

5.3 CONSERVATION (WETLAND) ZONE

5.3.1 BACKGROUND

This zone covers the Department of Conservation estate land extending over a low peat dome between the Piako and Waihou Rivers (generally known as the Kōpuatai Peat Dome) and the mineralised wetlands adjoining and near to the western boundary of the Dome, including the Torehape Peat Dome. This wetland complex covers an area of over 10,000 hectares and extends into the adjoining Matamata-Piako District.

The **Kōpuatai Peat Dome** is the largest raised (domed) bog in natural condition in New Zealand and is listed as a wetland of international importance under the Ramsar Convention, especially as a waterfowl habitat. The Ramsar convention was prepared by the International Union for the Conservation of Nature and Natural Resources (IUCN) and is an agreement that signatory governments (which include New Zealand) will comply with the content of the Convention. The Convention establishes criteria for identifying natural resources of international importance, including wetlands. The IUCN is a United Nations body. The Kōpuatai area is a Government Purposes (Wetland Management) Reserve covering 9238ha. The following areas also have the same reserve status and adjoin the Kōpuatai reserve:

Patetonga Lake
Patterson's Lagoon
Flax Block

The Wetland complex is an essential natural component of the flood control measures which separate, control and help drain the Piako and Waihou river systems within the District.

The elevation of the peat (and therefore its effectiveness in flood prevention) is dependant upon its water content. It is therefore important not to allow development within or adjoining the wetland which would reduce the water content, or remove the peat.

For this reason and because of its high significance as a natural habitat for both wildlife and flora as well as being of scientific interest and of recreational value the land has been included in a Wetland Conservation Zone, the purpose of which is to generally maintain the land in its present condition.

The **Torehape Peat Dome** is located a short distance to the north west of the Kōpuatai reserve. This is a remnant peat dome of some 650 hectares in area and is administered by the Department of Conservation as a Government Purposes (Wildlife Management) Reserve. It is an area significant for several rare or threatened plant or animal species, including orchids, **sporodanthus traversii** (giant jointed rush), the orb web spider and fernbird.

The Torehape Peat Dome has been extensively modified by grazing and drainage carried out earlier this century. The surrounding areas have been drained and converted to pasture with a consequential lowering of the ground level resulting in a partial drying out of the proposed conservation area of the dome. Some areas of the dome have regenerated with the present valued flora and fauna referred to above, but other parts of the dome are subject to undesirable and invasive species, and there is evidence of a continuing succession of plant species. The small size of this remnant peat dome may require extensive and potentially innovative management techniques to ensure maintenance or enhancement of ecological values which are important in this area.

Threats to this wetland include drainage, nuisance plant infestations and peat mining on the margins of the wetland.

5.3.2 RESOURCE MANAGEMENT ISSUES

- Protection of indigenous vegetation and wildlife habitats.
- Control of nuisance plants and animals.
- Maintenance of the flood control function of the peat dome.
- Land drainage around the peat dome causing dewatering in the reserve area.
- Providing opportunities for recreational, educational, scientific and other activities where consistent with the objectives of the zone.
- Consideration of the potential extraction of the Peat resource within the Torehape dome in relation to the conservation values and requirements of the zone.

5.3.3 ANTICIPATED ENVIRONMENTAL RESULTS

The anticipated environmental result of the zone is one of conservation and protection of the wetland complex in its natural state as a matter of national importance. The zoning recognises the importance of the wetland complex as a wildlife habitat of international significance, its conservation value in terms of being the largest lowland peat bog which still remains in New Zealand and which still retains its original vegetation, and its natural hydrological function in the flood management of the catchment. The maintenance of the indigenous vegetation cover and ground surface levels are essential components of the anticipated environmental result of the zone.

Whilst this outcome is for the most part met through the Crown's ownership and legal status of the land under the management of the Department of Conservation, the zoning is a means of bringing the management of the wetlands within the provisions of the District Plan and of informing the public of the important ecological and hydrological functions of this area.

The Department of Conservation has advised that the Crown administered conservation lands are to be treated in the same way as other parts of the district for the purposes of the District Plan. For this reason, this land has been included in the Conservation (Wetland) Zone rather than being designated under Part VIII of the Resource Management Act 1991.

5.3.4 OBJECTIVES AND POLICIES

Objective 1

To preserve and protect the botanical and wildlife values and the natural character of the wetlands in the zone.

Objective 2

To maintain the flood control functions of the wetlands.

Objective 3

To recognise the educational, economic and scientific role of the wetlands.

Policies for Objectives 1-3

Objectives 1 - 3 will be achieved by the implementation of the following policies:

1. Recognising in the administration of the zone, the protection of botanical and wildlife values, the natural character and flood control functions of the area.
2. Maintaining and managing the existing indigenous vegetation cover including areas of regenerating indigenous vegetation and introducing programmes to clear and replant in indigenous vegetation those areas covered by exotic species.
3. Maintaining and controlling ground levels.

Objective 4

To promote the efficient conservation management of the wetlands within the zone.

