

## 5.2 CONSERVATION (INDIGENOUS FOREST) ZONE

### 5.2.1 BACKGROUND

This zone covers the Department of Conservation estate land and land owned by the Hauraki District Council which is predominantly covered with indigenous forest some of which is regenerating. The zone applies only to public land.

Together this land contains a diversity of forest types, and a number of rare or threatened plants and animal species. A significant portion of the zone covers the Coromandel and Kaimai-Mamaku Forest Parks managed by the Department of Conservation under the Conservation Act 1987, together with a number of smaller areas gazetted under the Reserves Act 1977, either as scenic, historic or scientific reserves, or designated as water catchment areas (some are owned by the District Council and are designated as water supply catchments). The link between the Coromandel and Kaimai - Mamaku Forest Park ecosystems has become known as the "Hauraki Ecological Corridor". The Corridor is an active link for both flora and fauna, which is reduced to a narrow width in the Karangahake Gorge area. This narrow width, combined with the presence of State Highway No.2 and the Ohinemuri River, makes the link vulnerable. Parts of the Corridor are outside the Conservation (Indigenous Forest) Zone, and various methods (including education and consultation) need to be used to enhance the ecological, landscape and scenic amenity of the Corridor in those areas.

The majority of forest cover included in the zone has high significance as a wildlife habitat as well as being of important scenic, recreational and scientific value.

The forest cover, particularly on the Coromandel, Kaimai-Mamaku and Hapuakohe Ranges also serves a critical hydrological role in terms of water and soil management and is important in maintaining a high water quality standard of the streams within the catchment as a source of water supply to nearby towns and to the productive lowland.

It is known that a variety of mineral resources are present in this zone, due to the historical and present investigation of mineral deposits. There are existing prospecting licences for the investigation of these resources.

### 5.2.2 RESOURCE MANAGEMENT ISSUES

- ☞ Protection of the natural features and landscape character of the zone.
- ☞ Protection of indigenous vegetation and indigenous fauna and habitats within the zone.
- ☞ Maintenance of the hydrological role of much of the zone.
- ☞ The impact of introduced animals on vegetation and soil and water values of the zone.
- ☞ The impact of roading and other public utilities in the zone.
- ☞ The impact of extractive industry within the zone.
- ☞ Managing the effects of prospecting, exploration and mining activities to avoid, remedy or mitigate adverse effects on the natural environment
- ☞ The impact of recreational development within the zone.

### 5.2.3 ANTICIPATED ENVIRONMENTAL RESULTS

The anticipated resource management outcome of the zoning is to recognise and maintain the importance of the indigenous forest cover in terms of its role in providing a sustainable ecological base for the District and Region, its habitat, scenic, scientific and recreational value, and its water and soil functions.

For the most part, this outcome is met through the land being in public ownership and managed by the Department of Conservation, or by way of designation by the Hauraki District Council.

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 (Indigenous Forest) Zone rather than being designated under Part VIII of the Resource Management Act 1991.

A key factor in maintaining the conservation values of the zone is the retention of the indigenous forest cover, the protection of forest regeneration and the avoidance of land surface disturbance.

The investigation and development of mineral resources should be managed so that the adverse effects on the natural environment and on the amenities of adjacent land uses are avoided, remedied or mitigated.

In conjunction with the provisions of the Karangahake Scenic Corridor Policy Area, the protection in the Conservation (Indigenous Forest) Zone of indigenous vegetation from disturbance and clearance, will assist in the creation of the Hauraki Ecological Corridor. The Corridor provides the ecological link between the Coromandel and Kaimai - Mamaku Forest Parks.

A further anticipated environmental result of the zone is that the amenities of adjacent land users (including infrastructure items) are not adversely affected by activities in the Conservation (Indigenous Forest) zone.

### 5.2.4 OBJECTIVES AND POLICIES

#### Objective 1

*To protect the botanical and wildlife values and natural character of the zone.*

#### Objective 2

*To maintain the soil and water protection function of the zone.*

#### Objective 3

*To recognise the scientific, educational, historic, economic, recreational and amenity values of the zone.*

#### Objective 4

*To ensure the protection of the quality of the water.*

#### Policies for Objectives 1-4

Objectives 1 - 4 will be achieved by the implementation of the following policies:

1. Recognising in the administration of the zone the protection of the botanical and wildlife values, natural character and soil and water protection roles of the zone.
2. Maintaining the net total area of indigenous forest cover including areas of regenerating indigenous forest.
3. Minimising ground surface disturbance in the zone.
4. Recognising that the conservation values of the Conservation (Indigenous Forest) Zone may vary within the zone.

