

7.2 NATURAL AREAS OF ECOLOGICAL SIGNIFICANCE (Remnant Bush Outside Public Ownership)

7.2.1 BACKGROUND

7.2.1.1 Part II - RMA

Part II of the Resource Management Act 1991, places a responsibility on the Council to recognise and provide for the general protection of areas of significant indigenous vegetation and habitats of indigenous fauna (Section 6c). Section 7 also requires Council to have particular regard to the maintenance and enhancement of amenity values and the intrinsic value of ecosystems.

7.2.1.2 Hauraki District

The Hauraki District spans a range of natural features from the east coast of the Coromandel Peninsula across the Hauraki Plains to the Hapuakohe Range. Continued development in the District has meant that much of the natural landscape has been significantly modified. However, the District still contains many areas which contribute to the natural heritage of the area. These include a variety of indigenous forest habitats and coastal and freshwater wetlands.

Forest Areas

A range of native forest types is found within the District.

Coastal Forest is found on the east coast of the Coromandel Peninsula, but only remnants of the once more extensive original pohutukawa-puriri-karo broadleaved forest remains. Areas of regenerating coastal forest do occur, eg north of Whiritoa.

Inland, over the Coromandel Peninsula, lowland podocarp-tawa forest is the predominant forest type. Most of this forest in the Hauraki District has been modified by logging and burning. The best examples of this forest are protected in the Coromandel and Kaimai-Mamaku Ranges, (ie DOC estate) whilst remnants do exist on private land. Most the protected forests lie above 200m. Lowland and semi-coastal forest-types such as podocarp forest of kahikatea, rimu, totara and occasional matai are generally not protected and have been reduced to remnants due to the desirability of the land for farming. The best examples of this forest are found in the Waitekauri Valley. Kauri forest was originally found in dense stands especially south of the Karangahake Gorge. These have almost all been logged but now some good stands of regenerating kauri can be found on private land south of the gorge such as in Taieri Valley. Across the Hauraki Plains there was little dry land originally and consequently the only forest types found are wetland forests.

The Hapuakohe Range runs along the western side of the Hauraki District and in addition to the Matahura Scenic Reserve (DOC), still has several remnants of original forest along its length. These remnants are in private ownership and comprise a mixed broadleaved forest of tawa and kohekohe often with coastal species such as puriri, due to the proximity to the Firth of Thames. There are large podocarps such as rimu, kahikatea and totara though most of these have been removed by logging making remnants with tall podocarps significant. There are also pockets of kauri with hard beech which is a distinct forest type once common to the hills in the Waikato Region but now very rare. Most of the forest remnants on the Hapuakohe Range have been disturbed by logging and they have been further reduced in recent years by clearance for farming and afforestation with pines. The forest remnants existing on the Range are close enough together to provide a range of habitat and food sources for native birdlife such as kereru, bellbird and tui. Kokako were present along the Range but have not been recorded in recent years probably due to habitat degradation and predators. The forest remnants also serve an important function in the prevention of gully erosion and maintenance of water quality.

Wetlands

Wetlands, like the indigenous forests, have also been significantly reduced or severely modified as a result of agricultural developments.

(a) Coastal Wetlands

Small areas of mangroves are located within the Hauraki District, eg Piako River mouth area.

Other coastal wetlands are found on the east coast of the Coromandel Peninsula. Several good examples of these coastal wetland ecosystems exist, such as the Otahu River mouth (which supports a good range of natural wetland habitats on alluvial flats and still retains the complete sequence from coastal to freshwater wetlands and the transition from natural aquatic systems to regenerating coastal forest on the southern side). Whiritoa Beach lies at the mouth of two streams which both support coastal wetland systems and a dune system.

These coastal wetland systems provide habitats for a range of birds including threatened species such as North Island fernbird, Australasian bittern, spotless crane and banded rail.

(b) Freshwater Wetlands

(i) Mineralised Swamp and River Margins

Most of the river margins on the Plains have been highly modified, with the vegetation comprising predominantly grazed or ungrazed pasture species. Those river margins and river islands which are willow dominated have significant conservation values. Seasonally inundated willow forest provides breeding/feeding habitat for a range of aquatic and bird species.