Objective 5

To promote a cooperative approach with the Department of Conservation concerning resource management issues within or affecting the zone.

Objective 6

To ensure that activities within the zone do not have adverse effects beyond the zone boundary.

Objective 7

To provide for recreational uses of the wetlands to the extent compatible with the other objectives of the zone and the wetland's legal status.

Objective 8

To facilitate an increased understanding of the resources, natural character, conservation values of the wetland and the physical extent of the wetland in and around the Torehape Peat Dome.

Policies for Objectives 4-7

Objectives 4 - 7 will be achieved by the implementation of the following policies:

1. Maintaining a close liaison with the Department of Conservation.
2. Recognising that the Department of Conservation may carry out emergency works within the zone on the DOC estate.
3. Evaluating proposals in terms of possible effects beyond the zone.

Policies for Objective 8

Objective 8 will be achieved by the implementation of the relevant policies for objectives 1 to 7 and the following policies:

1. Establishing and maintaining a close liaison with the land owners and people and organisations with an interest in the area (eg farmers, conservationists, peat miners).
2. Facilitate the change of land uses to preserve the wetlands.
3. Ensure that other measures (both within and outside the Plan) are employed to protect the wetlands.

Reasons

1. The principal reasons for the adoption of the Objectives and Policies for the Conservation (Wetland) Zone are set out in the Anticipated Environmental Result. The role of the Department of Conservation as manager of all land in the zone has been recognised. Council wishes to retain the ability to manage activities which may have effects beyond the boundaries of the zone regardless of whether such activities are undertaken by Department of Conservation or some other agency. Accordingly, any activities, including day to day management activities must comply with the development and performance standards established for the zone.
2. The conservation and flood management values of the zone are set out in Objectives 1-3 above in particular. Critical to the maintenance and enhancement of such values is the

retention of indigenous ground cover and the maintenance of present ground levels. Accordingly, any activity involving the clearance of indigenous ground cover or which may change present ground levels is strictly controlled.

3. It is understood that Department of Conservation wishes to adhere to the Plan notwithstanding that the department may, in certain circumstances, not be bound by the Rules of the District Plan (refer Section 4 RMA).

5.3.5 METHODS TO IMPLEMENT OBJECTIVES AND POLICIES

The principal method by which Council will implement the above objectives and policies is by the implementation of Rules and the monitoring of activities in terms of resource consent conditions and/or the performance standards (Rules) applying in the zone.

The Council will maintain a close liaison with the Department of Conservation with regard to the activities being undertaken within the zone given that all land in the zone is a reserve administered by Department of Conservation. The Waikato Conservancy Conservation Management Strategy will provide the framework to assist in this regard.

Key elements in the achievement of the objectives and policies are Rules concerning the clearance and disturbance of indigenous ground cover and the maintenance of present ground levels.

The investigation of hydrological processes, natural and physical resources and the effects of uses and activities carried out within and surrounding the Torehape Peat Dome (both within and outside the Conservation (Wetland) zone) needs to be undertaken by the parties involved in the use, development and protection of the natural and physical resources in this area. Through current peat mining operations, information on the effects (positive and adverse) of this activity is being gathered. Additional information will be obtained from mapping work of the levels of the peat dome itself. The Hauraki District Council is also collecting information as part of its assessment of the land drainage options for existing and potential farmland around the dome.

As a result of the information obtained through these and other studies, changes to the provisions of either or both of the Rural and Conservation (Wetland) zones based on the values and extent of the natural conservation resource (as opposed to an extent based on land ownership) may need to be introduced through the plan change process.

Reasons

1. The key factor in achieving the objectives of the zone is the maintenance of indigenous ground cover and ground levels. The exposure of the peat surface by vegetation removal or drainage of the land may result in changes to the land surface levels and other changes not conducive to the achievement of the objectives of the zone.
2. Other than certain management activities by Department of Conservation, all activities involving the clearance of indigenous ground cover or alteration of ground levels require evaluation through a resource consent or as a plan change where larger areas are involved.
3. In situations where an activity involves substantial clearance of indigenous ground cover or alteration of ground levels, Council considers that such action would destroy the conservation value of a significant area of the wetland. It is inappropriate for any such proposals to be considered by resource consent application given the tests Council must apply in evaluating an application.

5.3.6 ACTIVITIES**5.3.6.1 Permitted Activities**

The following activities shall be a permitted activity unless otherwise provided for as a discretionary activity or which are a prohibited activity, and shall comply with the performance standards specified in Section 5.3.7 below:

1. Any permitted activity specified in Sections:
 - 7.1 - Heritage Features
 - 8.7 - Signs
 - 8.10 - Surface of Water in Lakes, Rivers and Streams
 - 10.1 - Subdivision
2. Management activities carried out by, or on behalf of the Department of Conservation for one or more of the following purposes:
 - Protection or enhancement of ecological, historic, soil and water, landscape or recreational or amenity values of the zone.
 - "Management activities" include tree husbandry, track construction and maintenance, construction and maintenance of drains, wild animal control operations, huts and shelters, interpretative signs, toilets, picnic areas, campsites".
3. The construction and use of maimais for shooting.
4. Any other activity as approved by the land controlling authority.

