



Biodiversity Management Plan

(No Encumbrance)

**Maketū Ongatoro Wetland Society Incorporated
Newdicks Beach, Maketu**

Prepared by: **Ryan Standen – Land Management Officer**

BMP Site No.:

File Reference No.: 2523 118 000

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PART A

1 Site introduction

1.1 Description

Newdicks Beach is an area of coastal cliffs, duneland and beach located to the east of Okurei Point, Maketu. The proposed Protection Area will run from the Newdicks Beach carpark along the cliff base to Little Waihi Estuary. The Newdicks beach carpark is privately owned by the Mills family, who also manage the private vehicle track access to the beach. The dunes and cliffs from the edge of the carpark east and south toward Little Waihi are owned by Te Arawa Lakes Trust (TALT).

The Department of Conservation (DOC) the Bay of Plenty District Council are supporting the Biodiversity Management Plan (BMP). Maketū Ongatoro Wetlands Society is coordinating the works programme of the BMP and will utilise their network of volunteers to undertake ecological monitoring and restoration works.

Protection site (hectares)

Area number	Description	Size (ha)	LUC unit	Stream length ¹ protected (m)	Stream margin ² protected (m)	New fencing erected ³ (m)
1	Newdicks beach	2.1	8 e 3	0	0	200

Note 1: 'Stream length protected' measures the length of any stream, wetland or riparian area protected from stock access by these works (i.e. on both sides). If stock still have access to the same stream or wetland from the other bank then this is not counted.

Note 2: 'Stream margin protected' measures the length of streambank protected from stock access by these works (i.e. each side of the stream or wetland is counted separately).

Note 3: Actual length of new fencing to be erected under this agreement.

1.2 Landowner(s)

Current owner(s) Mills family Town Point Road, Maketū, RD 9, Te Puke 3189
and Te Arawa Lakes Trust Po Box 128, Rotorua 3040

1.3 Site Map



Location of Newdicks Beach Biodiversity Management Plan Protection Area boundary in red, Mills property boundary in green, and Te Arawa Lakes Trust in blue.

1.4 **Partners to the plan**

Partner(s)

Western Bay of Plenty District Council
 Department of Conservation
 Bay of Plenty Regional Council Maketū
 Ongatoro Wetland Society
 Te Arawa Management Limited

Project Manager(s)

Julian Fitter

Bay of Plenty Regional Council
 Council Liaison Officer

Ryan Standen

2 Site biodiversity status

Newdicks Beach has three distinct habitat types: beach, dunes and cliffs that form the basis of the ecological area. These habitats are all found in a narrow coastal strip, backed in the majority by the vertical cliffs, except in the middle section where a narrow band of low dunes are backed by a concave bowl of fenced off grazing pasture. BMP site is partially covered by Indigenous Biological Diversity Area B70 (Ōkurei Point) in the Proposed Bay of Plenty Regional Coastal Plan.

The cliffs are dominated by mature and semi-mature Pohutukawa (*Metrosideros excelsa*) and established Taupata (*Coprosma repens*). The cliff habitat is threatened by the increasing density of Boneseed (*Chrysanthemoides monilifera*), Gorse (*Ulex europaeus*) and Pampas (*Cortaderia sp.*). This middle section of low dunes is typical dune vegetation of Spinifex (*Spinifex sericeus*) and Pingao (*Ficinia spiralis*) dominated by Muehlenbeckia (*Muehlenbeckia complexa*) Wildlands Natural Areas in Tauranga in Ecological District (2008) .

Further towards Little Waihi Estuary, the dune platform is more dynamic where the estuary mouth pushes against the cliff creating constant erosion and deposition.

The Little Waihi Estuary mouth is an intermittent breeding site for pairs of the northern New Zealand Dotterel (*Charadrius obscurus*) which is classified as threatened with populations in decline, along with a number of pairs of Variable Oystercatcher (*Haematopus unicolor*). A wide variety of native and migrant birds use Newdicks Beach and Little Waihi Estuary for feeding and roosting, especially during the winter, including the extremely rare and threatened fairy tern (Wildlands, 2008).

