuses on identifying conservation priorities across regional ecosystems.
- Cultural Framework Development: Uses Mātauranga Māori to assess taonga biodiversity sites.
- Hawke's Bay Biodiversity Foundation: Supports biodiversity governance and public involvement.
- Inter-Agency Collaboration: Harmonizes biodiversity policies across agencies.
- Biodiversity Forum: Facilitates communication and resource sharing among stakeholders.
- Landowner Engagement: Encourages private land conservation partnerships.

This strategy highlights a commitment to integrated biodiversity management, interweaving ecological objectives with Māori cultural values and fostering collaboration across diverse stakeholders.

4. Evaluation Approach and Consultation

4.1. Development of the Ecosystems and Indigenous Biodiversity (ECO) Chapter

The Council has undertaken a comprehensive process to develop the Ecosystems and Indigenous Biodiversity (ECO) chapter in the Proposed District Plan. This chapter aims to fulfill the Council's statutory responsibility under s 6(c) of the RMA, which requires the protection of significant indigenous vegetation and habitats of indigenous fauna. By meeting its obligations under the RMA and giving effect to the applicable provisions of the NPS-IB, the ECO chapter seeks to ensure robust biodiversity protection while balancing community needs and property rights in its approach.

4.2. Initial Ecological Assessment and Identification of Significant Natural Areas (SNAs)

In 2019, the Council commissioned the University of Waikato's Environmental Research Institute to conduct a detailed ecological assessment within Napier's boundaries. This assessment involved:

- **Desktop Analysis**: Using satellite imagery, spatial databases, and literature to identify potential SNAs across Napier.
- **Stakeholder Input**: The team consulted with staff from the Council, HBRC, and the Department of Conservation to ensure regional alignment and accuracy.
- **Assessment Criteria**: Areas were evaluated based on draft NPS-IB standards, which included criteria such as ecological representation, diversity, rarity, and ecosystem connectivity.

The final assessment report (NSNA report) identified 32 out of 52 surveyed areas as ecologically significant, totalling approximately 628.8 hectares. These areas were included into the draft Schedule 7 of the District Plan, establishing the foundation for the ECO chapter.

4.3. Draft District Plan and Public Consultation

In August 2021, the Council released a draft version of the District Plan, which included the ECO chapter for public comment. This draft outlined new provisions for mapping and managing SNAs. To ensure transparency and gather comprehensive input, the Council initiated a multi-stage consultation process:

- Targeted Engagement: Landowners with properties containing potential SNAs were individually contacted and provided with information on the implications of the SNA classification.
- Public Feedback: the Council received a mix of support and concerns from the community. Biodiversity HB and other stakeholders expressed support for stronger biodiversity protections, while many landowners voiced concerns over potential restrictions.

Comments from landowners included skepticism about regulatory controls on private land, questions about the SNA assessment criteria, and requests for more flexible provisions

Landowner	SNA a positive concept but thinks 10% is unrealistic given Napier's size. While acknowledge the importance of SNAs, the uncertainties of the government legislations eg NPS and the RMA reform, District Plan rules would be premature; best to leave out of the District Plan at this stage
Stakeholder	Biodiversity HB commends and supports the Council provisions in the Plan including 10% for SNAs, keen to work with and alongside Council and landowners
Landowner	Have not been consulted on SNA on her property if appropriate or not. Needs a meeting with Council why property is an SNA. Believes severe restrictions on what they choose to plant on their property
Landowner	Seeks meaningful engagement with Council - identified 3 most concerning areas of the Plan, ecosystems & Indigenous Biodiversity /SNAs; rural Zones and Natural Features and Landscapes. Over restrictive approach of the District Plan
Landowner	Already have a Reserve Vegetation Management Plan at Esk Hill. We can't cover for Council's lack of planting action, why spend more of own money if their planting will end up in SNA restrictions?
Landowner	Permitted activity status makes a mockery of any SNA restriction. Need to create a cultural change and not impose restriction with get-out clauses if you need to improve indigenous vegetation biodiversity

Landowner	Grew up and been living here all his life and done heaps of planting work. Not sure how the criteria assessed their land now an SNA for the draft plan. Strongly oppose restrictions that take away their right of use
Stakeholder	Significant Natural Areas (SNA) We believe it is very important to include provisions in the District Plan to set up and apply legal protection for the preservation of indigenous vegetation and habitats to enhance biodiversity in Napier
Stakeholder	Supporting the preservation of Biodiversity and Significant Natural Areas.
Landowner	SNAs needs revisited in a way in which the biodiversity desired results we all have are achieved without infringing on the rights of our land the way that it currently is being proposed.
Landowner	SNAs needs revisited in a way in which the biodiversity desired results we all have are achieved without infringing on the rights of our land the way that it currently is being proposed.
Landowner	SNA vs development rights to housing and accommodating more family on parcel of land given the current covid and housing issues.
Stakeholder	Natural features and ecosystems
Landowners	Ecosystems & Indigenous Biodiversity - The provisions of the Ecosystems and Indigenous Biodiversity section in Part 2 do not appear to be relevant to Esk Hills. With the exception of the Heipipi Pa, there is little specific recognition or reference to Esk Hills within the Issues, Objectives or Policies of the Draft Plan.

4.4. Impact of the National Policy Statement for Indigenous Biodiversity (NPS-IB)

One month before the Council's planned notification of the Proposed District Plan, the NPS-IB was gazetted in 2023. This policy introduced additional biodiversity management requirements, including detailed criteria for SNA identification and mapping, necessitating a pause and further revision of the ECO chapter to meet these new standards.
Under the NPS-IB, councils were required to map SNAs based on nationally consistent criteria, adding another layer of regulatory obligations. the Council decided to postpone notifying the ECO chapter to fully incorporate NPS-IB standards, including:

- **Higher Thresholds for SNA Classification**: The criteria for identifying SNAs under the NPS-IB emphasized areas of national ecological significance, aligning with Section 6(c) of the RMA.
- **Integrated Biodiversity Management**: The chapter was further refined to encompass ecosystem connectivity, resilience, and collaborative management with tangata whenua.

4.5. Secondary Ecological Assessment and Criteria Refinement

Following the release of the NPS-IB in 2023, Napier City Council commissioned a secondary ecological assessment to ensure that the ECO chapter aligned with the updated criteria and expectations set forth in the new policy. . In response during the 2024 review, the Council organized area visits and ground-truthing activities to refine SNA boundaries, address inconsistencies, and incorporate landowner feedback into the chapter. The secondary assessment included:

- **Refinement of Assessment Criteria**: The initial SNA criteria, which had been based on draft NPS-IB standards, were revised to meet the final NPS-IB requirements. This process aimed to ensure that only areas meeting the high threshold for significant

indigenous vegetation and habitats meeting the NPSIB criteria were mapped as SNAs. This revision was pivotal in distinguishing truly significant ecological areas from areas of local interest or lower ecological value, providing clarity and focus to the ECO chapter.

- **Ground-Truthing of Selected Areas**: To enhance the accuracy of the mapping and confirm ecological values on-area, ground-truthing was conducted across several contested areas. This involved area visits and ecological surveys by expert consultants who verified the presence of significant ecological attributes, such as threatened species habitats or high-value vegetation types. The ground-truthing process helped address community concerns by ensuring that the mapped SNAs genuinely met the ecological significance criteria and excluded areas that did not.
- **Addressing Landowner Concerns through Revised Provisions**: During previous consultation rounds, many landowners expressed concerns about potential restrictions associated with SNA classifications, particularly regarding routine property management activities. In response, the Council revised the ECO provisions to allow activities that are necessary for continued operation and maintenance. Notably, The Esk Hills community has created and maintained ecologically significant reserves within private covenants, which have become accessible for the public to enjoy. Community members have dedicated considerable effort to restoring these areas, fostering biodiversity that benefits the wider public. During engagement meetings and presentations, representatives from the community expressed their preference for Council not to impose mapping on their private land, restrict their ongoing conservation efforts, or claim credit for the work they have independently undertaken. Council has taken these views into account, striving to balance its obligations under Section 6(c) with the community's needs and ongoing stewardship of these lands.
- **Permit Routine Maintenance**: Provisions were redrafted to allow landowners to continue necessary maintenance activities, such as pruning, pest control, and fence maintenance, within SNA areas without requiring resource consent.
- **Restrict Consents to High-Impact Activities**: The revised provisions only require resource consent for activities that could significantly impact the ecological values of SNAs. This approach ensures a balance between ecological protection and landowner autonomy, supporting conservation without unnecessary restrictions on property use.
- **Community Collaboration and Adjusted Mapping**: Through the secondary assessment, the Council was able to address landowner feedback by fine-tuning the mapping and ensuring that it accurately reflected only those areas that met the high standards set by Section 6(c) and the NPS-IB. For instance, some properties initially included in the draft SNA mapping were adjusted or excluded after on-the-ground verification determined they did not meet the ecological significance threshold. This responsive approach reassured stakeholders of the Council’s commitment to a fair, evidence-based process.

4.6. Changes Following the Resource Management (Freshwater and Other Matters) Amendment Act 2024

In October 2024, the Resource Management (Freshwater and Other Matters) Amendment Act introduced a three-year suspension of certain NPS-IB requirements related to SNA mapping and notification. As discussed above, This change temporarily paused requirements related to parts of the NPSIB, which gave councils discretion their approach in determining how to manage and protect significant biodiversity areas.