Mineralised swamps still exist but are of quite a different vegetation composition than they would have been originally. The predominant overstorey canopy consists of crack and pussy willow (*Salix* sp) with emergent cabbage trees in places.

Mineralised swamp areas usually support more species and higher overall numbers of native and introduced birds than would a similar sized stand of native bush. The two islands on the Waihou are excellent examples of these mineralised swamps.

(ii) Kahikatea Forest

Away from the edges of the rivers, there are scattered stands of kahikatea dominated swamp forest. These are remnants of a forest which 200 years ago Cook described as a "huge wall of trees" along both banks of the Waihou.

Numerous small stands of kahikatea are found along the margins of the Waihou River. Most of these are highly modified being grazed beneath and on drained farmland. Sustainable kahikatea forest requires seasonal flooding with sediment laden water and to be stock free. Most of the stands in Hauraki Plains do not have either of these features.

Even stands that are fenced from stock will require management in order to flourish. Nevertheless there are several fine stands worth protecting for their existing values today and their contribution to the landscape values of the Hauraki District.

(iii) Peat Bogs

The only **unprotected**, unmodified peat bog areas remaining in the Hauraki Plains are the remnants of the Pouaroa Peat Dome. Both other remnants, ie Kopuatai and Torehape, are Government Purpose (Wetlands Management) Reserves.

The Pouaroa Peat Dome remnants are at present being developed (peat mining, farming). It is not proposed to provide any specific protection to this area for conservation purposes through the District Plan.

7.2.1.3 Other Legislation

In addition to the Council's responsibility under Resource Management Act 1991, various other legislation confers powers on other agencies to provide for the protection of areas of significant indigenous flora and significant habitats of indigenous fauna. There is also the requirement under Sections 6(a) & (b) and 39(4) & (5) of the Conservation Act 1987 for the protection of all fisheries within the District from the effects of land use and this interrelates with the requirements of Sections 6 & 7 of the Resource Management Act 1991.

Conservation Act 1987 (as amended by the Conservation Law Reform Act 1990)

The purpose of this Act is to advocate and promote the conservation of New Zealand's natural and historic resources and for that purpose provides for the establishment of the Department of Conservation. Under the provisions of Section 7 of the Act, the Department can acquire and hold land for conservation purposes. Land held by the Department under the Conservation Act is described as a conservation area. There are also provisions in the Act for protection of conservation values on private land. Under Section 27 the Minister of Conservation may by agreement enter into a covenant with a private land owner for conservation purposes. Section 29 of the Act makes provision for an agreement or arrangement between the Minister and the landowner for the management of land so as to conserve any natural or historic resource.

Reserves Act 1977

This Act sets out the provisions by which land is given reserve status, and the means by which such land is managed. Under the Act, the Council or the Department of Conservation can protect land of important recreational, natural or special value in a variety of ways. Both the Council and the Department can buy land to be held as reserve under this Act. The Act also makes provision for private land protection. Under Section 76, a private owner can apply to have the land declared to be protected private land on account of its natural, scenic, historic, cultural, archaeological, geological or other interest. The Crown and any local authority may agree to enter into a conservation covenant under Section 77 of the Reserves Act to protect private land to preserve the natural environment, landscape amenity, wildlife or marine life or fresh water life habitat.

Wildlife Act 1953 and Amendment Act 1985

This Act provides for the protection and control of wild animals and birds, the regulation of game shooting seasons, and the constitution and powers of Fish and Game Councils. Various classes of wildlife are protected in varying degrees. Wildlife sanctuaries may be proclaimed by the Governor General, and various conditions may be imposed to protect and preserve wildlife in these areas. The Wildlife Amendment Act 1985 provides for the establishment of wildlife management reserves in addition to sanctuaries and refuges. The Department of Conservation manages all wildlife sanctuaries, wildlife refuges and management reserves. Private landowners can apply to have wildlife habitat areas classified as Wildlife Refuges.