All these permitted activities are subject to the **proviso** that the activity shall:

- Not require the extension or upgrading of any network utility operation provided by the District Council.
- Comply with the performance standards for the zone (Refer Section 5.3.7).
- Not interfere with, threaten or disturb in any way the present ground levels, indigenous ground cover or water levels (except where the area is in pasture).

The following permitted activities are not subject to the proviso specified above:

5. The collection of any plant and animal material for scientific/research or Maori cultural purposes where this has been approved by the Department of Conservation.
6. Excavations and minor works to establish ponds for duck shooting.
7. The removal/control of exotic noxious or nuisance species by or on behalf of Department of Conservation where such action will not result in changes to ground level or water level.
8. Excavations of up to 200m³ of minerals for end use on the property of source and the movement of up to 200m³ of clean fill material from one location on a property to another in any one year. The end use of material excavated and the movement of fill shall be limited to locations within the zone of source.

5.3.6.2 Controlled Activities

The following are controlled activities, shall comply with the Performance Standards specified in Section 5.3.7 and shall be assessed in relation to the criteria specified in Rule 5.3.6.3 **A** below:

1. Any controlled activity specified in Sections:

- 7.1 - Heritage Features
- 8.10 - Surface of Water in Lakes, Rivers and Streams
- 10.1 - Subdivision

Provided that the proviso applying to the permitted activities in Rule 5.3.6.1 above shall also apply to controlled activities.

5.3.6.3 Discretionary Activities

The following are discretionary activities and shall be assessed in relation to the criteria in Rule 5.3.6.3 **A** and **B** below:

1. Any discretionary activity specified in Sections:
 - 7.1 - Heritage Features
 - 8.1 - Provision of Network Utilities
 - 8.7 - Signs
 - 8.10 - Surface of Water in Lakes, Rivers and Streams
 - 10.1 - Subdivision
2. Any management activity carried out by or on behalf of the Department of Conservation which does not qualify as a permitted activity.
3. Any other activity where it:
 - does not qualify as a permitted activity, and
 - does not interfere with, threaten or disturb in any way the present ground levels and/or involves the removal of less than 100m²/100ha of access right/year of contiguous indigenous ground cover or maintenance plantings designed to reestablish such cover for the purpose of protecting the values of the zone.
4. River Control Works.
5. Managed vegetation clearance and replanting in association with a programme to manage and improve the flora and habitat areas within the zone.

A. Assessment Criteria for Discretionary Activities

When assessing any application for a discretionary activity, Council shall have regard to the following matters:

1. The degree to which the proposal meets or fails to meet the performance standards for permitted activities for the zone, and whether in the particular circumstances the purpose of the standard is adequately met by other means or is necessary.
2. The effects of the activity particularly with regard to the generation of noise, dust, fumes, smoke or odours which may be noxious, dangerous or offensive to persons undertaking recreational, scientific, educational or cultural activities in the zone or may affect properties outside the zone.
3. The effects of the activity on the indigenous flora and fauna of the locality and zone.
4. Whether the proposed activity will have a beneficial effect on the management of the wetland ecosystem.

B. Assessment Criteria for Network Utilities

The criteria specified below shall be considered in addition to assessment criteria 1-4 above in Rule 5.3.6.3 A:

1. The matters referred to in Section 8.1.5.
2. Operational efficiency and technical requirements of the utility concerned.
3. Alternative locations, systems or processes.
4. Public safety and security aspects.

5.3.6.4 Non Complying Activities

Nil.

5.3.6.5 Prohibited Activities

1. Any activity which does not constitute a permitted, controlled, discretionary or non complying activity.
2. The introduction, keeping or farming of any noxious plant, animal or pest unless approved by the Minister of Agriculture and Fisheries.

5.3.7 PERFORMANCE STANDARDS

The performance standards listed in Section 9.5 - MATRIX OF PERFORMANCE STANDARDS and as described throughout Section 9.0 - PERFORMANCE STANDARDS FOR DEVELOPMENT AND SUBDIVISION shall be met by all permitted and controlled activities.

5.3.8 GENERAL PROVISIONS

- Section 3.0 - MONITORING AND EVALUATION
- Section 7.0 - CONSERVATION AND HERITAGE
- Section 8.1 - PROVISION FOR NETWORK UTILITIES OPERATIONS
- Section 8.2 - PROVISION FOR PUBLIC WORKS
- Section 8.3 - EXTRACTIVE INDUSTRY
- Section 8.4 - EXCAVATION AND FILL
- Section 8.5 - AIR QUALITY
- Section 8.7 - SIGNS
- Section 8.8 - HAZARDOUS SUBSTANCES
- Section 8.10 - SURFACE OF WATER
- Section 10.0 - SUBDIVISION, FINANCIAL CONTRIBUTIONS, ESPLANADE RESERVES AND ESPLANADE STRIPS