

5.2 CONSERVATION (INDIGENOUS FOREST) ZONE

5.2.1 ZONE PURPOSE

- (1) The purpose of the Conservation (Indigenous Forest) Zone 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, protecting its high significance as a wildlife habitat as well as its important landscape, scenic, scientific and recreational value, and for its water and soil functions. For the most part, this outcome is met through the land being in public ownership and/or managed by the Department of Conservation, and by way of designation by the Hauraki District Council for water supply catchment purposes.
- (2) The land is predominantly covered with indigenous forest, some of which is regenerating, and contains a diversity of forest types and rare or threatened flora and fauna. 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.
- (3) 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; it is important in maintaining a high water quality standard in the streams within the catchment as a source of water supply to nearby towns and to the productive lowlands. Certain areas are designated as water supply catchments by the Hauraki District Council.
- (4) 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 2 and the Ohinemuri River, makes the link vulnerable. Parts of the Corridor are outside the Conservation (Indigenous Forest) Zone, and the Karangahake Gorge Zone and various other methods (including education and consultation) are used to enhance the ecological, landscape and scenic amenity of the Corridor in this area.
- (5) The zone is also an 'Outstanding Natural Landscape' because of its distinctive elevated landform, homogeneity of bush cover, general absence of other land uses and structures and large viewing audience.
- (6) It is known that a variety of mineral resources are present in parts of the Conservation (Indigenous Forest) Zone, due to the historical and present investigation of mineral deposits, and there are existing prospecting and exploration permits for the investigation of these resources.

5.2.2 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To protect and enhance the biological diversity and outstanding landscape character values of the zone.

(2) OBJECTIVE 2

To protect and enhance the soil and water protection function of the zone.

(3) OBJECTIVE 3

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

(a) Policies

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

- (i) Recognise in the administration of the zone the protection of the significant flora and fauna values, natural landscape character and soil and water protection roles of the zone.
- (ii) Maintain the net total area of indigenous vegetation cover including areas of regenerating indigenous vegetation.
- (iii) Minimise ground surface disturbance in the zone.
- (iv) Recognise that the conservation values of the Conservation (Indigenous Forest) Zone may vary within the zone.

(4) OBJECTIVE 4

To facilitate efficient conservation management and public use and recreational and visitor opportunities without having a significant adverse effect on biodiversity, landscape, historical, or cultural values of the zone and the amenity values of adjacent zones.

(a) Policies

Objective 4 will be achieved by the implementation of the following policies:

- (i) Recognise that the Department of Conservation and Hauraki District Council may carry out emergency, conservation protection, and enhancement works and where appropriate provide and manage recreational facilities within the zone on public land which is the responsibility of those bodies.
- (ii) Avoid, remedy or mitigate the significant adverse effects of activities that have the potential to compromise, damage or destroy the indigenous ecosystems or the amenity values of adjacent land uses.

(5) OBJECTIVE 5

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.

(6) OBJECTIVE 6

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

(a) Policies

- (i) Objectives 5 and 6 will be achieved by implementation of the above relevant policies for the zone.

(7) REASONS FOR ALL OBJECTIVES AND POLICIES

- (a) The principal reasons for the adoption of the Objectives and Policies for the Conservation (Indigenous Forest) Zone are set out in the Environmental Results below. 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 can potentially have effects beyond the boundaries of the zone regardless of whether such activities are undertaken by the 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 the Department of Conservation.
- (b) The conservation values of the zone include the matters referred to in Objectives 1 to 4. Critical to the protection and enhancement of such values is the retention of indigenous vegetation cover (including areas of indigenous vegetation 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.
- (c) It is understood that the Department of Conservation wishes to adhere to the District Plan notwithstanding that the Department may, in certain circumstances, not be bound by the Rules of the District Plan (refer Section 4 RMA).
- (d) 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.

5.2.3 ENVIRONMENTAL RESULTS

- (1) To recognise and maintain the importance of the indigenous vegetation cover in terms of its role in providing a sustainable ecological base for the District and Region, its habitat, scenic, scientific, cultural and recreational value, and its water and soil functions.

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- (2) The amenities of adjacent land users (including infrastructure items) are not adversely affected by activities in the Conservation (Indigenous Forest) Zone.

