



*Plan Change 5 – Peacocke Structure Plan decisions with new text underlined and deleted text removed.*

## 20 Natural Environments

### 20.1 Purpose

- a) This chapter of the District Plan relates to Significant Natural Areas, significant trees or groups of trees, peat lakes, wetlands and peat lake catchments.

#### Significant Natural Areas

- b) The Act identifies the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance. This chapter of the District Plan identifies areas of significant indigenous vegetation, biodiversity and habitats of indigenous fauna which qualify as Significant Natural Areas – these areas can be held in public and private ownership or ownership may be split.
- c) The sites are identified on the Planning Maps and are listed in Schedule 9C: Significant Natural Areas in Volume 2, Appendix 9. The significance of a site is based on the ecological significance of its indigenous vegetation. The sites were assessed using the criteria for determining significant indigenous vegetation and significant habitats of indigenous fauna contained in the Regional Policy Statement (2000).
- d) As restoration efforts continue in the City, additional Significant Natural Areas may be created. These will be added to Schedule 9C through changes to the plan through the First Schedule process under the Act.
- e) Significant Natural Areas include:
- i. Identified areas of the Waikato River corridor and gully systems.
  - ii. Peat lakes and wetlands.
  - iii. Remnant indigenous vegetation or trees.
  - iv. Other areas that contribute to indigenous biodiversity.
- f) Threats to significant natural areas include the reduction or loss of habitats due to contamination, disturbance, destruction, invasive weeds, vertebrate pests and surrounding land uses. Maintaining the City's biodiversity is challenging because:
- i. Areas and habitats of indigenous species often occur on both private and public land. There can be tensions between the aspirations of landowners for land use and development and the need to protect those areas and habitats.
  - ii. Ecosystems are not always confined to definable sites; maintaining indigenous biodiversity requires more than the protection of sites of especially high biodiversity value. It also involves the growth, creation and restoration of new or past sites.
  - iii. The costs of protecting areas and habitats are local and often specific to an individual, yet the benefits may be local, regional and national.

## Significant trees or groups of trees

- g) Volume 2, Appendix 9, Schedule 9D identifies individual trees or groups of trees on both public and private land. These are trees that have special value to the community or are outstanding specimen examples and individually or collectively are worthy of protection.
- h) Trees make an important contribution to the health and wellbeing of the residents of the City and to the quality of the City's landscape. Trees contribute significantly to urban amenity values, and perform a range of environmental functions such as releasing oxygen; absorbing carbon dioxide and water; moderating micro-climates; giving shade and shelter from winds; providing land stability, particularly on gully and river banks; and providing habitat for wildlife – birds and insects, both native and exotic species.
- i) Development can have significant adverse effects on the extent and condition of trees, particularly in terms of removal of larger trees and works within the root protection zone. Retention of trees, particularly on private land, is a significant challenge.
- j) Once mature trees are lost, it takes time to establish a replacement. There are cumulative effects of the loss of individual trees and stands of trees, including loss of habitat, adverse effects on the urban ecosystem, loss of urban amenity and the green character of the City.

## Peat Lakes, Wetlands and Peat Lake Catchments

- k) Peat lakes and wetlands have been degraded or lost because of a lack of information. A lack of knowledge about the location or significance of lakes and wetlands has led to their modification or destruction. Significant areas of the city's original wetlands have been drained and subsequently developed for urban purposes and this is likely to continue without adequate assessment and identification.
- l) Land use activities undertaken around peat lake and wetland margins, and within wider peat lake catchments can affect the ecological viability of these natural features. The protection of peat lakes and wetlands is dependent upon managing the effects of activities within the surrounding catchment as well as around the lake margins. Activities within this wider catchment can adversely affect the drainage (e.g. lowering of the water table) and water quality of the lakes.
- m) Recreation and amenity values can be lost through urban development and subsequent use. Destruction of lakes or wetlands precludes their use as recreation assets, while degradation of lakes and wetlands affects their visual values and limits their potential as attractive amenity features.
- n) Peat Lakes, Wetlands and Peat Lake Catchments are identified in the Features Maps of Volume 2, Appendix 17