While the amendment removed the immediate requirement to map and formally notify new SNAs, the Council retained its commitment to fulfilling Section 6(c) of the RMA by:

- **Continuing Biodiversity Management**: The ECO chapter provisions remain focused on managing and protecting indigenous biodiversity, even without the mapped SNA classification.
- **Precautionary Measures**: The Council emphasizes a precautionary approach, requiring ecological assessments for any activities in areas with potential ecological value.
- **Incorporating Upstanding NPS-IB Policies**: Despite the suspension, policies related to ecosystem resilience, tangata whenua engagement, and restoration efforts are included in the ECO chapter to support sustainable biodiversity management.

Options Considered for SNA Management and Mapping

In developing the ECO chapter, the Council explored multiple options for managing and mapping SNAs. The initial approach was to adopt an expansive mapping framework that included a wide array of areas across the district. This preliminary mapping extended beyond the high-threshold of significant set under Section 6(c) of the RMA, capturing areas with both high ecological value and those with local significance and moderate ecological value. While this comprehensive approach aimed to provide broad biodiversity protection, it also included areas that did not meet the stricter criteria for national or regional significance.

To balance regulatory obligations and landowner interests, the Council also considered the alternative of implementing no mapping at all. However, this approach was ultimately deemed insufficient to meet the statutory obligations, as it would fail to meet the Council's duty under the RMA to provide for the protection of significant indigenous biodiversity through enforceable provisions in the District Plan. This is further discussed in the options assessment below.

Legal Basis and Rationale for a High Protection Threshold Approach

The Council's decision to adopt a high-threshold approach for tiered mapping and biodiversity management is well-aligned with established case law. Accordingly, the ECO chapter has been structured to comply with s6(c) by applying a rigorous threshold for the identification and protection of Significant Indigenous Vegetation or Habitat (SIVH), s7 to recognize Restoration Areas, and s8 to uphold partnership principles with tangata whenua. This approach ensures that only areas meeting the statutory significance criteria are included, thereby balancing national biodiversity objectives with local land use considerations.

4.7. Evaluation Approach and Ongoing Consultation

Throughout the development of the ECO chapter, the Council remained committed to an inclusive and iterative consultation process, balancing statutory obligations with community interests. This approach spanned multiple stages:

1. **Pre-Draft Consultation (2019)**: Early in the planning process, the Council conducted district-wide engagement, targeting landowners whose properties contained potential Significant Natural Areas (SNAs). This initial consultation provided foundational insights into community values, concerns, and expectations regarding biodiversity protection.

2. **Draft Plan Feedback (2021)**: The Draft District Plan was released for public feedback, inviting submissions from the wider community and key stakeholders, including iwi and landowners in ecologically sensitive areas like Esk Hills. This phase highlighted a mix of support and concern, particularly regarding the potential restrictions associated with SNA classifications. Landowners generally expressed recognition of the ecological values of SNAs but voiced reservations about regulatory limitations on private property use.
3. **Refinement and Ground-Truthing (2024)**: In response to feedback, the Council undertook a secondary ecological assessment in 2024, which included targeted ground-truthing of contested SNA, now considered SIVHs. Through site visits and detailed ecological reviews, the Council ensured the boundaries of classified SIVHs were both scientifically sound and reflective of community input. This ground-truthing addressed specific concerns by confirming that only areas meeting the stringent criteria under Section 6(c) of the RMA and the NPS-IB standards were included, while other areas were adjusted or removed as appropriate. Many residents acknowledged the ecological importance of SIVHs yet expressed a desire for minimal restrictions on private land. In response, the Council considers that its drafting provides a protective approach but tailored rules to allow property owners the flexibility to manage their land, only intervening where activities posed a risk to ecological integrity.
4. **Ongoing Adjustments to Provisions**: Based on consultation outcomes and the secondary assessment, the Council refined the ECO provisions to balance ecological protection with landowner autonomy. The revised provisions now permit routine maintenance activities within SNAs, such as pruning, pest control, and fence maintenance, without requiring resource consent. Resource consents are only required for high-impact activities that could degrade the ecological values of these areas. This approach respects landowner property rights while ensuring that significant biodiversity values remain safeguarded.

4.8. Mana Whenua / Tangata Whenua Engagement

Initial Engagement and Relationship-Building

Early consultation involved engaging with key mana whenua groups, including Te Taiwhenua o Whanganui-a-Orotu, Mana Ahuriri Trust, and Maungaharuru Tangitū Trust. Initial meetings established a foundation for partnership, outlined project goals, and introduced NPS-IB provisions. This phase was essential for identifying areas of interest and understanding initial perspectives from mana whenua representatives. Direct engagement was also part of the draft plan process, where mana whenua were formally invited to provide feedback. No formal feedback was received at this stage.

Ongoing Collaboration and Draft Plan Engagement

During the preparation of the second version of the plan, additional consultation was undertaken. This phase included revisiting feedback from mana whenua and re-engaging to ensure updated provisions reflected the priorities of Māori communities. Although no formal feedback was received in the draft phase, ongoing discussions helped clarify that while mana whenua were supportive of the goals, they currently lacked the resources to fully participate in the Taonga species identification work program. This work, focused on identifying and managing taonga species (treasured species) through mātauranga Māori, has been agreed to proceed as a later work program, anticipated as a future plan change.

Taonga Species Work Program Preparation

Recognizing the resource limitations facing mana whenua, it was discussed that the identification of taonga species would proceed as a collaborative future initiative. Once resources are available, this program will involve site assessments, ground-truthing, and wānanga (collaborative meetings), facilitating the inclusion of taonga species in biodiversity management with provisions that reflect mātauranga Māori insights. Deferring this work ensures compliance with the requirements of the NPS-IB and allows for a more thorough integration of indigenous species knowledge when capacity is available.

5. Overview of Proposed Chapter

The proposed ECO chapter in the District Plan seeks to protect, maintain, and restore indigenous biodiversity throughout Napier. By integrating sustainable land-use practices with targeted restoration efforts, the chapter promotes ecological resilience and adaptability.

Section	Type	Description	Provision
Objectives		Protection, maintenance, and restoration of indigenous biodiversity through sustainable practices in order to achieve overall maintenance and long term resilience	ECO-O1
		Protect SIVHs ecological integrity and biodiversity values to prioritize sustainability.	ECO-O2
		Enable appropriate activities	ECO-O3
		Support Māori values in biodiversity management, respecting kaitiakitanga and Treaty principles.	ECO-O4
Policies	Identification and Mapping	Comprehensive system to identify and map sites of indigenous biodiversity.	ECO-P1
	Protection and Management	Strict protections within SIVHs and effects management hierarchy for non-SIVHs areas.	ECO-P2, P4
	Coastal Biodiversity	High standards for biodiversity in coastal ecosystems, addressing climate and development impacts.	ECO-P5
	Māori-Led Activities	Supports culturally significant activities within a conservation framework.	ECO-P8
	Restoration and Partnerships	Emphasizes ecological connectivity and collaboration with tangata whenua.	ECO-P9–P11
	Precautionary Approach	Caution in areas of ecological uncertainty to prevent irreversible impacts.	ECO-P12
Rules	Conservation Activities (Permitted)	Permits essential, low-impact conservation work within SIVHs, like planting and pest control.	ECO-R1–R3
	Vegetation Management (Restricted Discretionary)	Regulates clearance and alteration of vegetation, stricter within SIVHs.	ECO-R4–R6, R9

	Earthworks (Restricted Discretionary or Non-Complying)	Limits earthworks in SIVHs to essential activities, like emergency works, to maintain habitat integrity.	ECO-R7–R8
	High-Impact Activities (Restricted Discretionary or Non-Complying)	Requires assessments for infrastructure and high-impact projects in SIVHs.	ECO-R10-R12
Assessment Criteria	Impact on Indigenous Biodiversity	Evaluates the necessity of locating new activities within Significant Indigenous Vegetation or Habitat (SIVH) and assesses adverse impacts.	ECO-AC1, ECO-AC2
	Functional or Operational Need	Assesses whether activities within SIVH or Restoration Areas have a justified functional need, considering alternatives outside protected areas.	ECO-AC3
	Effects Management Hierarchy	Applies a hierarchy to manage effects, requiring avoidance, minimization, remediation, and biodiversity offsetting, with compensation as a last resort.	ECO-AC4
	Public Health, Cultural, and Erosion	Considers public health, tangata whenua cultural values, and erosion control, ensuring ecosystem preservation and cultural respect.	ECO-AC5–ECO-AC9
	National or Regional Benefit	Balances national or regional benefits (e.g., infrastructure) with biodiversity impacts, including adequate mitigation or offsetting.	ECO-AC6
	Coastal Environment	Ensures alignment with Coastal Environment policies, protecting indigenous biodiversity in coastal areas.	ECO-AC10

5.1. Evaluation of Scale and Significance

Under Section 32(1)(c) of the RMA, this report must correspond with the scale and significance of the anticipated environmental, economic, social, and cultural effects from the ECO chapter's implementation. The assessment considers the chapter's impacts based on several factors, rating each from 1 (low) to 5 (high) for scale and significance, consistent with the Ministry for the Environment's guidance on s32 evaluations. This evaluation provides a broad understanding of analysis depth required rather than an economic cost-benefit analysis, which may be separately conducted if warranted.