Queen Elizabeth II National Trust Act 1977

The Trust has been established to encourage and promote the provision, protection and enhancement of open space for the benefit and enjoyment of the people in New Zealand. The Trust is able to enter into agreements with landowners for open space covenants or to purchase land and

maintain it as areas of open space. An open space covenant means providing permanent protection to natural resources at the same time as retaining the land in private ownership. There are several such covenants with the Hauraki District at present.

Forests Amendment Act 1993

This Act controls the cutting of indigenous forests for timber. It does not apply to tree felling for say the development of farmland if the timber cleared is not milled (it is burned off, left to waste, etc). However the cutting and **milling** of indigenous timber cleared to create farmland is managed under the Act.

Land owners have to submit and comply with a sustainable forest management plan approved by the Secretary of Forestry. Section 67(v) of the Act requires the owner to obtain a resource consent should this be required under the RMA. Relevant details of the District Plan and Regional Plan are to be included in a sustainable management plan.

Biosecurity Act and Hazardous Substances and New Organism Legislation

The recently introduced Act and the proposed HSNO legislation relate to the introduction, use and containment of pests and other animals which may adversely affect the indigenous vegetation and other ecosystems.

7.2.1.4 Unprotected Conservation Values

Introduction

This Section of the Plan deals with the areas of significant indigenous vegetation and habitat of indigenous fauna held in private ownership that are not currently afforded any legal protection.

The management of land use activities within areas of public land held for conservation purposes (eg DOC estate) are covered by the Conservation (Indigenous Forest) and Conservation (Wetland) Zones (refer Sections 5.2 and 5.3).

Identification and Classification of Sites

The Department of Conservation in conjunction with the Council undertook a survey of all known unprotected sites of conservation value within the Hauraki District. The sites were identified from:

- ☞ Earlier survey information held by DOC (results of work of the former Wildlife Service, Department of Internal Affairs).
- ☞ Input from Council.
- ☞ Input from Conservation Groups.

An aerial survey of all the sites was carried out to assess the condition of the features and the existing and/or potential threats to their continued survival.

The sites were then ranked by the Department of Conservation in terms of wildlife and botanical value by employing the following nationally recognised ecological ranking methods:

(a) SSWI (Sites of Special Wildlife Interest)

Note: The wildlife rating for the sites is based on 1981 Fauna Survey Unit (of the Wildlife Service) data and assessment of the habitat quality. No field checks were carried out as part of the survey to check for the presence of wildlife species.

(b) Ranking of Vegetation for Botanical Conservation

The results of the two ranking systems were essentially amalgamated to give each site an overall ranking of either low, medium, high or outstanding.

The outcome of the survey and a description of the two ranking methods are contained in an unpublished report titled "An Outline of the Unprotected Conservation Values within the Hauraki District Council" Department of Conservation, Waikato Conservancy, 1993. A copy of this report is held at the Council offices.

The sites ranked 'outstanding' or 'high' are generally of a reasonable size and contain a healthy representation of original forest or wetland types that were at one time predominant in the District and/or support rare or threatened fauna species. Sites ranked 'medium' contain similar representative examples but the flora species are either dispersed or have been subject to some modification. However, with management control, regeneration can occur in such areas. Those of a 'low' ranking have been heavily modified. On this basis, all of the sites surveyed other than those with a ranking of low are deemed to have 'significance' in terms of Section 6 of the Act (protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna).

The areas that are identified in the District Plan are not the only ones that are of "national importance" in the District. These are the ones that were identified at the time of the preparation of the District Plan and are not an exhaustive list. Additional areas will be added to the schedule as they are identified.

7.2.2 RESOURCE MANAGEMENT ISSUES

The retention of natural areas is essential to ensure the survival of the richness and variety of plants and animals and their habitats. This richness and variety contributes significantly to the District's natural character. It is also important because such areas contribute to the wellbeing of the District's inhabitants through their role in water and soil conservation, ecological stability, recreational use, landscape character and natural beauty, and places for educational and scientific study.