## 20.2 Objectives and Policies: Natural Environments

### Significant Natural Areas

Objective	Policies
<b>20.2.1</b> Significant Natural Areas are protected, maintained, restored and enhanced.	<b>20.2.1a</b> The values and characteristics that define the City's Significant Natural Areas shall be identified.
	<b>20.2.1b</b> Areas of indigenous vegetation, biodiversity and habitats of indigenous fauna shall be scheduled as Significant Natural Areas.
	<b>20.2.1c</b> The particular values and characteristics that make an area a Significant Natural Area shall be protected from adverse effects by having regard to: <ol style="list-style-type: none"> <li>The character and degree of modification, damage, loss or destruction that will result from the activity.</li> <li>The duration and frequency of effect (e.g. long-term or recurring effects).</li> <li>The magnitude or scale of effect, including effects on ecological processes supporting or provided by the Significant Natural Area.</li> <li>The irreversibility of effect.</li> <li>The resilience of the area to assimilate change.</li> <li>The opportunities to minimise pre-existing or potential adverse effects (e.g. restoration or enhancement), where avoidance is not practicable.</li> <li>The probability of effect.</li> <li>Cumulative effects.</li> <li>Need for, or purpose of, the works.</li> </ol>
	<b>20.2.1d</b> Adverse effects of development on the City's Significant Natural Areas shall be avoided.
	<b>20.2.1e</b> The reduction, fragmentation and isolation of indigenous ecosystems and habitats shall be avoided.
	<b>20.2.1f</b> The loss or disruption of corridors or connections linking indigenous ecosystems and habitat fragments shall be avoided.

	<b>20.2.1g</b> The loss or disruption to migratory pathways in water, land or air shall be avoided.
	<b>20.2.1h</b> Adverse effects on ecosystems resulting from changes to hydrological flows, water levels and water quality shall be avoided.
	<b>20.2.1i</b> The loss or disruption of protective buffering of indigenous ecosystems shall be avoided.
	<b>20.2.1j</b> The loss of ecosystem services shall be avoided.
	<b>20.2.1k</b> The loss, damage or disruption to ecological processes, functions and ecological integrity shall be avoided.
	<b>20.2.1l</b> The loss or reduction of the cultural and spiritual association with indigenous biodiversity which are held by tangata whenua shall be avoided.
	<b>20.2.1m</b> Non-native pest species within Significant Natural Areas shall be controlled.
	<b>20.2.1n</b> The loss of habitat that supports indigenous species classified as at risk or threatened shall be avoided.
	<b>20.2.1o</b> Significant Natural Areas shall be restored and enhanced to meet at least the 10% threshold for habitat sustainability.
	<b>20.2.1p</b> Develop a local indigenous biodiversity strategy to identify opportunities to restore and enhance biodiversity in Hamilton City.
<b>Explanation</b>	
<p><i>Protection of indigenous biodiversity will be promoted through the identification and protection of Significant Natural Areas. These exist throughout the City on both public and private land. Recognition of these areas within the District Plan will result in protection through a restriction on activities that can occur within, and adjacent to, such areas.</i></p> <p><i>New Significant Natural Areas may be identified in the future. Where new areas meet the criteria, they will be added to the Schedule through the First Schedule process under the Act and protected.</i></p>	

*Managing any further loss to areas of biodiversity value and restoring and enhancing sites is critically important. At least 10% of remnant habitat cover is needed across a landscape in order to protect biodiversity and the functions of ecosystems. Only 1.5% of Hamilton City is covered by ecologically significant land. Hamilton City will need to keep maintaining and restoring sites as well as enhance significant natural areas to cover a variety of landforms and vegetation types within Hamilton City.*

*The protection of significant habitats of indigenous fauna, particularly those that are at risk or under threat, is an important role of Significant Natural Areas. Retaining these significant habitats is important for the protection of those species that are supported within Hamilton City.*

*Key methods available include controlling pests, removal and modifications to areas of indigenous species or habitats. Protecting biodiversity is challenging, as many areas and habitats occur on private land and there can be tensions between the aspirations of private landowners for land use and development and the need to protect those areas.*

*Indigenous biodiversity within the City is valued by Tangata Whenua. As people of the land, Māori have a connection with the indigenous flora and fauna of New Zealand and their ecological processes. This relationship must be preserved through the maintenance and enhancement of indigenous biodiversity.*

*In order to provide the most appropriate combination of regulatory and non-regulatory tools to help restore and enhance biodiversity in Hamilton City, an Indigenous Biodiversity Strategy will be developed and adopted in accordance with the Waikato Regional Policy Statement. This will occur in partnership with the Waikato Regional Council, tangata whenua, landowners, and other key stakeholders, with development of the policy to commence no later than 2016.*

Objective	Policies
<b>20.2.2</b> Public awareness and appreciation of Significant Natural Areas is increased.	<b>20.2.2a</b> Communication between affected landowners, Department of Conservation, iwi and other organisations that can assist in the management and conservation of these areas shall be encouraged.
	<b>20.2.2b</b> Information and other legislative means of protection shall be readily available to the public.