Table 1: Scale and Significance Evaluation

Factor	Comment	Score (1-5)
Reason for Change	The existing provisions in the Operative District Plan (ODP) are inadequate for meeting RMA statutory requirements, particularly Section 31(1)(b), which mandates biodiversity maintenance. Existing provisions fail to fully protect	4

	significant indigenous biodiversity and lack direct regulations for biodiversity on private lands. Changes are driven by the need to close this regulatory gap and align with the National Policy Statement on Indigenous Biodiversity (NPS-IB).	
Problem/Issue	The current ODP lacks comprehensive protections for indigenous biodiversity, especially on private land, which does not meet the high-threshold protection mandated by Section 6(c) of the RMA. The absence of specific provisions addressing indigenous biodiversity in ecologically valuable areas presents an ecological risk and fails to preserve biodiversity values effectively.	4
Degree of Shift from Status Quo	The proposed chapter introduces district-wide provisions, significantly broadening the scope of regulatory oversight to include all land types, including privately-owned parcels. This represents a notable shift from the ODP, which lacks direct biodiversity protections on private land. New provisions will restrict vegetation clearance within Significant Natural Areas (SNAs), aligning with best practices for biodiversity conservation and reducing the range of activities previously permitted.	4
Who and How Many Affected	The ECO chapter's provisions apply to the entire district, including private and public lands, thereby impacting a broad range of stakeholders, including private landowners and community groups. It introduces new requirements for resource consent for any activities within mapped SNAs beyond maintenance and pruning, substantially changing the status quo. Given the district-wide scale and widespread interest in biodiversity conservation, this factor is highly significant.	5
Degree of Impact on Māori	The ECO provisions affect areas with significant indigenous biodiversity which are on specified Māori land. Recognizing Māori kaitiakitanga and tino rangatiratanga aligns with Treaty principles, incorporating tangata whenua perspectives and cultural practices into conservation measures. Engagement with iwi is necessary to balance biodiversity protection with cultural and economic interests on Māori land, increasing the impact level.	4
Timing and Duration of Effects	The effects are enduring as the provisions establish a long-term approach to biodiversity conservation, emphasizing sustainable land use and ecosystem resilience. With provisions taking immediate legal effect from notification under s86B(3), the timing and longevity of these impacts are substantial.	4
Degree of Risk or Uncertainty	The ECO chapter is designed to provide clarity and regulatory certainty through explicit biodiversity protections. However, given that biodiversity impacts are complex and evolving, there is an inherent risk and uncertainty in community response and ecological outcomes, as well as reliance on supplementary non-RMA mechanisms for comprehensive biodiversity management.	3

Total (out of 35)		**28**

Summary of Scale and Significance Assessment

With a score of 28 out of 35, the ECO chapter is deemed to have a high scale and significance, necessitating a comprehensive evaluation under Section 32(1)(c) of the RMA. This evaluation will emphasize the substantial shift from the ODP, the expansion of regulatory protections to private lands, and the importance of integrating tangata whenua values in line with the NPS-IB and s6(c)

6. Appropriateness of Proposed Objectives

This section of the report evaluates the proposed objectives of the Ecosystems and Indigenous Biodiversity chapter as to whether they are the most appropriate to achieve the purpose of the Act as required under s32(1)(a).

6.1. Alignment of topic objectives with strategic direction objectives

The purpose of proposed objectives for the Chapter are to achieve the relevant Strategic Direction Objectives identified above. The proposed objectives for the ECO Chapter align with and give effect to the relevant strategic objectives as follows.

Strategic Objective	Relevant Chapter Objective
SD-SRCC-O3: Natural systems The functions of natural systems are protected from inappropriate subdivision, use, and development.	ECO-O1: Indigenous biodiversity across the district ECO-O2: Section 6(c) Indigenous Biodiversity Areas
SD-SRCC-O4: Ecology Significant indigenous vegetation, significant habitats of indigenous fauna, biodiversity, and waterways are maintained and enhanced.	ECO-O1: Indigenous biodiversity across the district ECO-O2: Section 6(c) Indigenous Biodiversity Areas
SD-SRCC-O5: Coastal environment Napier's coastal environment is protected from inappropriate subdivision, use, and development.	ECO-O1: Indigenous biodiversity across the district ECO-O2: Section 6(c) Indigenous Biodiversity Areas
SD-SRCC-O6: Climate change adaptation Land use, subdivision, and development design supports climate change adaptation.	ECO-O1: Indigenous biodiversity across the district ECO-O2: Section 6(c) Indigenous Biodiversity Areas ECO-O3: Activities are enabled

SD-TW-O1: Partnership approach Tangata whenua and Council have a strong, high trust, and enduring partnership based on the principles of Te Tiriti/The Treaty.	ECO-O4: Kaitiakitanga and tino rangatiratanga
SD-TW-O2: Active participation Tangata whenua are provided with early and meaningful opportunities to actively participate as kaitiaki in resource management processes.	ECO-O4: Kaitiakitanga and tino rangatiratanga

6.2. Evaluation of proposed objectives – s 32(1)(a)

Section 32(1)(a) of the RMA requires that the evaluation report examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA.

Objectives Most Appropriate Way to Achieve the Purpose of the RMA	
Proposed Objective	**Summary of Evaluation (relevance, usefulness, achievability, reasonableness)**
ECO-O1: Indigenous biodiversity across the district is protected, maintained, and restored through sustainable land use practices, targeted restoration efforts, and the prevention of further degradation. This ensures the long-term resilience and adaptability of ecosystems.	Relevance: This objective directly supports Section 6(c) of the Resource Management Act (RMA), emphasizing the importance of sustainable land use and targeted restoration as vital for preventing degradation. Usefulness: It provides a framework for both protective and proactive restoration measures, encouraging sustainable practices that enhance biodiversity. Achievability: This objective is achievable through clear policies, standards, and restoration-focused rules that prioritize ecological resilience. Reasonableness: It is reasonable because it aligns with district-wide ecological goals, balancing development needs with the preservation of biodiversity.
ECO-O2: The ecological integrity and biodiversity values of Section 6(c) Indigenous Biodiversity Areas (SIVHs) are protected, maintained, and restored, safeguarding these critical habitats and ensuring long-term ecological sustainability for indigenous species	Relevance: This is highly relevant to the RMA's purpose, as it directly addresses the protection of significant natural areas under Section 6(c). Usefulness: This objective is useful as it provides a targeted approach for managing high-value biodiversity areas, ensuring they maintain their critical habitat functions.

	Achievability: Achievable with clear regulatory frameworks, assessment criteria, and monitoring strategies for maintaining biodiversity values. Reasonableness: It is highly reasonable as it supports both national policy direction and best practices for ecological protection and restoration.
ECO-O3: Activities that contribute to environmental, economic, social, and cultural wellbeing are provided for in a manner that allows people and communities to	Relevance: This objective aligns with the RMA's purpose by supporting balanced development that sustains biodiversity while meeting community needs. Usefulness: It is useful for promoting sustainable activities within ecological areas, enhancing the district's ability to meet diverse community well-being goals. Achievability: This objective is achievable through well-defined policies and rules that allow compatible activities within ecological areas, ensuring minimal impact on biodiversity. Reasonableness: It is reasonable as it promotes integrated land use that respects ecological values while accommodating local community well-being.
ECO-O4: Māori kaitiakitanga (guardianship) and tino rangatiratanga (self-determination) are actively supported, ensuring tangata whenua are empowered as partners in the management, protection, restoration, and development of their own land in accordance with tikanga Māori, the principles of the Treaty of Waitangi, and the exemptions provided for specified Māori land under national biodiversity policy.	Relevance: This objective is essential for fulfilling both the RMA principles and Treaty obligations by integrating tangata whenua's rights and values into biodiversity management. Usefulness: It enhances biodiversity protection through culturally aligned stewardship, fostering a community-based approach to conservation. Achievability: This is achievable through partnerships, consultation, and support for tangata whenua, aligning mutual goals for land use and biodiversity protection. Reasonableness: It is highly reasonable as it supports culturally sustainable practices, protects tangata whenua rights, and aligns with national policy for Māori land use and biodiversity conservation.

7. Evaluation of Options for Provisions – s 32(1)(b)

7.1. Evaluation of options to address the issues identified.

Mapping - Tiered Approach

Mapping as Most Appropriate Way to Achieve the Objectives	
The mapping approach for indigenous biodiversity follows a tiered model, to prioritize protection and restoration and sustainable use. The first tier includes Section 6(c) areas, which meet the highest thresholds of ecological importance and are identified as (final classification name tbc x) due to their assessed, high-value indigenous biodiversity. These areas are protected with stringent standards to preserve their ecological integrity. The second tier includes lower-threshold areas classified as Restoration areas. These areas may not currently meet the criteria for significant ecological classification but are valued for their potential to support local biodiversity. The intention for Restoration areas is to promote ecological restoration efforts, allowing these areas to improve and potentially meet the higher thresholds for indigenous biodiversity classification over time. The third tier recognizes general indigenous biodiversity values across the district. These areas are not mapped but are acknowledged in policy to ensure they are considered in future planning and development, supporting a cohesive approach to biodiversity across the region. Relevant objectives • **ECO-O1: Indigenous biodiversity across the district** • **ECO-O2: Section 6(c) Indigenous Biodiversity Areas** Summary of the proposed policies, rules, and standards that give effect to the objectives above which address the identified issues: **Policies** • **ECO-P1: Identify and Map Indigenous Biodiversity** • **ECO-P7: Promote Ecological Connectivity** • **ECO-P8: Promote Restoration of Indigenous Biodiversity**	
Benefits	**Costs**
Environmental: • Protection Focus: Mapping and tiered protections ensure that the most ecologically important areas (s6) receive strong protections, preserving critical habitats for species at risk. • Restoration Opportunities: Classification of Restoration Areas encourages the improvement of areas with potential for higher ecological classification, contributing to district-wide biodiversity goals. • Connectivity: Recognizing broader biodiversity supports district-wide ecological connectivity, enhancing resilience and adaptability in response to environmental change.	Environmental: • Risk of Misclassification: Some lower-tier areas may not receive sufficient protection if not yet elevated to Restoration Area or s6 status, potentially leaving valuable biodiversity areas vulnerable. • Management Demands: Ongoing monitoring and evaluation of area conditions would require resources to ensure proper classification and maintenance across tiers.