#### Objective 5

To facilitate the efficient conservation management of the conservation estate included in the zone.

### **Objective 6**

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

### **Policies for Objectives 5 and 6**

Objectives 5 and 6 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 and the District Council may carry out emergency works within the zone where required and on public land which is the responsibility of those bodies.

### **Objective 7**

To facilitate further investigation of the location, type and extent of mineral resources, in a manner that is consistent with other objectives and policies of the zone.

### **Objective 8**

To avoid, remedy or mitigate the adverse effects of prospecting, exploration and mining activities.

### **Policies for Objectives 7 and 8**

Objectives 7 and 8 will be achieved by implementation of the relevant policies for Objectives 1-6 and the following policies:

1. Establishing and maintaining a close liaison with parties having an interest in conservation and mineral use and development.
2. Recognising that other methods (both within and outside the District Plan) can be employed to protect significant indigenous vegetation and significant habitats of indigenous fauna.

### **Reasons for All Objectives and Policies**

1. The principal reasons for the adoption of the Objectives and Policies for the Conservation (Indigenous Forest) Zone are set out in the Anticipated Environmental Result. The role of the Department of Conservation as manager of most of 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. The rules of the zone apply to all parties, including Department of Conservation.
2. The conservation values of the zone include the matters referred to in Objectives 1-4. Critical to the maintenance and enhancement of such values is the retention of indigenous vegetation cover (including areas of indigenous forest regeneration). Accordingly, any activity involving the disturbance or clearance of indigenous vegetation or disturbance of the ground surface is strictly controlled and would only be permitted where adverse effects could be remedied or mitigated.
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).
4. It is recognised that there is a mineral resource within the zone. However, detail on the location, extent, quality, practicality of its extraction or any other characteristics requires

further investigation. Such investigation and any subsequent mining shall be undertaken in a manner consistent with the objectives and policies of the zone.

### **5.2.5 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 that portion of the zone (ie the vast majority) which is held in Crown ownership as conservation estate. 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 disturbance or clearance of indigenous vegetation and disturbance of ground surface.

Where proposals involve vegetation clearance and/or disturbance beyond the permitted activity status, Council will give consideration in appropriate circumstances to methods including:

- ✗ net conservation benefit
- ✗ swapping of land (both inside and outside the zone)
- ✗ compensation through works (eg planting of indigenous vegetation, fencing)

Where the activity is clearly contrary to the objectives and policies of the zone, the plan change mechanism is available.

The Council has resolved that a request for a private plan change under Part II of the First Schedule to the Resource Management Act, will in all cases be processed and that the Council will not seek to defer such a request under Part II of the First Schedule.

An application for a plan change will be assessed against the matters set out in Part II of the Act, and shall include a consideration of the measures proposed by the applicant to avoid, remedy or mitigate the adverse effects of vegetation clearance and ground disturbance.

### **Reasons**

1. The key factor in achieving the objectives of the zone is the maintenance of indigenous vegetation and ground cover and the protection of forest regeneration and management of land surface disturbances.
2. Whilst minor clearances/land surface disturbance may result in some level of environmental impact, the need to obtain authorisation from the public agency responsible for the land (Department of Conservation or Council) provides adequate assurance that the effects on the environment will be appropriately controlled.
3. Where larger clearances/disturbances are involved consideration by resource consent application will ensure effects on the physical environment and matters such as visual impact, effects on utilities etc are properly addressed.

### **5.2.6 ACTIVITIES**

#### **5.2.6.1 Permitted Activities**

The following are permitted activities and shall comply with the performance standards specified in Section 5.2.7 below:

1. Any permitted activity specified in :
  - ✍ 7.1 - Heritage Features
  - ✍ 8.1 - Provision for Network Utilities
  - ✍ 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 land controlling authority (DOC or HDC) 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, removal/control of exotic, noxious or nuisance species, pedestrian and cycle track construction, reconstruction and maintenance, search and rescue operations, wild animal control operations, huts and shelters, interpretative signs, toilets, picnic areas, campsites.
3. 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.
4. Any other activity as approved by the land controlling authority.