#### **Explanation**

*Education and information assists landowners and residents in understanding the values and dynamics of Hamilton's biodiversity, as well as methods for managing areas of indigenous habitats. In addition, Council, in conjunction with Waikato Regional Council, will support landowners' voluntary protection initiatives, including promoting QEII National Trust Covenants, as well as directing landowners to sources of funding support, such as for fencing or pest control.*

## Significant Trees

Objective	Policies
<b>20.2.3</b> The values of significant trees are protected and maintained.	<b>20.2.3a</b> The particular factors, values and features of trees listed in Schedule 9D shall be protected from inappropriate subdivision, use and development, by assessing: <ul style="list-style-type: none"> <li>i. The need for emergency removal.</li> <li>ii. The extent that any proposed maintenance will adversely affect the health of the tree.</li> <li>iii. The character of the area in which the tree is located, including streetscape and public realm areas.</li> <li>iv. The potential adverse effects on the health of the tree.</li> <li>v. The nature and extent of any proposed activities to be undertaken within the root protection zone of the tree.</li> <li>vi. The extent to which the removal, re-location, or trimming can be mitigated by replacement planting. Where the removal of significant trees cannot be avoided, any loss of value must be appropriately remedied or mitigated.</li> </ul>
	<b>20.2.3b</b> Scheduled trees within established urban areas shall be removed or transplanted only under exceptional circumstances, and where alternative options for the retention of the tree have been exhausted.
	<b>20.2.3c</b> Within areas of greenfield development the values of significant trees shall be maintained and taken into account in the layout and design of new development.
	<b>20.2.3d</b> Any work on a scheduled tree, or work within the root protection zone of any scheduled tree shall not adversely affect the values of the tree, having regard to the reasons for the tree's scheduling.
	<b>20.2.3e</b> Before undertaking any activity that adversely affects a tree identified in Schedule 9D: <ul style="list-style-type: none"> <li>i. Alternatives shall be considered and evaluated.</li> <li>ii. Recommendations from a suitably qualified practitioner (e.g. arborist) should be sought.</li> </ul>

	<p><b>20.2.3f</b> Ongoing care and maintenance of scheduled trees shall be undertaken.</p>
<p><b>Explanation</b></p> <p><i>Much of Hamilton's distinctive character is derived from its trees, which are an integral part of the City's amenity and identity. Significant trees can be individual specimens or groups of trees such as Jubilee Bush.</i></p> <p><i>Trees also have an important role in terms of maintaining life-supporting processes and assisting the functioning of the urban ecosystem. The protection of identified significant trees is important. The policies identify that both works to significant trees and works within the root protection zone of significant trees need to be managed.</i></p> <p><i>It is acknowledged that within greenfield development areas there are opportunities to design development to minimise the impact on significant trees. A specific assessment of the values of trees within the development area is required, with the greatest protection given to those trees with the highest values. There may however be times when full retention is not practicable and trees have to be removed. In this case the Council expects the loss of these trees to be mitigated through replacement planting.</i></p>	

## Peat Lakes, Wetlands and Peat Lake Catchments

Objective	Policies
<p><b>20.2.4</b> The natural character and ecological viability of peat lakes, wetlands and their margins as visual, cultural, wildlife, and recreational assets are protected and enhanced.</p>	<p><b>20.2.4a</b> Identify and protect the remaining peat lake and wetland areas within the city from the adverse effects of urban development.</p>
	<p><b>20.2.4b</b> Avoid, remedy or mitigate the adverse effects of urban stormwater to maintain and enhance the water quality of the city's peat lakes and wetlands as habitats for fish, other aquatic species, and plants.</p>
	<p><b>20.2.4c</b> Control development within identified peatland catchments surrounding lakes and wetlands to maintain and enhance the quantity and quality of groundwater and ecological viability of peat lakes and wetlands.</p>
	<p><b>20.2.4d</b> Ensure public access around peat lake and wetland margins and recreational activities on the surface of water are compatible with maintaining ecological values.</p>

**20.2.4e**

Maintain those aspects of the environment that are of significance to Waikato iwi, in particular the spiritual dimension and mauri (life force) of water.