Economic: • Focused Investment: Directs resources to high-value areas (s6(c) and Restoration areas), maximizing conservation funding by focusing on priority areas. • Reduced Future Costs: Promoting restoration within tiered areas can reduce the need for future costly interventions by gradually improving ecological values. • Supporting Sustainable Use: Allowing for compatible activities under tiered classifications supports sustainable economic activities in line with conservation goals.	Economic: • Regulatory Compliance: Landowners within mapped areas may face additional compliance costs for development or land use changes, especially in s6 areas if the use has high ecological impact. • Administrative Costs: Mapping and updating classifications across tiers involve monitoring and administrative resources to ensure areas are accurately categorized and managed.
Social • Community Engagement: Tiered mapping engages landowners and communities in biodiversity protection by clearly identifying conservation priorities and enabling appropriate activities. • Transparency: Clear mapping of s6 and Restoration areas provides transparency for landowners and communities about areas of ecological value.	Social • Perception of Restrictions: Some landowners may feel limited by regulations associated with mapped areas, particularly in SNAs, which could create resistance. • Equity Concerns: Owners of properties with mapped areas may bear a greater responsibility for conservation without direct benefits, impacting social equity in resource management.
Cultural • Recognizes the value of tangata whenua stewardship and allows for customary use, supporting social cohesion and cultural preservation.	Cultural • Some mapped areas may overlap with Māori land that is used or intended for development that supports social and economic aspirations. However, the Specified Maori Land Policy addresses this and seeks to overcome it at the policy level.
Risk of acting or not acting if there is insufficient information. Acting on limited data may lead to conservative classifications, potentially limiting sustainable use opportunities in lower-value areas. However, this ensures environmental protection. **Risk of Not Acting**: Failing to classify and protect areas risks biodiversity loss and degraded ecosystems, which could require extensive restoration in the future or permanent loss of ecosystems.	
Efficiency The tiered approach streamlines efforts, focusing on key ecological areas while allowing compatible activities in Restoration areas and non-mapped areas.	
Effectiveness This approach effectively protects high-value areas, encourages restoration, and maintains for sustainable use, supporting the district's ecological, economic, and social goals.	

Alternative options	
Option 1: No Mapping in District Plan	Benefits: This approach simplifies the District Plan by eliminating the need for detailed mapping and ongoing monitoring requirements, which reduces administrative and operational costs for the council. It also provides landowners with greater autonomy over land use by avoiding regulatory constraints associated with mapped biodiversity areas. Additionally, fewer administrative resources would be needed to manage, enforce, or update mapped areas, allowing the council to focus efforts elsewhere. Costs: Without formal protections, important habitats could be altered or lost due to development or land use changes, leading to a decline in biodiversity across the district. This option would also miss opportunities for proactive ecological restoration by failing to identify and prioritize restoration areas, which are crucial for enhancing biodiversity resilience. The implications of this could be significant. Efficiency: In the short term, this option appears efficient by minimizing immediate costs and resource allocation for mapping. However, the long-term costs could increase significantly if biodiversity loss escalates, requiring expensive, large-scale restoration efforts to reverse environmental degradation. Effectiveness: This option would be largely ineffective in achieving biodiversity objectives, as it lacks a formal mechanism for protecting or restoring ecologically valuable areas. Consequently, the council's ability to support district biodiversity goals is severely limited, making this approach ineffective for long-term conservation efforts.
Option 2: Revert to the Draft Plan Mapping (which included SNAs and City SNAs in a single tier)	Benefits: Returning to the initial draft plan mapping aligns with previous work done to identify Significant Natural Areas (SNAs), making it easier to implement without requiring additional mapping resources. By focusing protection on high-value biodiversity areas, this option ensures that critical habitats receive stringent protection measures, reducing the risk of degradation in areas with recognized ecological importance. Costs: This approach may fail to meet the updated requirements of the NPSIB and Amendment Act. Also as it does not account for the inclusion of Restoration areas or other areas that may contribute to broader ecological goals. Additionally, this option could be overly restrictive by encompassing areas that do not meet national significance standards, which could limit land use activities for some landowners without a clear policy rationale. Furthermore, by excluding Restoration Areas, this option limits opportunities for ecological improvement in degraded areas, thus missing out on proactive efforts to enhance biodiversity in less significant areas. Efficiency: This approach is relatively efficient from an administrative standpoint, as focusing on SNAs alone reduces the complexity of the

	plan and associated costs. However, it does not take advantage of potential ecological gains from restoring lower-value areas, which could strengthen the district's overall biodiversity network. Effectiveness: While effective in protecting high-value SNAs, this option does not fully align with broader biodiversity goals, as it lacks provisions for restoring or improving moderately valued areas. Excluding Restoration Areas limits the council's ability to foster ecological resilience across the district, thus making this approach only partially effective in meeting long-term biodiversity objectives.
Option 3: Include Only Newly Mapped Section 6(c) areas, Excluding Restoration Areas	Benefits: This option prioritizes conservation efforts on Section 6 areas, ensuring that areas with the highest ecological significance are safeguarded. It also reduces regulatory burdens on landowners by focusing restrictions exclusively on the most critical areas, allowing for greater flexibility in land use and development on less sensitive areas. Costs: By excluding Restoration areas, this approach fails to protect lower-threshold areas that may not currently meet Section 6 criteria but still provide valuable ecological functions. The lack of protections for these areas leaves them vulnerable to land use changes that could degrade local biodiversity. Additionally, excluding Restoration Areas misses the opportunity to enhance these areas, which, with targeted restoration, could eventually meet the higher thresholds for significant indigenous biodiversity. This omission may also risk non-compliance with the NPSIB, which emphasizes the importance of restoration. Efficiency: This option is moderately efficient, as it directs resources toward the most ecologically significant areas without overburdening administrative processes with additional mapping. However, in the long term, failing to protect and improve Restoration Areas could lead to greater costs if ecological degradation in these areas demands intensive interventions. Effectiveness: This approach is partially effective, as it succeeds in protecting high-value Section 6 areas but falls short of a comprehensive biodiversity strategy. The exclusion of Restoration Areas limits the potential for broader ecological connectivity, resilience, and adaptation across the district, which could hinder the achievement of long-term biodiversity goals.
Option 4: Only mapping Non-private land	Benefit: Mapping only non-private land reduces the regulatory burden on private landowners, as they would not be subject to the land-use restrictions or requirements typically associated with mapped biodiversity areas. This approach may improve goodwill among landowners, potentially fostering voluntary stewardship and conservation efforts by avoiding compulsory controls. By focusing solely on non-private land, council resources can be directed more efficiently to manage and protect public land, which may streamline administrative processes.

	Cost: This approach risks missing significant biodiversity values that exist on private land, which could lead to inadequate protection of important habitats across the district. It would likely fall short of meeting the requirements of national policy direction, particularly under Section 6 of the RMA, which mandates the management of resources, including private land, to protect areas of ecological importance. Limiting protections to non-private land may also lead to fragmented conservation efforts, undermining the RMA's purpose of managing land use in a comprehensive, holistic manner. Additionally, without consistent protection measures, biodiversity values on private land may degrade, reducing the district's overall ecological integrity and connectivity. This is not considered good policy practice. Efficiency: While this approach appears efficient by simplifying the regulatory scope and focusing resources on public land, it is ultimately inefficient in terms of ecological outcomes. Over time, the lack of protections on private land could necessitate costly remediation efforts if biodiversity values deteriorate, negating short-term administrative savings. Effectiveness: This option is largely ineffective in achieving comprehensive biodiversity objectives, as it excludes substantial areas of indigenous biodiversity on private land that are critical to a cohesive and sustainable ecological network. By failing to apply consistent standards across all land types, this approach limits the district's ability to support ecological resilience, connectivity, and long-term biodiversity health. The exclusion of private land also diminishes the effectiveness of the council's efforts to comply with the RMA and national policy standards, potentially leaving gaps in the protection and management of ecologically significant areas
Option 5: Consideration of Mapping through Resource Consents Only i.e. no upfront mapping in the proposed chapter	Benefits: This approach would allow for case-by-case assessment, which can lead to more precise identification of ecologically significant areas as new resource consent applications arise. By only mapping areas where specific land use changes are proposed, it could reduce upfront costs associated with a comprehensive district-wide mapping effort. This method also offers flexibility, as resource consents can be evaluated based on the most current information, which may ensure that council decisions reflect recent ecological changes or improvements. Costs: The absence of a comprehensive district-wide map leads to inconsistencies, as protections for indigenous biodiversity would rely on the frequency and location of consent applications. This could result in uncoordinated conservation efforts and fragmented ecological protections. Additionally, the onus would be on landowners or developers to apply for consent, potentially resulting in ecologically valuable areas remaining unprotected until development is proposed. This ad-hoc approach may also increase administrative costs over time due to the need for repeated, area-specific ecological assessments.