The breeding success of these bird species has improved over the past five years in the Pukehina coastal area, which can be attributed to increased pest control as part of the Ministry for the Environment (MfE)/DOC Rena Recovery Programme. Newdicks Beach has an unquantified population of native vertebrates and invertebrates, but given the positive population results from pitfall trap surveys of Maketu Spit, and Dotterel Point, the reptile and invertebrate fauna of Newdicks Beach could yield similar results.

3 Site threat evaluation

3.1 Threat assessment

- **Pest animal** - Introduced mammalian species, particularly cats, ferrets, stoats, weasels and rats, pose a major threat to the breeding success of the northern New Zealand Dotterel, Little Blue Penguin and other native bird species. They also pose an equally significant threat to native reptiles and invertebrates. Historically, feral goats have been present in the steep cliff habitat above the beach, contributing to slope instability through grazing. There have been no confirmed sightings of goats for five years.
- **Plant threat** - Pest plant threats include Boneseed (*Chrysanthemoides monilifera*), Gorse (*Ulex europaeus*) and Pampas (*Cortaderia sp.*). Sea couch (*Agropyron pungens*), Wilding pines (*Pinus radiata*) and Macrocarpa (*Cupressus macrocarpa*) are present on the cliffs and have altered the natural character and ecological integrity of the area.
- **Human intrusion** - As a popular local recreational beach, human intrusion into the dunes and shorebird breeding areas is frequent. Vehicular access via the track is used daily to drive along all parts of the beach for fishing and other recreational use when tides allow. Beach access is not permitted under Western Bay of Plenty District Council Bylaws. Post and rope fence along the base of the carpark platform and a tape fence by the Dotterel breeding site has helped mitigate the effect of vehicles on dune erosion and nesting disturbance.

3.2 Threat evaluation

The following threat evaluation summarises currently, knowledge sourced from MOWS and Bay of Plenty Regional Council pest staff.

Pest animals		Notes/trends
Possums	<input type="checkbox"/> Absent <input checked="" type="checkbox"/> Present <input checked="" type="checkbox"/> Medium <input type="checkbox"/> High <input type="checkbox"/> Low	
Mustelids	<input type="checkbox"/> Absent <input checked="" type="checkbox"/> Present <input checked="" type="checkbox"/> Medium <input type="checkbox"/> High <input type="checkbox"/> Low	
Goats and deer	<input type="checkbox"/> Absent <input checked="" type="checkbox"/> Present <input type="checkbox"/> Medium <input type="checkbox"/> High <input checked="" type="checkbox"/> Low	Possibly goats along Ōkurei Point.
Wallaby	<input checked="" type="checkbox"/> Absent <input type="checkbox"/> Present <input type="checkbox"/> Medium <input type="checkbox"/> High <input type="checkbox"/> Low	
Rabbits/hares	<input type="checkbox"/> Absent <input checked="" type="checkbox"/> Present <input checked="" type="checkbox"/> Medium <input type="checkbox"/> High <input type="checkbox"/> Low	
Hedgehogs	<input type="checkbox"/> Absent <input checked="" type="checkbox"/> Present <input checked="" type="checkbox"/> Medium <input type="checkbox"/> High <input type="checkbox"/> Low	
Rats	<input type="checkbox"/> Absent <input checked="" type="checkbox"/> Present <input checked="" type="checkbox"/> Medium <input type="checkbox"/> High <input type="checkbox"/> Low	
Cats	<input type="checkbox"/> Absent <input checked="" type="checkbox"/> Present <input type="checkbox"/> Medium <input type="checkbox"/> High <input checked="" type="checkbox"/> Low	