**Explanation**

*Several wetland areas remain in the city, although significant areas of the city's original wetlands have been drained. It is because of this rarity that these areas are of such significance. They also identified as matters of national importance under Sections 6 and 7 of the RMA.*

*Knowledge about existing sites (particularly wetlands) is limited. Identification and assessment of these sites will be the first step towards their protection.*

*The fragility of existing peat lake and wetland habitats within the city is exacerbated by a lack of adequate buffer protection. If land use activities on the surrounding peatland catchment are controlled (particularly in terms of maintaining the water table) this will help to maintain their natural functioning i.e. the ecological services they provide (such as acting as a stormwater sponge). Subsequent effects on infrastructure will also be minimised due to a slowing of differential shrinkage.*

*The provision of open space and extension of green areas around peat lakes and wetlands where practicable will enhance their protection and enable public access. This will affect the proximity of structures and impermeable surfaces*

*to peat lakes and wetlands. It will provide for potential disposal of stormwater to ground in appropriate areas, reducing stormwater discharges, improving surface water quality and maintaining the watertable.*



**20.3      Rules – Activity Status Table**

Activity	Class
<b>Activities within a Significant Natural Area, Schedule 9C (Volume 2, Appendix 9)</b>	
a) Pruning and maintenance of existing indigenous vegetation or trees where: <ul style="list-style-type: none"> <li>i. Necessitated by disease or age</li> <li>ii. It affects the operation of existing network utilities</li> <li>iii. Necessitated to maintain existing tracks and fencing and this will not result in the death, destruction, irreparable damage of indigenous vegetation and trees, or a reduction in the particular values and characteristics that make an area a Significant Natural Area</li> </ul>	P
b) Removal of dead or damaged indigenous vegetation or trees where this is necessary to: <ul style="list-style-type: none"> <li>i. Maintain or enhance the particular values and characteristics that make an area a Significant Natural Area</li> <li>ii. Ensure the operation of existing network utilities</li> <li>iii. Maintain existing tracks and fencing</li> </ul>	P
c) Pest control	P
d) Planting and management of eco-sourced indigenous vegetation or trees	P
e) Emergency works to, or removal of, an indigenous tree where: <ul style="list-style-type: none"> <li>i. There is an imminent threat to life, property or a network utility</li> <li>ii. The tree carries a fatal disease</li> </ul>	P
f) Removal of exotic trees	RD
g) The following activities located within any Significant Natural Area Schedule 9C (Volume 2, Appendix 9) <ul style="list-style-type: none"> <li>i. Earthworks</li> <li>ii. The laying or forming of any impervious surface</li> <li>iii. Additions to, or the replacement of, any existing building or structure that is proposed to exceed the envelope or footprint of the existing building(s) or structure(s)</li> <li>iv. The placement and/or construction of any building or structure</li> <li>v. Directional drilling or boring</li> <li>vi. The storage of chemicals or other toxic substances</li> <li>vii. Removal of, or transplanting indigenous vegetation</li> </ul>	NC
<b><u>Additional Rules for Activities within a Significant Natural Area, Schedule 9C (Volume 2, Appendix 9) located within the Peacocke Precinct</u></b>	
<u>ga) Park Furniture</u>	<u>P</u>
<u>gb) Construction of new walkways and cycleways through a Significant Natural Area, including associated pruning, maintenance or removal of indigenous or exotic vegetation or trees and associated earthworks</u>	<u>D</u>
<u>gc) Construction of, or access to, new infrastructure in a Significant Natural Area, including associated pruning, maintenance or removal of indigenous or exotic vegetation or trees and associated earthworks</u>	<u>D</u>
<b>Volume 2, Appendix 9, Schedule 9D: Significant Trees</b>	