	Efficiency: Initially, this approach appears efficient by eliminating the need for district-wide ecological assessments and ongoing monitoring. However, as development progresses, the cumulative administrative burden of processing individual consents may outweigh the initial savings. Repeated assessments could become costly for the council, particularly if ecologically significant areas are only recognized through resource consent applications, leading to delays and inefficiencies in safeguarding district-wide biodiversity. Effectiveness: The case-by-case nature of this approach may prove insufficient in achieving comprehensive biodiversity protection, as only areas subject to resource consent applications would be evaluated. This leaves significant gaps in ecosystem management, as many important habitats could go unprotected without district-wide identification. The lack of a proactive conservation strategy limits the council's ability to support long-term biodiversity resilience, ecological connectivity, and compliance with Section 6 of the RMA, which may ultimately result in degraded biodiversity outcomes. This option is thus only partially effective in achieving broad ecological goals.

Additional considerations

The tiered approach to mapping and protection is recommended as best practice for managing Napier's indigenous biodiversity, given the city's unique mix of urban and limited natural areas. This approach prioritizes high-value ecological areas for immediate protection while fostering restoration in lower-priority areas, creating a balanced, context-sensitive strategy. The ecologist's recommendation of this framework reflects the adaptability needed for local conditions, allowing for targeted management and resource allocation that aligns with biodiversity goals.

Provision Package– Protecting and Maintaining Ecological Integrity

Provisions (Policy, Rule, Method) Most Appropriate Way to Achieve the Objectives
This package of provisions focuses on protecting and maintaining the ecological integrity of Indigenous Vegetation and Habitats (x terminology to be made consistent after report final) across the district, emphasizing resilience and sustainability. The provisions within this policy path align with Section 6(c) of the RMA by preventing degradation of significant biodiversity areas and ensuring that activities within these areas do not compromise ecological values. Relevant objectives • **ECO-O1: Indigenous biodiversity across the district** • **ECO-O2: Section 6(c) Indigenous Biodiversity Areas** The following policies, rules, and standards give effect to the objectives by ensuring that activities within S6 Areas and other ecologically sensitive areas are conducted responsibly, avoiding degradation and preserving habitat connectivity and function. Summary of the proposed policies, rules, and standards that give effect to the objectives above which address the identified issues: • **ECO-P2**: Avoid adverse impacts on ecological integrity in SIVHs, such as loss of ecosystem representation, fragmentation, and disruption of habitat connections.

- **ECO-P5**: In coastal environments, avoid adverse effects on significant indigenous biodiversity, applying strict standards for activities within sensitive coastal habitats.

Rules

- **ECO-R4**: Permit non-invasive maintenance, pruning, and pest control within SIVHs with restricted discretionary status where conditions are not met.
- **ECO-R9**: Restrict earthworks in SIVHs to essential activities such as biosecurity, emergency works, or pest plant removal, with stringent criteria for biodiversity protection.

Assessment Criteria

- **ECO-AC2**: Assess the functional or operational need for activities within SIVHs, considering alternatives outside protected areas.
- **ECO-AC3**: Evaluate the extent to which activities avoid or mitigate adverse effects on biodiversity, following Section 6(c) criteria.
- **ECO-AC9**: Assess erosion and sediment control measures to minimize impacts on indigenous biodiversity from earthworks or construction activities.

Benefits	**Costs**
Environmental: • By establishing strict protections within s6 mapped areas and sensitive coastal areas, the provisions safeguard habitat integrity and connectivity, supporting the survival of indigenous species and the ecological balance of significant habitats. • Erosion and sediment control measures prevent pollution of water bodies and help maintain soil stability, contributing to healthier ecosystems.	Environmental: • Some permitted activities (such as pest control or minor earthworks) may result in short-term disturbance, although they are necessary for long-term biodiversity protection.
Economic: • Protecting biodiversity within SIVHs supports ecosystem services such as flood control, water purification, and climate regulation, which can reduce public expenditure on environmental degradation. • Limiting high-impact activities to essential cases provides regulatory certainty, allowing responsible development while preserving natural resources that have long-term economic value.	Economic: • Developers and landowners may face limitations on certain activities, which could impact property values or development potential within SIVHs. However, this is balanced by allowing controlled activities when necessary and applying discretion for essential works.
Social • By protecting ecologically significant areas, these provisions enhance the district's natural landscape and biodiversity,	Social • There may be initial resistance, as already indicated in feedback, to restrictions on activities within SIVHs, especially if

providing recreational, cultural, and educational benefits for the community. • These policies align with societal values around conservation and environmental stewardship, strengthening public support for sustainable land use.	landowners perceive these as limitations on property rights. Effective communication about the long-term environmental and community benefits can help address this concern.
Cultural • By protecting ecologically significant areas, the policy provisions can align with the concept of kaitiakitanga, promoting sustainable environmental stewardship and upholding shared values of guardianship. • By protecting and restoring significant natural areas, the provisions support long-term ecological health, which can align with Māori perspectives on environmental interconnection, benefiting future generations. •	Cultural • The primary focus on ecological criteria, which might differ from tangata whenua views, could lead to perceptions that the provisions prioritize Western conservation values over Māori perspectives, possibly reducing engagement. However the future workstream on Taonga Species will address this. • Regulations that restrict certain land-use activities could affect intergenerational knowledge transfer, possibly leading to a disconnect for future generations from traditional practices and ancestral knowledge.
Risk of acting or not acting if there is insufficient information. Acting with limited information could lead to overly conservative restrictions in some areas. However, the precautionary approach applied within SIVHs helps ensure decisions prioritize biodiversity protection in the face of uncertainty. Failure to act could result in significant degradation of biodiversity within SIVHs, particularly as development pressures increase. This would undermine ecological resilience, reduce habitat for indigenous species, and potentially lead to biodiversity loss.	
Efficiency This framework allows for efficient biodiversity protection by specifying which activities are permitted and requiring restricted discretionary assessments for higher-impact actions. The rules and policies streamline ecological protection by clearly defining standards for SIVHs, enabling efficient implementation and compliance.	
Effectiveness	
These provisions are highly effective in achieving the objective of protecting and maintaining ecological integrity within SIVHs and coastal environments. By focusing on avoidance, strict criteria for essential activities, and rigorous assessment of adverse effects, this framework effectively safeguards biodiversity and supports long-term resilience.	

Alternative options	
Option 1: Less Restrictive Provisions (Lower Protection)	Benefits: This approach allows greater flexibility for landowners, reducing the compliance burden and costs associated with developing or modifying properties within ecologically significant areas. By minimizing perceived restrictions on private land use, it may encourage positive relationships with regulatory authorities and enhance landowner cooperation. Additionally, it provides opportunities for economic development in areas that may not be deemed critical for biodiversity, which could benefit land-dependent sectors and potentially support local economic growth. Costs: Lower protection levels may result in irreversible habitat degradation, species loss, and reduced ecological resilience, with potential long-term environmental costs. Development that fragments or degrades ecosystems could lead to diminished ecosystem services, including flood control and water purification, impacting community well-being. This approach may also conflict with public expectations and community values that prioritize strong conservation measures to protect local biodiversity. Efficiency: In the short term, this option is administratively efficient due to fewer permits and regulatory checks. However, the potential for ecosystem degradation may lead to higher restoration costs in the future, reducing its overall efficiency. Effectiveness: The reduced protections may be less effective in meeting biodiversity conservation goals, risking significant losses in ecological integrity over time. Additionally, the approach risks non-compliance with NPSIB and RMA standards, possibly resulting in legal challenges or mandated policy adjustments.
Option 2: More Restrictive Provisions (Higher Protection)	Benefits: By providing maximum protection, this approach ensures strict compliance with biodiversity conservation objectives, helping to prevent habitat loss and supporting long-term ecosystem resilience. It aligns with national conservation goals under the NPSIB and RMA, meeting community expectations for environmental stewardship. Stringent restrictions ensure that only essential activities occur within protected areas, preserving indigenous biodiversity values as outlined in national directives. Costs: Higher protection levels may limit economic opportunities within these areas, potentially affecting property values and landowner interests. This approach can increase the regulatory and administrative burden on councils to ensure compliance, stretching resources. Additionally, overly restrictive measures may face resistance from landowners, hindering cooperation with biodiversity management efforts. Efficiency: This approach is less efficient administratively due to the demand for resources in processing consents where they may not add

	value, monitoring compliance, and enforcing regulations. Councils may find it challenging to manage heightened regulatory requirements, especially for areas of lesser ecological value. Effectiveness: While highly effective in preserving biodiversity, this approach may be overly restrictive in areas not of national ecological significance, which could lead to regulatory overreach. Overprotection may conflict with the intended scope of NPSIB and RMA requirements, disrupting the regulatory balance.
Option 3: Rely on Non-Regulatory Options (Incentives to Protect and Restore Indigenous Biodiversity)	Benefits: Non-regulatory options promote voluntary conservation efforts, fostering positive relationships with landowners by incentivizing sustainable practices rather than enforcing mandatory regulations. These programs reduce compliance costs for landowners and enable councils to allocate resources toward education, community engagement, and support programs, potentially increasing public participation and conservation advocacy. Costs: This option relies on voluntary compliance, which may lead to inconsistent biodiversity protection if some landowners are less inclined to participate. Limited regulatory oversight leaves critical habitats vulnerable to irreversible degradation, which can reduce conservation outcomes. Additionally, councils may need substantial, sustained funding to maintain incentives and outreach initiatives. Efficiency: This approach can be highly efficient in areas with motivated landowners, as it reduces administrative oversight while achieving conservation goals. However, sustained investment in education, incentives, and monitoring is required to ensure voluntary participation, which may affect the approach's efficiency over time. Effectiveness: While this approach complements regulatory measures effectively, it may be insufficient alone to meet NPSIB and RMA standards for biodiversity protection. It relies on consistent public support and funding, which may vary, leading to potential fluctuations in conservation outcomes.