Pest plants				
Common name	Botanical name	Density	Descriptive location	Level of threat
Norfolk pine	<i>Araucaria heterophylla</i>	Medium	Back dune beach platform	Medium
Iceplant	<i>Aizoaceae spp</i>	Low	Patchy	High
Marram grass	<i>Ammophila arenaria</i>	Low	Back dune , fore dune east end.	High
Moth plant	<i>Araujia sericifera</i>	Low	Back dune, Cliff	High
Purple groundsel	<i>Senecio elegans</i>	Low	Fore dune	Medium
Tree lupin	<i>Lupinus arboreus</i>	Low	Fore dune	Medium
Gorse	<i>Ulex europaeus</i>	Low	Lower and middle cliff	High
Pinus radiata	<i>Pinus radiata</i>	Low	Cliff	High
Macrocarpa	<i>Cupressus macrocarpa</i>	Low	Cliff	Medium
Sea couch	<i>Agropyron pungens</i>	Low	Cliff base, fore dune	High
Phoenix palm	<i>Palmacea sp</i>	Low	Carpark platform	Low
Dimorphotheca	<i>Osteospermum fruticosum</i>	Low	Fore and back dune, cliff	Medium
Pampas grass	<i>Cortaderia selloana</i>	Medium	Cliff base	High
Buffalo grass	<i>Anthoxanthum odoratum</i>	High	Cliff base	High

Grazing		Notes/trends
Grazing	<input checked="" type="checkbox"/> Absent <input type="checkbox"/> Present <input type="checkbox"/> Medium <input type="checkbox"/> High <input type="checkbox"/> Low	
Land use threats		Notes/trends
Erosion	Significant danger posed by coastal erosion which is aggravated by human activity	

4 Site goals, objectives and outcome monitoring

4.1 Biodiversity management plan goals

The Biodiversity Management Plan (BMP) aims to restore the ecological integrity of Newdicks Beach, a popular recreational area with significant native biodiversity. The plan will work closely with the recreational users of the beach to restore and protect the native biodiversity.

4.2 Site operational objectives

The following objectives define operational targets and timelines.

- 1 Evaluate the biodiversity of Newdicks Beach to produce baseline data over the currency of the plan.
- 2 Restore and develop dune system using Spinifex, Pingao and other native dune vegetation
- 3 Eradication or sustained control of introduced grasses, shrubs and trees on dunes and cliff.
- 4 Removal of Norfolk Pines and Phoenix Palm in car park and replacement with Pohutukawa and other native trees.
- 5 Improve breeding success of native bird populations.
- 6 Protect native invertebrate and reptile species from pest animal predation with population abundance results reviewed in sixth year against first year baseline results.
- 7 Develop environmental education programme with Maketu Primary School and other local schools and community groups.

5 Work Programme

5.1 Work programme

The Bay of Plenty Regional Council bases its annual programme of works on the financial year starting 1 July through to 30 June; the following is an agreed timetable of works.

The following is the work programme annualised from 2015 to 2020. Each work programme corresponds to the Works Programme Cost Table 5.2 and Works Programme Map 499611 in regards to the area. Most actions are repeated through subsequent years of the BMP without change. These activities are listed 'as above' with any additional actions or changes noted for each activity.

Work programme 2015/16

- Ecological baseline monitoring – MOWS to contract appropriately qualified professionals to undertake native plant and animal studies, with MOWS volunteers to monitor shorebirds populations during the breeding season (August/February) with data recorded.
- Pest animal control – Traps will be checked by MOWS volunteers at regular intervals focusing on the breeding season. Trap catch rates will be recorded and analysed by MOWS to evaluate pest animal control operations.
- Pest plant control – MOWS volunteers will control dune weeds and gorse, boneseed and moth plant along cliff edge. MOWS to engage contractors to control larger tree weeds across the whole site.
- Protection fence maintenance – MOWS to maintain: the permanent bollard and rope fence along the edge of the carpark and beach access steps and sand ladders. The fence and ladders prevent further erosion of the low cliff from public access and enables the dune to develop.; Coastal margin protection planting – MOWS will work with Coast Care to selectively replant areas where weed species have been removed on the dunes. Additional pohutukawa and other native trees and shrubs will be planted to help anchor the cliff.
- Rubbish Collection - MOWS volunteers up to four working bees per year
- Signage and interpretation – MOWS to design and install information sign on the biodiversity of Newdicks Beach at the Newdicks carpark. Signage will acknowledge all partners to this project.
- Project Management - MOWS project manager paid to coordinate the works programme and liaise with Western Bay of Plenty District Council and the Mills Family