In order to conserve the natural wildlife resource in the District, it is necessary to protect and conserve the natural environments on which wildlife depend. By conserving a network of natural areas throughout the District, the diversity and abundance of wildlife and their habitats can be maintained. This network of natural areas also ensures the maintenance of a corridor of habitats important for the migratory movement of birds.

Most of the indigenous forest remnants in private ownership are unfenced or only partly fenced. This allows browsing of the understorey species by stock and feral animals which prevents regeneration and threatens the long-term survival of these areas.

The remaining wetland areas (including the two largest remaining wetland complexes which are owned by the Crown) are also threatened by grazing, and potentially by drainage and clearance for farming purposes.

The provisions of the Resource Management Act 1991, clearly gives Council a responsibility and mandate for the protection of significant indigenous vegetation and habitat areas. Several other agencies also have some level of responsibility under other legislation as described in Section (7.2.1) above. In respect of privately owned natural areas, the degree of protection that can be achieved is largely reliant on the goodwill and the financial means of individual owners. Similarly, reliance can not be placed on the provisions of the Forests Amendment Act 1993. This legislation

only controls the clearance of trees intended to be milled. Further, some of the significant habitats of indigenous fauna are only partly forested (eg estuaries, wetland areas).

The important matter for the District to focus on is to ensure that the sites are not cleared. Once the vegetation is gone, the significant ecological value is lost. Also threats may result from development proposals adversely affecting the areas.

The key resource management issue relates to the methods which should be used to protect sites of significant indigenous vegetation and habitat areas.

While the techniques to be adopted need to adequately reflect the strength of the statutory language of the relevant section of the Act, the Council acknowledges the need for community compensation where an owner may be unreasonably compromised by undue restrictions placed on an identified site (eg rates relief, subsidies, purchase, removal of controls). No sites have been scheduled in the Plan without the affected landowners first having been approached and their views sought.

7.2.3 ANTICIPATED ENVIRONMENTAL RESULTS

The environmental result sought is to protect the District's remaining areas of significant indigenous vegetation and significant habitats of indigenous fauna outside the public domain because of the contribution these areas make to the natural character of the District and for the maintenance of ecological stability and diversity, for the District and Region.

The most effective means by which this outcome can be achieved is:

- ☞ By encouraging private land owners to recognise the significance of natural resources located on their properties.
- ☞ The Council taking positive action to ensure protection through a range of voluntary measures (eg incentives, covenants, acquisition).
- ☞ Through particular controls in the District Plan.

7.2.4 OBJECTIVES AND POLICIES

Objective 1

To protect privately owned remnant areas of significant indigenous vegetation and habitats of indigenous fauna (termed a natural area of ecological significance) for the purpose of preserving their intrinsic and amenity values for the benefit and enjoyment of future generations.

Policies

Objective 1 will be achieved by the implementation of the following policies:

1. Maintaining a schedule in the District Plan of all known natural areas of ecological significance held in private ownership.
2. Ranking those areas listed in the schedule in terms of their relative significance using nationally recognised methods.
3. Providing for subdivision and the erection of a house as an incentive for the protection of a scheduled natural area of ecological significance.
4. Enabling natural areas of ecological significance to be added to or removed from the Schedule.

Reasons

1. The principal reasons for the adoption of the objective and related policies are set out in the Anticipated Environmental Result (refer Section 7.2.3).
2. To ensure adequate protection is afforded to those natural areas identified as having significance, a combination of voluntary techniques and regulatory measures through the District Plan is considered by Council to offer the best solution.

Identifying the relative value of the areas in the District Plan ensures that appropriate levels of protection are provided.
3. The inducement of subdivision and the erection of a dwelling offers a positive encouragement for the protection of an identified natural area.

Objective 2

To promote greater public awareness of support for and involvement in the protection of remnant natural areas of ecological significance.

Policies

Objective 2 will be achieved by the implementation of the following policies:

1. Identifying those natural areas of ecological significance listed in the Schedule on the Planning Maps.
2. Providing special incentives to affected landowners in the form of monetary assistance, advice, materials and other measures specified from time to time in the Annual Plan.
3. Maintaining communication with affected landowners, Department of Conservation, iwi and other organisations who can assist in the management and conservation of those areas listed in the Schedule.
4. Ensuring that information obtained about the areas listed in the Schedule and other legislative means of protection is readily available to the public.