Provision Package – Enabling compatible activities

Provisions (Policy, Rule, Method) Most Appropriate Way to Achieve the Objectives
This policy path focuses on enabling activities within Indigenous Vegetation and Habitat Sites (SIVHs) that support environmental, economic, social, and cultural well-being. The provisions recognize the importance of allowing compatible activities within SIVHs that contribute positively to the community and environment, without compromising biodiversity values. By setting standards for established and conservation-focused activities, this path aligns with Section 6(c) of the RMA, ensuring that these areas retain their ecological integrity while enabling low-impact, sustainable use. Relevant objectives

- **ECO-O3: Activities are enabled**

The proposed policies, rules, and standards provide a structured approach to allow and regulate compatible activities within SIVHs. This framework focuses on allowing activities that enhance or maintain biodiversity, ensure community access to ecological benefits, and protect the functional integrity of these habitats.
Summary of the proposed policies, rules, and standards that give effect to the objectives above which address the identified issues:

Policies which

- **ECO-P6**: Allow for established activities within SIVH and restoration sites, ensuring that these do not increase adverse impacts on biodiversity values.
- **ECO-P7**: Enable activities in alignment with specified covenants or kawenata, as long as they conform to ecological management plans and receive the covenantee's consent.

Rules which

- **ECO-R1**: Permit established conservation activities such as planting, pest plant removal, fence maintenance, and non-invasive earthworks within SIVHs and restoration areas.
- **ECO-R3**: Permit specific maintenance and conservation-focused activities within restoration areas, particularly for network utilities, conservation planting, and pest management.

Assessment Criteria which

- **ECO-AC1**: Evaluate subdivisions and new activities to ensure viable building sites exist outside SIVHs and assess impacts on biodiversity and ecological function.

Benefits	**Costs**
Environmental: • Supporting carefully managed conservation activities, such as planting and pest management, within Indigenous Vegetation and Habitat (SIVHs) contributes directly to biodiversity by improving ecosystem resilience and health. • Permitting specific maintenance actions helps control invasive species, preserve natural buffers, and protect ecological values, ensuring lasting environmental benefits.	Environmental: • Certain maintenance activities may cause temporary, localized disturbances; however, these are carefully regulated to prevent significant adverse impacts on biodiversity.
Economic: • Enabling low-impact, ongoing maintenance and conservation activities within SIVHs reduces the need for more costly, intensive interventions in the future,	Economic: • Management of certain activities may require additional monitoring and reporting, increasing administrative costs. Nevertheless, these are offset by the long-term benefits of preserving essential ecosystem services.

sustaining ecological health at a lower cost. • Allowing sustainable use activities in alignment with covenants or kawenata provides economic benefits for tangata whenua and other landowners, promoting resilience without compromising environmental values.	
Social • Encouraging community and tangata whenua activities within SIVHs strengthens a sense of stewardship and community involvement in biodiversity protection, fostering shared responsibility for natural resources. • Recognizing culturally significant activities under kawenata respects tangata whenua rights, supporting social cohesion and conservation practices aligned with cultural values.	Social • Some stakeholders may prefer strict protection policies over those that enable sustainable use, but clear communication on the benefits of controlled, low-impact activities can help address these concerns.
Cultural • Enabling culturally significant practices under kawenata acknowledges tangata whenua's role in managing natural resources, enhancing cultural values associated with stewardship and conservation.	Cultural • There is minimal cultural cost as provisions prioritize alignment with tangata whenua values, but there may still be a need for ongoing dialogue to ensure mutual understanding and respect for both conservation and cultural practices.
Risk of acting or not acting if there is insufficient information. Acting without complete information may lead to overly conservative restrictions, which could limit sustainable use opportunities. However, a cautious approach ensures long-term environmental protection. **Risk of Not Acting**: Failing to permit essential maintenance and conservation activities may lead to ecological degradation, such as the spread of invasive species or habitat deterioration, which could increase the need for costly restoration efforts in the future.	
Efficiency This framework is efficient as it establishes clear criteria for allowable activities within SIVHs, providing land managers and tangata whenua with straightforward guidelines to follow. By enabling low-impact activities while safeguarding ecological values, these provisions balance sustainability with practical land use needs.	
Effectiveness	

The proposed policies, rules, and criteria are highly effective in supporting sustainable activities that benefit both people and biodiversity. By permitting essential conservation and culturally significant activities, these provisions foster long-term ecological health and community well-being, ensuring that SIVHs remain resilient while meeting diverse land use needs.

Alternative options	
Option 1: Enable Fewer Activities on Mapped areas	Benefits: Establishing a very high threshold for activities within mapped sites would significantly protect ecological values, reducing potential adverse impacts and better preserving biodiversity. By limiting permitted activities, this approach strengthens the protection of sensitive areas, reducing the likelihood of disturbances that could compromise habitat health or ecosystem functions. Costs: This highly protective approach could create challenges for landowners, limiting their flexibility and potentially leading to tensions between conservation and land-use objectives. Landowners may face greater regulatory constraints and reduced options for permissible land uses, possibly impacting their economic and operational needs. Efficiency: While effective in protecting biodiversity, this approach may be less efficient in terms of regulatory and administrative processes, as it could increase the number of applications requiring resource consent and, subsequently, the need for council oversight and assessments. Effectiveness: This option would be highly effective in conserving ecological values and preventing habitat degradation in mapped areas. By minimizing allowable activities, the policy path aligns strongly with precautionary and protective management principles, ensuring that mapped sites are preserved with minimal disturbance.
Option 2: Enable a Broader Range of Activities	Benefits: Enabling a broader range of low-impact activities can increase flexibility for landowners, supporting community use and economic activities that align with conservation goals. This option allows for sustainable use while maintaining important ecological protections and can foster landowner engagement by offering a more balanced approach. Costs: Allowing more activities increases the risk of unintended ecological damage, as even carefully managed uses could lead to irreversible impacts on biodiversity. This approach may reduce the long-term integrity of mapped sites, as the cumulative effects of multiple activities could lead to gradual ecosystem degradation. Efficiency: Permitting a wider range of activities within mapped areas could improve regulatory efficiency by reducing the need for resource consents and associated assessments. This approach would streamline land-use processes for both landowners and councils, allowing activities to proceed more quickly with less administrative oversight.

	Effectiveness: While this option promotes a balanced use of mapped areas, its effectiveness in protecting biodiversity is more limited. With a broader range of permitted activities, the risk of ecological impacts increases, potentially undermining the primary conservation objectives of mapped sites. Effective monitoring and enforcement would be crucial to ensure that biodiversity values are not compromised.

Provision Package – Supporting Restoration and Enhancement

Provisions (Policy, Rule, Method) Most Appropriate Way to Achieve the Objectives
This provision path is designed to enable restoration and enhancement activities within Indigenous Vegetation and Habitat Sites (SIVHs) and other areas with significant biodiversity value. It emphasizes ecological connectivity, resilience, and habitat restoration as essential tools for supporting indigenous species and adapting to climate change impacts. Relevant objectives • **ECO-O1: Indigenous biodiversity across the district** • **ECO-O3: Activities are enabled** The following policies, rules, and standards support the objectives by promoting proactive restoration activities. They allow for controlled activities aimed at reestablishing natural habitats, enhancing connectivity, and mitigating environmental degradation. Restoration and enhancement efforts are prioritized, particularly in degraded areas where habitat integrity is at risk. Summary of the proposed policies, rules, and standards that give effect to the objectives above which address the identified issues: **Policies which** • **ECO-P4**: Manage adverse effects in non-SIVH areas using restoration strategies to encourage habitat connectivity and biodiversity enhancements. • **ECO-P9**: Prioritize restoration efforts in degraded SIVHs, focusing on reestablishing ecosystem function and habitat connectivity. **Rules which** • **ECO-R2**: Permit biosecurity and conservation activities, with limited earthworks allowed for ecological restoration. • **ECO-R5**: Allow limited indigenous vegetation clearance within restoration sites, with a focus on supporting ecological restoration and preventing significant habitat loss. **Assessment Criteria which** • **ECO-AC4**: Apply a precautionary approach when managing activities in restoration sites, ensuring high standards for restoration integrity. • **ECO-AC8**: Consider the potential cumulative impacts on ecological integrity and the effectiveness of proposed mitigation or offset measures.