Work programme 2016/17

- Baseline monitoring – As above.
- Pest animal control – As above with the addition of bait stations for rats and mice at the Pukehina end of the beach
- Pest plant control – As above.
- Protection fence maintenance – MOWS to maintain as above with the addition of erecting temporary fencing to protect the Dotterel nesting site.
- Rubbish Collection – As above.
- Coastal margin protection planting – As above.
- Signage and Interpretation to be extended and amended as appropriate.
- Project Management – As above

Work programme 2017/18

- As above for all activities.
- Coastal margin protection planting – planting end of June.

Work programme 2018/2019

- As above for all activities.
- Coastal margin protection planting – planting end of July.

Work programme 2019/2020

- As above for all activities.
- Coastal margin protection planting – planting end of June.

5.2 Cost Table

Area	Activity	Unit	Quantity	Rate	Cost	Cost Share			
						BOPRC	WBOPDC Community Development	DoC	MOWS
2015/2016									
1	Ecological Baseline Monitoring	Hour	110	\$50.00	5,500	2,750	550	0	2,200
1	Biodiversity Monitoring	Hour	64	\$25.00	1,600	0	0	0	1,600
1	Pest Animal Control	Hour	68	\$45.00	3,060	1,530	0	765	765
1	Pest Plant Control	Hour	90	\$90.00	8,100	4,050	0	0	4,050
1	Protection Fence Maintenance	Hour	10	\$50.00	500	250	200	0	50
1	Coastal Margin Protection Planting	Plant	200	\$5.00	1,000	500	300	0	200
1	Rubbish Collection	Hour	20	\$25.00	500	0	0	0	500
1	Signage and Interpretation	Sign	1	\$900.00	900	450	360	0	90
1	Project Management	Hour	50	\$40.00	2,000	1,000	500	500	0
2015/2016 - Total					\$23,160	\$10,530	\$1,910	\$1,265	\$9,455
2016/2017									
1	Baseline Monitoring	Hour	110	\$50.00	5,500	2,750	550	0	2,200
1	Biodiversity Monitoring	Hour	64	\$25.00	1,600	0	0	0	1,600
1	Pest Animal Control	Hour	68	\$45.00	3,060	1,530	0	765	765
1	Pest Plant Control	Hour	90	\$90.00	8,100	4,050	0	0	4,050
1	Protection Fence Maintenance	Hour	10	\$50.00	500	250	200	0	50
1	Coastal Margin Protection Planting	Plant	200	\$5.00	1,000	500	300	0	200
1	Rubbish Collection	Hour	20	\$25.00	500	0	0	0	500
1	Signage and Interpretation	Sign	1	\$1,000.00	1,000	500	400	0	100
1	Project Management	Hour	50	\$40.00	2,000	1,000	500	500	0
2016/2017 - Total					\$23,260	\$10,580	\$1,950	\$1,265	\$9,465
2017/2018									
1	Baseline Monitoring	Hour	110	\$50.00	5,500	2,750	550	0	2,200
1	Biodiversity Monitoring	Hour	64	\$25.00	1,600	0	0	0	1,600
1	Pest Animal Control	Hour	68	\$45.00	3,060	1,530	0	765	765
1	Pest Plant Control	Hour	40	\$90.00	3,600	1,800	0	0	1,800
1	Protection Fence Maintenance	Hour	10	\$50.00	500	250	200	0	50
1	Coastal Margin Protection Planting	Plant	200	\$5.00	1,000	500	300	0	200
1	Rubbish Collection	Hour	20	\$25.00	500	0	0	0	500
1	Project Management	Hour	50	\$40.00	2,000	1,000	500	500	0
2017/2018 - Total					\$17,760	\$7,830	\$1,550	\$1,265	\$7,115
2018/2019									
1	Baseline Monitoring	Hour	110	\$50.00	5,500	2,750	550	0	2,200
1	Biodiversity Monitoring	Hour	64	\$25.00	1,600	0	0	0	1,600
1	Pest Animal Control	Hour	68	\$45.00	3,060	1,530	0	765	765
1	Pest Plant Control	Hour	40	\$90.00	3,600	1,800	0	0	1,800
1	Protection Fence Maintenance	Hour	10	\$50.00	500	250	200	0	50
1	Coastal Margin Protection Planting	Plant	200	\$5.00	1,000	500	300	0	200
1	Rubbish Collection	Hour	20	\$25.00	500	0	0	0	500
1	Project Management	Hour	50	\$40.00	2,000	1,000	500	500	0
2018/2019 - Total					\$17,760	\$7,830	\$1,550	\$1,265	\$7,115
2019/2020									
1	Baseline Monitoring	Hour	110	\$50.00	5,500	2,750	550	0	2,200
1	Biodiversity Monitoring	Hour	64	\$25.00	1,600	0	0	0	1,600
1	Pest Animal Control	Hour	68	\$45.00	3,060	1,530	0	765	765
1	Pest Plant Control	Hour	40	\$90.00	3,600	1,800	0	0	1,800
1	Protection Fence Maintenance	Hour	10	\$50.00	500	250	200	0	50
1	Coastal Margin Protection Planting	Plant	250	\$6.00	1,500	750	450	0	300
1	Rubbish Collection	Hour	20	\$25.00	500	0	0	0	500
1	Project Management	Hour	50	\$40.00	2,000	1,000	500	500	0
2019/2020 - Total					\$18,260	\$8,080	\$1,700	\$1,265	\$7,215
Total Cost Programme					\$100,200	\$44,850	\$8,660	\$6,325	\$40,365