Reasons

1. Statutory provisions alone cannot ensure the protection of remnant natural areas of ecological significance. The cooperation of affected landowners and the general public is essential to achieving the conservation of these areas.
2. The District Plan is a suitable public document to help raise public awareness of the existence of the District's remaining natural areas of ecological significance.
3. Incentives provide a positive encouragement for conservation and ensure that individual owners are compensated for restrictions imposed in order to achieve Objective 1.
4. Maintaining communication with affected landowners, Department of Conservation, iwi and other organisations is essential because Objective 1 cannot be achieved by Council in isolation. Cooperation, assistance and advice is required from these individuals and agencies.
5. Ensuring information is readily available on identified natural areas of ecological significance helps increase landowner and general public understanding and support for the conservation measures advocated.

7.2.5 METHODS TO IMPLEMENT OBJECTIVES AND POLICIES

Council considers that the protection of remnant natural areas of ecological significance can be best achieved through a combination of mechanisms. These include:

- ✍ Identifying natural areas of ecological significance on the Planning Maps as a means of informing the public of their existence and value.
- ✍ Providing incentives in the form of monetary assistance, advice and materials through the Annual Plan process, and the opportunity to subdivide an identified natural area as a lifestyle lot through rules in the District Plan.
- ✍ Providing information on the identified natural areas of ecological significance and on protection measures available under other legislation.
- ✍ Utilising regulatory rules for the protection of identified natural areas of ecological significance in the District Plan.

Requiring Council consent for a discretionary activity to alter the botanical, ecological or wildlife value of those natural areas ranked 'outstanding' or 'high'.

Requiring Council consent for a controlled activity to alter the botanical, ecological or wildlife value of those natural areas ranked 'medium'. This provides an opportunity for a negotiated solution and the ability to impose conditions to minimise any damage or alteration to the natural area.

Both the controlled and discretionary application procedures allows input from interested parties and ensures adequate consideration is given to the effects of any proposal on such features.

The procedure of District Plan changes applied to all additions or removals from the Schedule ensures that the rights of private property owners can be considered in relation to the overall desires of the community. Further more, it enables Council to seek comments from the Department of Conservation or other relevant persons and agencies.

7.2.6 ACTIVITIES

7.2.6.1 Permitted Activities

The following are permitted activities:

1. Land management activities, including planting and management of indigenous vegetation, the removal of exotic trees and vegetation, pest destruction, weed removal and perimeter fencing.

7.2.6.2 Controlled Activities

The following are controlled activities and shall be assessed in relation to the criteria specified in 7.2.6.2 A. below:

1. Any activity that will alter the botanical, ecological or wildlife value of any natural areas of ecological significance listed as of 'medium' value in Table 1 - Schedule of Natural Areas of Ecological Significance, apart from the exceptions listed in 7.2.6.8 below
2. Tracking and fencing where this activity would not involve the removal of any indigenous vegetation over 3m in height.
3. Any land management activity not provided for as a permitted activity.

(Note: Natural Areas AES H7 and AES H8 are exempt from this rule)

A. Assessment Criteria for Controlled Activities

The following criteria will be used to assess any application for a controlled activity:

1. The reasons for inclusion of the natural area in the Schedule.
2. The objectives and policies in the Plan relating to the protection of natural areas of ecological significance.
3. The nature, form and extent of the proposed development, activity, alteration or change and its affect on the protected natural area.
4. The degree of modification or damage that will be caused to the protected natural area.
5. Whether there is a reasonable alternative siting for the proposed development, or activity that will result in a nil or lesser impact on the protected natural area.
6. The evidence and representations placed before the Council by the applicant and any person, or body who has made any submission as provided for under Section 93 and 94 of the Act, in relation to the application including any evidence and representations by the applicant as to the consequences of the scheduling and the reasons why the work is necessary.
7. Any advice received under Rule 7.2.6.6 below.