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

- (i) not require the extension or upgrading of any network utility operation provided by the District Council.
- (ii) comply with the performance standards for the zone (Refer Section 5.2.7)
- (iii) not be located in a designated water catchment.
- (iv) not involve the removal of more than 200m<sup>2</sup>/100ha of access right/year of contiguous present indigenous ground cover or indigenous maintenance plantings designed to re-establish such cover for the purpose of protecting the values of the zone, or involve disturbance to the land surface of more than 200m<sup>2</sup>/100ha of access right/year.

#### 5.2.6.2 Controlled Activities

The following are controlled activities, shall comply with the Performance Standards specified in Rule 5.2.7 and shall be assessed in relation to the criteria specified in Rule 5.2.6.2A 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
2. Prospecting and exploration (Refer to Section 8.3 for objectives, policies and other provisions related to extractive industry activities),

**Provided that** provisos (i) - (iv) applying to permitted activities in Rule 5.2.6.1 above, shall also apply to controlled activities.

#### A. Assessment Criteria for Prospecting and Exploration

The following criteria will be used when assessing a controlled activity:

1. Size of Clearances
 

Whether the size and dimensions of individual clearances should be limited to avoid significant adverse effects on the environment.
2. Location of Clearances
 

Whether the location of an individual clearance in relation to other clearance(s) has the effect of creating an inappropriate contiguous clearance.
3. Rehabilitation
 

Whether an effective programme of rehabilitation is provided, aimed to return the disturbed area to the same or similar state as existed prior to the clearance.
4. Timing/Number of Clearances
 

Whether the timing and/or number of individual clearances should be staged in order that the rehabilitation of adjoining clearances is undertaken before new clearances are created.

#### 5.2.6.3 Discretionary Activities

The following are discretionary activities and shall be assessed in relation to the criteria in Rule 5.2.5.3 A and B:

1. Any permitted activity which does not meet the performance standards for permitted activities specified in Section 5.2.6 and where provision for discretionary activity applications is provided.
2. Any discretionary activity specified in Sections:
  - ✍ 7.1 - Heritage Features
  - ✍ 8.1 - Provision for Network Utilities
  - ✍ 8.7 - Signs
  - ✍ 8.10 - Surface of Water in Lakes, Rivers and Streams
  - ✍ 10.1 - Subdivision
3. Any management activity carried out by or on behalf of the Department of Conservation which does not qualify as a permitted activity.
4. Any other activity which does not qualify as a permitted activity.

**Provided that** in all cases any of the activities above may only be considered as a discretionary activity, where the activity involves the removal of less than 10,000m<sup>2</sup>/100ha of access right/year of contiguous present indigenous ground cover or indigenous maintenance plantings designed to re-establish such cover for the purpose of protecting the values of the zone, or involve disturbance to the land surface of less than 10,000m<sup>2</sup>/100ha of access right/year.

**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 visual impact of the activity in particular the degree to which prominent visual features such as ridgelines, skylines and the coast are affected as viewed from inside and outside the zone.
3. 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.
4. The effects of the activity on the indigenous flora and fauna of the locality and zone. In particular, such assessments shall include, but not be limited to:
  - the extent to which the activity will adversely affect the forest canopy
  - the effects on the habitat of indigenous fauna
  - the proposals for rehabilitation of disturbed areas
  - the measures proposed to avoid accelerated erosion
  - the overall effect on the health and diversity of the indigenous vegetation.Development proposals will need to demonstrate that the adverse effects on indigenous forest cover and associated habitat are being avoided, remedied or mitigated.
5. The effects of the activity on the Hauraki Ecological Corridor, including, but not limited to:
  - adverse effects on the functioning of the Corridor
  - the potential for the proposal to enhance the ecological, landscape and scenic amenity values of the Corridor
  - proposals to provide additional land for conservation purposes which may enhance the values of the Corridor.
6. The assessment criteria specified for controlled activities in Rule 5.2.6.2.A.

**B. Assessment Criteria for Network Utilities**

The criteria specified below shall be considered in addition to the assessment criteria 1-5 in Rule 5.2.6.3 A above:

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.

**5.2.6.4 Prohibited Activities**

1. The introduction, keeping or farming of any noxious plant, animal or pest unless approved by the Ministry of Agriculture and Fisheries.

**5.2.7 PERFORMANCE STANDARDS**

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

**5.2.8 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