All costs exclude GST

Activity	BOPRC %	WBOPDC %	DoC %	MOWS %
Ecological Baseline Monitoring	50	25	25	0
Biodiversity Monitoring	0	0	0	100
Pest Animal Control	50	0	25	25
Pest Plant Control	50	0	0	50
Protection fence Maintenance	50	40	0	10
Coastal Margin Protection Planting	50	0	30	20
Rubbish Collection	0	0	0	100
Signage and Interpretation	50	40	0	10
Project Management	50	25	25	0

5.3 Site compliance monitoring of works (operations)

This table specifies the type and frequency of compliance and operational monitoring required to give confidence in the effectiveness of the work programme.

Compliance activities	Programme
Pest plant control	<p>MOWS: To monitor eradication of pest plants and new occurrences.</p> <p>Bay of Plenty Regional Council: Inspection of works takes place annually, to check if methods of control are meeting the site objective of eradication.</p>
Pest animal control	<p>MOWS: To monitor the sustained control of pest animals and new occurrences.</p> <p>Bay of Plenty Regional Council: Inspection of works takes place annually, to check if methods of control are meeting the site objective of eradication.</p>

5.4 Biodiversity outcome monitoring

Both Wildlands reports Natural Areas in Tauranga in Ecological District (2008) and Significant Natural Areas in the Coastal Environment (2013) state that there are unmapped communities of Pohutukawa treeland on cliffs and spinifex and pohuehue dominated duneland on the site, as well as unrecorded nesting sites for Northern little blue penguin. However, Giant kokopu have been recorded in the stream at the northern end of Newdicks Beach.

MOWS will engage appropriately qualified professionals to undertake an ecological assessment of Newdicks Beach to map the native and introduced plant and animal communities to act as a baseline measure to review monitoring results against. MOWS will assist, where possible, contractors to undertake plant transects, reptile pitfall traps and invertebrate pitfall trap surveys. MOWS will undertake tracking tunnels, shorebird counts, and photopoints.