7.2.6.3 Discretionary Activities

The following are discretionary activities and shall be assessed in relation to the criteria in Rule 7.2.6.2 A. above:

1. Any activity that will alter the botanical, ecological or wildlife value of any natural area of ecological significance listed as of 'outstanding' or 'high' value in Table 1 - Schedule of Natural Areas of Ecological Significance, apart from the exceptions listed in 7.2.6.8 below.

(Note: Natural Areas AES H7 and AES H8 are exempt from this rule)

A. Assessment Criteria for Discretionary Activities

The assessment criteria for controlled activities set out in 7.2.6.2 A will be used to assess any application for a discretionary activity:

7.2.6.4 Non Complying Activities

1. Any activity not provided as a permitted, controlled, discretionary or prohibited activity.

7.2.6.5 Prohibited Activities

There are no prohibited activities.

7.2.6.6 Advice

To assist the Council in making its decision on any application, the Council will seek the advice as appropriate of one or more of the following:

- ☒ Department of Conservation.
- ☒ The Hauraki Maori Trust Board and tangata whenua.
- ☒ Any other organisation or individuals considered by the Council to have specialist knowledge or interest relevant to the proposal.

Any advice received will be forwarded to the applicant and any submitters who will be afforded the opportunity to request a hearing in accordance with Section 100 of the Act, in order to comment on or rebut the advice received.

7.2.6.7 Decision of Council

In granting consent to a controlled activity which involves the destruction of or damage to indigenous vegetation in a protected natural area of 'medium' value, the Council may impose conditions necessary to retain or protect the significance of the natural area.

Where the Council is of the opinion that granting consent to the controlled activity will remove or substantially modify the significance of the natural area and alternative options mutually acceptable to the Council and the applicant and/or owner to maintain the significance of the natural area cannot be achieved, the Council will initiate a change to the Plan to delete the natural area from the Schedule.

Where the Council is satisfied that the controlled or discretionary activity will be of minor detriment or result in insubstantial modification or damage to the Scheduled natural areas the Council may grant its consent subject to conditions necessary to retain or protect the significance of the Scheduled natural area.

7.2.6.8 Exceptions

1. Trimming or pruning of any tree, bush or plant, necessary because of disease or age and which will not directly result in the death, destruction of irreparable damage of the tree, bush or plant.
2. Removal of dead or damaged trees, where this is shown to be necessary to avoid adverse effects on remaining trees or vegetation.
3. Natural Areas AES H7 and AES H8 are exempt from the requirements of rules 7.2.6.1 - 7.

7.2.7 SCHEDULE OF NATURAL AREAS OF ECOLOGICAL SIGNIFICANCE

7.2.7.1 Criteria for Protection

The Natural Areas of Ecological Significance listed in the Schedule have been classified 'medium', 'high' or 'outstanding' by amalgamating their ratings in terms of the following recognised ecological ranking methods:

- ☒ SSWI (Sites of Special Wildlife Value).
- ☒ Ranking of Vegetation for Botanical Conservation.

7.2.7.2 Distinction Between Classifications

The Natural Areas of Ecological Significance included in the Schedule valued 'outstanding' and 'high' are considered to be the most significant sites either because of their reasonable size and healthy condition and/or they support rare or threatened fauna species.

Sites ranked medium contain similar representative examples but flora species are either dispersed or have been subject to some modification.

More stringent provisions apply to those areas valued 'outstanding' and 'high'.

7.2.7.3 Addition or Removal of Protected Area

Sites may be included or deleted from the Schedule of Natural Areas of Ecological Significance by a plan change initiated by the Council or upon the application of any owner, occupier, or interested party. An item may be added/deleted where it meets or no longer meets the criteria for inclusion or

where the Council is satisfied the effect of scheduling the area will render the land on which the site is located, incapable of reasonable use for any permitted activity.

7.2.7.4 Identification

The Schedule of Natural Areas of Ecological Significance outlines the nature of the protected area, the legal description and valuation reference of the property on which it is located, the approximate size of the protected area, the status of boundary fencing, the criteria for scheduling the feature and the Planning Map reference.

7.2.7.5 Table 1 - Schedule of Natural Areas of Ecological Significance