Benefits	**Costs**
Environmental:	Environmental:

• Restoration efforts within Indigenous Vegetation and Habitat Sites (SIVHs) and other areas enhance biodiversity, boost ecosystem resilience, and establish essential ecological corridors for species movement and adaptation to climate change. • Improved habitat connectivity supports larger, healthier populations of indigenous flora and fauna, stabilizing ecosystems and enhancing their resilience against environmental challenges.	• Some restoration activities, such as vegetation clearance or pest control, may cause short-term disturbances; however, these are minimized through tailored rules and standards to reduce any negative impacts.
Economic: • Restoration activities bring long-term economic gains by bolstering ecosystem services, such as water purification, erosion control, and climate regulation, reducing expenses related to environmental degradation. • Permitting low-impact restoration activities offers a cost-effective approach to managing indigenous vegetation without imposing heavy regulatory burdens.	Economic: • Restoration projects often require upfront investment in resources and labour; nevertheless, these costs are generally outweighed by the long-term benefits provided by healthier ecosystem services.
Social • Emphasizing restoration deepens community engagement in conservation, fostering a collective sense of stewardship and increasing public awareness of ecological values. • Restoration sites can serve as hubs for recreation, education, and cultural activities, enhancing community bonds with the natural environment.	Social • Limited public understanding of restoration activities might lead to initial resistance, especially where visible, short-term disturbances occur. However, effective communication on the long-term environmental and community benefits can address these concerns.
Cultural • Restoration initiatives respect and integrate tangata whenua values, supporting cultural connections to land and allowing for the preservation of traditional practices linked to indigenous biodiversity.	Cultural
Risk of acting or not acting if there is insufficient information. Acting on incomplete information may result in overuse of certain restoration techniques that are not optimal for local biodiversity needs. This is managed by requiring comprehensive ecological assessments before undertaking restoration projects. Failing to act in restoring degraded areas would likely lead to further biodiversity loss and reduced ecosystem resilience, making these areas more vulnerable to invasive species, climate change, and environmental degradation.	

Efficiency This framework provides a balanced approach by permitting specific low-impact restoration activities while controlling potentially harmful actions through assessment criteria. The rules and policies are efficient, as they provide clear guidelines on permitted activities and streamline ecological restoration efforts with minimal administrative burden.
Effectiveness
These policies, rules, and standards effectively support restoration and enhancement objectives by encouraging proactive biodiversity management in both SIVH and non-SIVH areas. The focus on connectivity, resilience, and controlled restoration ensures long-term ecological health, aligning restoration goals with broader biodiversity and climate adaptation strategies.

Alternative options	
Option 1: No Provisions for Restoration and Enhancement	Benefits: Omitting restoration and enhancement provisions would simplify the policy framework, potentially reducing administrative and compliance burdens on both councils and landowners. This approach avoids additional requirements for restoration-focused projects, making land-use processes straightforward. Costs: Without clear support for restoration, opportunities to improve degraded habitats and increase biodiversity could be missed, leading to gradual ecological decline. Important areas lacking current ecological value may not reach their potential without targeted enhancement efforts, resulting in lost opportunities to strengthen biodiversity over time. Efficiency: This approach may be efficient in the short term, as it eliminates the need for restoration-related monitoring, reporting, and compliance processes. However, it may ultimately lead to greater costs if future restoration is required to remedy habitat degradation due to a lack of proactive enhancement efforts. Effectiveness: This option is limited in effectiveness for long-term biodiversity goals. Without proactive restoration and enhancement, areas with degraded ecosystems are unlikely to recover independently, which may compromise regional biodiversity and resilience to environmental changes over time.
Option 2: Incentive-Only Approach for Restoration and Enhancement (No DP Provisions)	Benefits: Relying solely on incentives, such as grants, tax breaks, or support programs, fosters a voluntary, positive approach to biodiversity enhancement. This approach encourages landowners to engage in restoration efforts at their own pace, creating a collaborative and flexible pathway to achieving biodiversity goals and potentially boosting community goodwill toward conservation.

	Costs: Funding incentives alone would require significant financial resources from the council, likely necessitating both initial and long-term budget commitments. Additionally, the administration and oversight of incentive programs would require resources for monitoring, support, and evaluation, potentially increasing council workloads. Efficiency: While incentives can encourage landowner participation, the absence of regulatory measures might limit the program's long-term efficiency, as voluntary efforts may not achieve sufficient restoration at a district-wide scale. This could result in an inconsistent approach to biodiversity protection, requiring future regulatory interventions for compliance with remaining parts of the National Policy Statement on Indigenous Biodiversity (NPSIB). Effectiveness: An incentive-only approach would be less effective in ensuring compliance with Section 6(c) of the RMA and the NPSIB. Without a regulatory framework, some high-value ecological areas might remain unprotected or inadequately restored, potentially compromising biodiversity objectives. While incentives encourage participation, the lack of enforceable standards may not guarantee consistent or sufficient action to meet ecological restoration and enhancement goals.

Provision Package– Partnering with Tangata Whenua and Cultural Values

Provisions (Policy, Rule, Method) Most Appropriate Way to Achieve the Objectives
These provisions are structured to empower and recognize the rights of tangata whenua, specifically emphasizing kaitiakitanga (guardianship) and tino rangatiratanga (self-determination). This approach prioritizes tangata whenua's partnership role in biodiversity management on specified Māori land, balancing ecological sustainability with cultural and economic needs. Relevant objectives • **ECO-O4: Kaitiakitanga and tino rangatiratanga** These policies, rules, and standards operationalize ECO-O4, creating a framework for partnership with tangata whenua in managing indigenous biodiversity. This package addresses issues related to cultural autonomy, sustainable use, and ecological restoration on specified Māori land, ensuring that management strategies respect Māori values and traditional knowledge systems. Summary of the proposed policies, rules, and standards that give effect to the objectives above which address the identified issues: **Policies which** • **ECO-P7**: Work with tangata whenua to sustainably manage indigenous biodiversity on specified Māori land, balancing ecological goals with cultural and economic needs. • **ECO-P10**: Recognize kaitiakitanga by partnering with tangata whenua in biodiversity management and enabling sustainable customary use in line with tikanga Māori.

Rules which

- **ECO-R10**: Allow for vegetation clearance within SIVHs for customary use, Māori land development, and other specified activities, with criteria to protect ecological and cultural values.

Assessment Criteria which

- **ECO-AC7**: Evaluate the extent to which development on specified Māori land supports social, cultural, and economic well-being for tangata whenua.
- **ECO-AC8**: Consider the proposal's alignment with mana whenua cultural values and the extent of consultation with iwi/hapū.

Benefits	**Costs**
Environmental: • Integrating Māori knowledge and practices into biodiversity management aligns with sustainable stewardship and promotes ecological resilience. • Customary land management practices enhance ecological restoration efforts, supporting long-term biodiversity.	Environmental: • Vegetation clearance for customary use or development, if not managed carefully, could lead to localized biodiversity impacts. The policy path's criteria are structured to mitigate these risks.
Economic: • Encouraging culturally appropriate economic activities on Māori land fosters economic self-sufficiency for tangata whenua and contributes to regional economic diversity. • These provisions allow land uses that support income generation for iwi and hapū without compromising ecological values, enhancing economic resilience.	Economic: • Enhanced consultation and partnership processes may require additional resources from both councils and tangata whenua, potentially leading to higher administrative costs.
Social • Building partnerships with tangata whenua aligns biodiversity goals with cultural values, which enhances community cohesion and strengthens compliance. • Recognizing tino rangatiratanga and kaitiakitanga reinforces cultural identity for tangata whenua, creating stronger, more inclusive communities.	Social • Divergent perspectives on land use between councils and some community groups may pose challenges when aligning biodiversity protection with Māori land development goals.
Cultural • Incorporating traditional Māori land management practices supports	Cultural

cultural preservation, benefiting both the environment and cultural heritage in a holistic manner.	

Risk of acting or not acting if there is insufficient information.
Acting on incomplete information may result in overuse of certain restoration techniques that are not optimal for local biodiversity needs. This is managed by requiring comprehensive ecological assessments before undertaking restoration projects.

Risk of Not Acting:

Failing to act in restoring degraded areas would likely lead to further biodiversity loss and reduced ecosystem resilience, making these areas more vulnerable to invasive species, climate change, and environmental degradation.

Efficiency
This framework provides a balanced approach by permitting specific low-impact restoration activities while controlling potentially harmful actions through assessment criteria. The rules and policies are efficient, as they provide clear guidelines on permitted activities and streamline ecological restoration efforts with minimal administrative burden.

Effectiveness

These policies, rules, and standards effectively support restoration and enhancement objectives by encouraging proactive biodiversity management in both SIVH and non-SIVH areas. The focus on connectivity, resilience, and controlled restoration ensures long-term ecological health, aligning restoration goals with broader biodiversity and climate adaptation strategies.

Alternative options	
Option 1: No Provisions for Partnering with Tangata Whenua	Benefits: Excluding partnership provisions may simplify the policy framework, reducing the need for additional consultation, oversight, and resource allocation specifically for tangata whenua engagement. This could streamline administrative processes by focusing on a single management approach rather than creating culturally inclusive pathways. Costs: Without provisions for partnership, there is a significant risk of excluding tangata whenua perspectives and cultural values, which may lead to a lack of alignment with Treaty obligations. This approach could strain relationships with iwi and hapū, leading to potential challenges or opposition from tangata whenua who feel their rights and roles as kaitiaki are not respected. This cost is too high Efficiency: This approach might initially appear efficient due to reduced consultation and administrative needs. However, it may lead to inefficiencies over time if conflict arises, requiring additional resources

	to address issues that could have been mitigated through proactive partnership. Effectiveness: This option is limited in effectiveness, as it fails to incorporate tangata whenua perspectives into biodiversity management, potentially resulting in a lack of cultural alignment and community support. The absence of partnership provisions may reduce the effectiveness of ecological and cultural conservation efforts, as it overlooks the valuable contribution of traditional knowledge and kaitiakitanga in resource management. This would also be non compliant with the NPSIB.
Option 2: Rely on Other Chapters for Tangata Whenua Engagement	Benefits: Utilizing existing chapters that address tangata whenua engagement may provide a framework for partnerships without creating additional specific provisions. This could reduce redundancy in the policy, streamlining engagement efforts by centralizing partnership responsibilities within established chapters. Costs: Relying on other chapters might dilute the focus on cultural values in biodiversity management, as other chapters may not fully address the unique contributions and stewardship roles of tangata whenua in ecological conservation. This approach may inadvertently overlook specific ecological sites and practices important to iwi and hapū. Efficiency: This option offers some efficiency by centralizing partnership efforts, potentially reducing administrative overlap. However, without targeted provisions in the biodiversity chapter, it could require additional coordination between chapters to ensure cultural values are effectively integrated across policies. Effectiveness: The effectiveness of this approach is moderate, as it depends on the comprehensiveness of engagement provisions in other chapters. While existing chapters may provide some structure for tangata whenua engagement, they may lack the focus necessary to address specific ecological and cultural needs within biodiversity management, resulting in a less robust cultural partnership model for indigenous biodiversity conservation.