Monitoring type	Year 1 2015-16 measure	Year 2 2016-17 measure	Year 3 2017-18 measure	Year 4 2018-19 measure	Year 5 2019-20 measure
Tracking tunnels – Mammalian animal movements.	MOWS: August and December.	MOWS: August and December.	MOWS: August and December.	MOWS: August and December.	MOWS: August and December.
Shorebird and seabird breeding.	MOWS: Visual counts twice monthly from September to February.	MOWS: Visual counts twice monthly from September to February.	MOWS: Visual counts twice monthly from September to February.	MOWS: Visual counts twice monthly from September to February.	MOWS: Visual counts twice monthly from September to February.
Shorebird populations.	MOWS: Visual counts every two weeks mid-August to end of February.	MOWS: Visual counts every two weeks mid-August to end of February.	MOWS: Visual counts every two weeks mid-August to end of February.	MOWS: Visual counts every two weeks mid-August to end of February.	MOWS: Visual counts every two weeks mid-August to end of February.
Pitfall traps – Invertebrates.	Contracted out: Traps checked every second month.	Contracted out: Identification and report.	Ongoing.	Ongoing.	Ongoing.
Pitfall traps – reptiles.	Contracted out: Set for three days spring and autumn.	Contracted out: Set for three days spring and autumn.	Contracted out: Set for three days spring and autumn.	Contracted out: Set for three days spring and autumn.	Contracted out: Set for three days spring and autumn.
Plant transects – plant communities composition.	Contracted out: Survey.	Contracted out: Scott Height Frequency plots 10 x 10 rec. plots.		Contracted out: Scott Height Frequency plots 10 x 10 rec. plots.	
Photopoints – plant restoration.	MOWS: Photos from marked positions with data sheet.	MOWS: Photos from marked positions with data sheet.	MOWS: Photos from marked positions with data sheet.	MOWS: Photos from marked positions with data sheet.	MOWS: Photos from marked positions with data sheet.

6 Work Programme Map GIS-499611

PART B

Biodiversity Management Plan Agreement

Dated the day of 2015

PARTIES:

- 1 **Bay of Plenty Regional Council (“Council”)**

- 2 Glenn Ayo
 Environmental Development Officer, Western Bay of Plenty District Council

- 3 Jeff Milham
 **Conservation Services Manager, Department of Conservation
 (Tauranga/Rotorua)**

- 4 Julian Fitter
 Chairman, Maketū Ongatoro Wetland Society (“Caregroup”)

BACKGROUND

- A The Council has developed a biodiversity programme to support Caregroups to protect valuable sites of biodiversity across the Bay of Plenty.

- B The Caregroup wish to protect valuable native biodiversity referred to as “the Site” and “the Protection Site” in this Biodiversity Management Plan.

- C The Caregroup and the Council have agreed to work together collaboratively and in partnership with each other to protect the Site. They are entering into this Biodiversity Management Plan to set out how they will work together to achieve this.

AGREEMENT

- 1 **Agreement to Enter into Biodiversity Management Plan**
 - 1.1 In consideration of the Council agreeing to provide the Grant Money and performing the Council’s Works, the Caregroup agrees to carry out the Caregroup works and otherwise comply with this Biodiversity Management Plan.

 - 1.2 The Caregroup and the Council acknowledge a commitment to the concept of partnering and agree to work in a co-operative and constructive manner to achieve the objectives, actions and responsibilities set out in this Biodiversity Management Plan.

- 1.3 The Council and the Caregroup agree that the purpose of this Biodiversity Management Plan is to protect, maintain and enhance the biodiversity of the Site, and in particular to achieve the goals, objectives and outcome monitoring set out in Part A of this Biodiversity Management Plan.

2 Commencement Date and Term of Biodiversity Management Plan

- 2.1 The commencement date of this Biodiversity Management Plan is the date on which it is signed by both parties (“the Commencement Date”).
- 2.2 The Biodiversity Management Plan has a term of 5 years, commencing from the Commencement Date. Refer to Part A for the timeframe for the Work Programme.

3 The Works

- 3.1 The Council agrees to carry out the Council’s Works at the Council’s cost, and where a timeframe is specified for such work, within the required timeframe.
- 3.2 The Caregroup agrees to carry out the Caregroups Works, and where a timeframe is specified for such work, within the required timeframe. For the purposes of clarification, the Caregroup is responsible for carrying out the work in the Work Programme.