h) Emergency works to, or removal of, a scheduled tree where: <ul style="list-style-type: none"> <li>i. There is an imminent threat to life, property or a network utility</li> <li>ii. The scheduled tree carries a fatal disease</li> </ul>	P
i) Minor pruning and maintenance of a scheduled tree	P
j) The following activities located within the root protection zone of any scheduled tree <ul style="list-style-type: none"> <li>i. Earthworks</li> <li>ii. The laying or forming of any impervious surface</li> <li>iii. Additions to, or the replacement of, any existing building or structure that is proposed to exceed the envelope or footprint of the existing building(s) or structure(s)</li> <li>iv. The placement and/or construction of any building or structure</li> <li>v. Directional drilling or boring</li> <li>vi. The storage of chemicals or other toxic substances</li> </ul>	RD
k) Non-emergency works to, removal of, or transplanting of a scheduled tree	D

**Note**

1. For any activity not identified above, see Section 1.1.8.1.
2. For activities and buildings in the Electricity National Grid Corridor see Chapter 25.7: City-wide – Network Utilities and the Electricity National Grid Corridor.

## 20.4 Rules – General Standards

### 20.4.1 Activities within or affecting the Peat Lakes, Wetlands and Peat Lake Catchments

#### a) Building Setback

The minimum building setback from the margin of any Peat Lake or Wetland shall be 50m plus the relevant setback requirement for the relevant zone.

#### b) Impermeable Surfaces

The maximum area of impermeable surfaces of that part of the site within the Peat Lakes, Wetlands and Peat Lake Catchments, shall not exceed 40%.

#### c) Vegetation Removal

Any area of vegetation removed in or within 5m of the margin of any Peat Lake or Wetland shall be replanted with an equivalent area of appropriate wetland species within one calendar month.

**Note**

Any replanting of vegetation shall have regard to the Regional Pest Management Strategy, and should not include plant pest species as identified within the strategy.

#### d) Earthworks (Including Clean Fill)

- i. The maximum volume of earthworks within the Peat Lake Catchment shall not exceed 40m<sup>3</sup> per site per calendar year
- ii. Earthworks shall not take place in or within 5m of the margin of any Peat lake or Wetland.

#### e) Stormwater Disposal

- i. Stormwater run-off from any new building on any site that is wholly or partly covered by any Peat Lake, Wetland and Peat Lake Catchment shall be disposed of directly to the ground.

**Note**

The Hamilton City Infrastructure Technical Specifications contains acceptable means of compliance for the design and implementation of any stormwater disposal system.

## 20.5 Rules – Specific Standards

### 20.5.1 Pruning and Maintenance

a) Maximum amount of foliage to be removed per calendar year	15%
b) Maximum thickness (cross-section) of any branch or root that may be cut	50mm
OR	
For Significant Trees identified in Schedule 9D only:	
c) Confirmation of the necessity for the works shall be provided to Council:	
i. Before any works are undertaken, and	
ii. The works shall be carried out by an appropriately qualified person (e.g. an arborist)	

### 20.5.2 Emergency Works to, or Removal of, an Indigenous Tree in a Significant Natural Area or a Scheduled Tree

- a) Confirmation of the necessity for the works or removal shall be provided to Council:
  - i. Before any works are undertaken, and
  - ii. The works shall be carried out by an appropriately qualified person (e.g. an arborist).

## 20.6 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the Natural Open Space Zone, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
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i Earthworks; laying of impervious surfaces; additions to existing structures; placement/construction of a new structure; directional drilling or boring; or storage of chemicals within the root protection zone of any scheduled tree	<ul style="list-style-type: none"> <li>• D – Natural Character and Open Space</li> <li>• F – Hazards and Safety</li> </ul>
ii Removal of exotic vegetation	<ul style="list-style-type: none"> <li>• D – Natural Character and Open Space</li> <li>• F – Hazards and Safety</li> </ul>

## 20.7 Other Resource Consent Information

Refer to Chapter 1: Plan Overview for guidance on the following.

- How to Use this District Plan
- Explanation of Activity Status
- Activity Status Defaults
- Notification / Non-notification Rules
- Rules Having Early or Delayed Effect

Refer to Volume 2, Appendix 1: District Plan Administration for the following.

- Definitions and Terms Used in the District Plan
- Information Requirements
- Controlled Activities – Matters of Control
- Restricted Discretionary, Discretionary and Non-Complying Activities and Assessment Criteria
- Design Guides
- Other Methods of Implementation