Provision Package – Other provisions, Standards and Assessment Criteria for High-Risk and Impactful Activities

Provisions (Policy, Rule, Method) Most Appropriate Way to Achieve the Objectives
The provisions in this section ensure that high-risk and impactful activities within Indigenous Vegetation and Habitat Sites (SIVHs) are rigorously evaluated to protect ecological integrity and biodiversity values. These provisions are necessary to align with the precautionary principle, focusing on avoidance where potential impacts are significant and enabling protective action when information is limited.

Relevant objectives

- **ECO-O2: Section 6(c) Indigenous Biodiversity Areas**

These policies, rules, and standards are designed to implement the objectives of maintaining and restoring ecological integrity in SIVHs, addressing key issues such as managing uncertainty in environmental impacts, ensuring a high threshold for impactful activities, and preserving the biodiversity values in significant indigenous habitats.

Summary of the proposed policies, rules, and standards that give effect to the objectives above which address the identified issues:

Policies which

- **ECO-P12**: Apply a precautionary approach where activities in SIVHs pose uncertain risks to biodiversity, focusing on avoidance where potential impacts are significant.

Rules which

- **ECO-R11**: Apply discretionary or non-complying status to subdivision within SIVHs, ensuring developments meet strict biodiversity protection criteria.
- **ECO-R12**: Apply non-complying status for any unclassified activities within SIVHs or restoration sites, emphasizing the need for ecological preservation.

Assessment Criteria which

- **ECO-AC1:** Minimize biodiversity impacts in SIVH areas by assessing building viability, ecological effects, and cumulative impacts, ensuring high-impact activities are managed to protect biodiversity.
- **ECO-AC3:** Apply the effects management hierarchy—avoid, minimize, offset—to mitigate biodiversity loss in high-risk activities.
- **ECO-AC5:** Allow high-risk activities for public health or safety needs with biodiversity safeguards in place.
- **ECO-AC6:** Balance public benefits with biodiversity protection by requiring mitigation or offsetting for unavoidable impacts.
- **ECO-AC9:** Implement erosion, sediment control, and vegetation preservation to protect water quality and ecosystem stability.
- **ECO-AC10:** Ensure coastal activities align with Coastal Environment policies and protect coastal biodiversity through effective mitigation.

Benefits	**Costs**
Environmental: • Strong Habitat Protection: Setting high standards for impactful activities helps safeguard ecologically valuable habitats, minimizing the risk of biodiversity loss and ecosystem damage. • Precautionary Safeguards: By taking a precautionary approach, these	Environmental: • Potential delays in decision-making for necessary activities where scientific data is limited, though this is mitigated by prioritizing high environmental protection.

provisions proactively prevent harmful activities where risks to biodiversity may be uncertain or difficult to quantify.	
Economic: • Regulatory Clarity for Developers: Clear standards offer regulatory certainty, supporting responsible development practices aligned with conservation goals	Economic: • May restrict development options within SIVHs, impacting property values or development potential in ecologically sensitive areas. • Increased costs associated with compliance for developers who must meet strict mitigation or offsetting requirements.
Social • Alignment with Community Conservation Values: Reflecting community priorities, these standards protect indigenous species and habitats, supporting conservation values and promoting environmental stewardship for future generations. • Public Confidence in Planning: Transparent and stringent environmental protections help foster public trust in the land-use planning process, reassuring communities that long-term ecological health is a priority.	Social • Some landowners may experience limitations on land use, which could lead to frustration if proposed developments within SIVHs face strict controls.
Cultural • The approach aligns with the Māori concept of kaitiakitanga, emphasizing responsible guardianship over land and biodiversity, which fosters mana whenua's role as stewards of the environment.	Cultural • The need for regular consideration of consultation and assessment could place administrative demands on mana whenua, which may require additional resources and support to manage effectively.
Risk of acting or not acting if there is insufficient information. Applying the precautionary approach may limit certain activities due to a lack of data, potentially hindering economic development or delaying projects. Failure to act cautiously could lead to irreversible damage to SIVHs, particularly if high-impact activities proceed without thorough assessment, leading to biodiversity loss and reduced ecosystem resilience.	
Efficiency	

These provisions are efficient in balancing the need for protection with flexibility for necessary activities. By requiring rigorous assessment only for high-risk or uncertain activities, they allow lower-impact activities to proceed without excessive regulation while maintaining high standards for protection.
Effectiveness
The proposed policies, rules, and assessment criteria are highly effective in achieving the objective of protecting the ecological integrity of SIVHs. They focus on avoiding adverse impacts, managing uncertainty, and prioritizing public benefit when necessary, all of which directly contribute to long-term biodiversity conservation.

Alternative options	
Option 1: No Rules Standards or AC, Only Policies and Objectives	Benefits: This option minimizes administrative and compliance costs for both the council and landowners. It allows a high degree of flexibility, enabling landowners and developers to conduct activities with minimal restrictions across the district. Costs: Without structured protections, this option risks habitat degradation due to a lack of formal mechanisms for managing or preventing biodiversity loss. This could weaken ecosystem resilience and potentially lead to higher restoration costs in the future. Efficiency: This approach has high efficiency due to the limited enforcement and management requirements. Effectiveness: The effectiveness is low, as it does not meet biodiversity protection goals under Section 6(c) of the RMA, posing a risk of ecological loss without enforced protections.
Option 2: More Restrictive Provisions	Benefits: More restrictive provisions provide maximum protection for indigenous biodiversity by setting high standards, especially in ecologically sensitive areas. This approach strongly aligns with Section 6(c) of the RMA, comprehensively addressing biodiversity conservation and reducing long-term ecological risks by preventing biodiversity loss through stringent controls. Costs: This option has higher compliance and administrative costs due to the strict controls, impacting both council resources and landowners. These restrictions may limit land use and development potential, which could affect local economic growth and opportunities, and may also result in opposition from landowners due to the perceived restrictions on land use. Efficiency: Moderate efficiency, as strict provisions require increased administrative efforts for monitoring and compliance enforcement.

	Effectiveness: High effectiveness in supporting biodiversity conservation, fully meeting statutory obligations for ecological protection.
Option 3: Less Restrictive, More Enabling Provisions	Benefits: This option balances biodiversity protection with sustainable land use, allowing low-impact activities that promote well-being. It supports economic, social, and cultural needs by permitting compatible activities within mapped areas, likely gaining greater acceptance from landowners due to the more flexible guidelines. Costs: There is a risk of biodiversity loss if the flexibility provided is not adequately monitored and managed. The ecological integrity of sensitive areas could be compromised, especially where development pressures are high. A moderate level of regulatory oversight remains necessary to maintain ecological values. Efficiency: High efficiency, as fewer restrictions reduce the administrative burden on both the council and landowners. Effectiveness: Moderate effectiveness, as the approach allows flexibility but may fall short of fully achieving conservation goals, especially in ecosystems that are more vulnerable.

8. Conclusion

In conclusion the evaluation under the Resource Management Act 1991 (RMA) confirms that the Ecosystems and Indigenous Biodiversity (ECO) chapter aligns well with statutory and policy requirements, ecological best practices, relevant case law, and the unique context of Napier. Through a tiered mapping and policy framework, this chapter addresses the need for ecological protection and sustainable land use by prioritizing strong safeguards for high-value ecological sites, focusing on restoration efforts within designated areas, and providing general protection for unmapped indigenous biodiversity. This approach, guided by a precautionary principle, balances environmental priorities with community needs, fostering a sustainable framework for biodiversity management within the district.

The ECO chapter is consistent with Part 2 of the RMA, as it aligns with the Act's purpose of sustainable management under Section 5 and supports the principles outlined in Sections 6, 7, and 8. By prioritizing the protection of significant indigenous vegetation and habitats, the chapter promotes long-term ecological health while respecting environmental, cultural, and community values. Additionally, the chapter assists the Council in fulfilling its responsibilities under Sections 30 and 31, providing a structured framework that strengthens the Council's role in maintaining indigenous biodiversity and managing natural resources to support the district's ecological integrity. Further, the ECO chapter is consistent with the NPSIB and Regional Policy Statement, supporting regional biodiversity goals and emphasizing ecosystem health and connectivity across Napier. This consistency reinforces the importance of a coordinated approach to ecological preservation and complements broader regional efforts in maintaining ecological resilience.

The Section 32 evaluation of the ECO chapter confirms that its objectives are the most appropriate way to achieve the purpose of the RMA. The provisions within the chapter are designed to address ecological needs while balancing sustainable land use and community well-being. By establishing an effective, precautionary approach, the ECO chapter ensures that Napier's biodiversity management is both forward-looking and resilient, aligning national biodiversity goals with the district's unique environmental and community priorities.