4 Grant Money

- 4.1 Subject to clause 4.1 (b), the Council will pay the Grant Money to the Caregroup once:
 - (a) The Caregroup has provided the Council with a GST tax invoice for the relevant Grant Money based on the works programme.
 - (b) The Caregroup will provide to the Council audited accounts showing expenditure for the financial year. If there is a significant underspend on funds, those funds will be either repaid to Council in full, or deducted from the following years Grant Payment. If the Caregroup incurs an overspend undertaking the works, Council will not pay the Caregroup the difference. For the purposes of this clause “financial year” means the 12 month period commencing on 1 July and ending on 30 June the following year.

5 On-going Maintenance

- 5.1 The Caregroup agrees to take all reasonable steps to preserve and protect the native biodiversity within the Site and in particular the Caregroup shall, within the Site:
 - (a) Not fell, remove, burn or otherwise damage any native vegetation growing therein.
 - (a) Not plant, sow or scatter any trees, shrubs or plants therein or the seed of any trees, shrubs or plants, other than local native flora or introduce any substance injurious to plant life therein, except in the control of pest plants.
 - (b) Undertake such measures as may be appropriate from time to time in the control of pest plants or other exotic species, incompatible with the ecological values of the area.

6 Monitoring

- 6.1 The Council will, at the Council's expense, periodically monitor the effectiveness of:
- (a) The Caregroup's Works;
 - (b) The Council's Works;
 - (c) Activities carried out in fulfilling the Work Programme; and
 - (d) The on-going maintenance.

7 Variations to Biodiversity Management Plan

- 7.1 The Council and the Caregroup may vary the terms of this Biodiversity Management Plan from time to time to provide for the necessary and appropriate protection of the Site, provided that any such variation is not contrary to the purposes and objectives of this Biodiversity Management Plan.
- 7.2 No variation to the terms of this Biodiversity Management Plan will have any force or effect unless and until the variation is in writing and signed by the Council and the Caregroup.

8 Other Activities

- 8.1 Should the Caregroup wish to undertake activities on the Site other than those noted in this Biodiversity Management Plan, then the written agreement of the Council will first be required. Such agreement will not be unreasonably withheld, provided the proposed activity does not compromise the objectives of this Biodiversity Management Plan.

9 Definitions and Interpretation

- 9.1 In this Biodiversity Management Plan, unless the context requires otherwise:
- (a) "Biodiversity Management Plan" includes Parts A & B of this document.
 - (b) "Council's Works" means any work referred to in this Biodiversity Management Plan as being a Council obligation.
 - (c) "Grant Money" means the Council's contribution to the cost of the Caregroup's Works, as specified in Part A of this Biodiversity Management Plan.
 - (d) "Caregroup's Works" means all work required to be carried out by this Biodiversity Management Plan, excluding the Council's Works.
 - (e) "on-going maintenance" means any on-going maintenance required by this Biodiversity Management Plan.
 - (f) "Site" and "Protection Site" means the area of the Property shown approximately on the plan in Section 7 and identified as the Site or the Protection Site.

- (g) “The Council” and “the Caregroup” shall include their executors, administrators, successors and permitted assigns.
- (h) “Work Programme” means the work programme in Part A of this Biodiversity Management Plan.

9.2 In the interpretation of this Biodiversity Management Plan, the following provisions apply unless the context requires otherwise:

- (a) Headings are inserted for convenience only and do not affect the interpretation of this document.
- (b) A reference in this document to dollars or \$ means dollars and all amounts payable under this document are payable in New Zealand dollars.
- (c) A reference in this document to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- (d) A reference in this document to any agreement or document is to that agreement or document as amended, novated, supplemented or replaced.
- (e) A reference to a clause refers to a clause within that part of the Biodiversity Management Plan in which the reference appears (i.e. Part A, B or C).
- (f) A reference to a part, appendix, schedule or attachment is a reference to a part, appendix, schedule or attachment of, or to this document.
- (g) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- (h) A word which denotes the singular also denotes the plural, a word which denotes the plural also denotes the singular, and a reference to any gender also denotes the other genders.
- (i) A reference to the word 'include' or 'including' is to be construed without limitation.

This Agreement dated the

day of

2015

SIGNED BY:

Bay of Plenty Regional Council

Caregroup