5.2.4 ACTIVITY STATUS

Activities and their *accessory uses*, and *buildings* (unless otherwise stated) are *Permitted*, *Controlled*, *Restricted Discretionary*, *Discretionary*, *Non Complying* or *Prohibited* according to the Activity Status Table below:

Note: Any works/activities undertaken on Department of Conservation land also require prior approval from the Department of Conservation.

5.2.4.1 PERMITTED ACTIVITIES

Those activities listed below are a *Permitted Activity*, unless otherwise specified and subject to compliance with the:

- *Zone Development Standards* specified in Rule 5.2.5,
- Activity Specific Standards specified in Rule 5.2.6;
- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

P1	<i>MANAGEMENT ACTIVITIES</i> CARRIED OUT BY, OR ON BEHALF OF THE LAND CONTROLLING AUTHORITY (DEPARTMENT OF CONSERVATION OR COUNCIL) FOR ONE OR MORE OF THE FOLLOWING PURPOSES: (1) PROTECTION OR ENHANCEMENT OF ECOLOGICAL, HERITAGE, SOIL AND WATER, LANDSCAPE, RECREATIONAL OR AMENITY VALUES OF THE ZONE
P2	<i>PROSPECTING</i>
P3	TEMPORARY USES AND BUILDINGS (MEETING PART (d) OF THE DEFINITION).

5.2.4.2 CONTROLLED ACTIVITIES

Those activities listed below are a *Controlled Activity* unless otherwise stated and subject to compliance with the:

- *Zone Development Standards* specified in Rule 5.2.5;
- Activity Specific Standards in Section 5.2.6
- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

Conditions may be imposed in relation to the matters over which control has been reserved, as specified below.

<p>C1 <i>EXPLORATION</i> (REFER TO ACTIVITY SPECIFIC STANDARD 5.2.6(1))</p> <p>Matters over which the Council has reserved control are:</p> <p>(1) Location of vegetation and/or land clearances</p> <p style="padding-left: 20px;">(a) Whether the location of an individual clearance in relation to other clearance(s) has the effect of creating an inappropriate contiguous clearance.</p> <p>(2) Timing/number of vegetation and/or land clearances</p> <p style="padding-left: 20px;">(a) 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.</p> <p>(3) Management and rehabilitation</p> <p style="padding-left: 20px;">(a) The adequacy of management and rehabilitation plans (including the possible use of performance bonds or other mechanisms) to ensure the long term appearance and stability of any disturbed/excavated area including surplus earth disposal areas and whether they are aimed at returning the disturbed area to the same or similar state as existed prior to the clearance.</p>
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5.2.4.3 RESTRICTED DISCRETIONARY ACTIVITIES

Those activities listed below are a *Restricted Discretionary Activity* subject to compliance with the:

- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

The matters over which the *Council* has restricted its discretion are specified for each *Restricted Discretionary Activity* listed below.

<p>RD1 ANY PERMITTED ACTIVITY OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ZONE DEVELOPMENT STANDARDS IN RULE 5.2.5 FOR A PERMITTED OR CONTROLLED ACTIVITY AND DOES NOT EXCEED THE ZONE DEVELOPMENT STANDARDS IN RULE 5.2.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY</p> <p>Matters over which the Council has restricted its discretion are:</p> <p>The <i>Council</i> will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result of the <i>Zone Development Standards</i> in Rule 5.2.5 for which compliance is not met and the following relevant assessment criteria:</p> <p>(1) Height</p> <p style="padding-left: 20px;">(a) The extent that topographical and <i>site</i> conditions (including easements) restrict the area or shape of the <i>site</i> that is suitable and available for building.</p> <p style="padding-left: 20px;">(b) The desirability of maintaining consistency in design and appearance with existing <i>buildings</i> on the <i>site</i>.</p>

- (c) The need to preserve existing trees, vegetation or important physical characteristics of the *site*.
- (d) Whether the boundary to which the standard relates is a common boundary with an area of permanent open space, the use of which will not be detrimentally affected by any increased shading or loss of visual *amenity*.
- (e) Whether the property adjoining the *site* is sufficiently higher and therefore the adjoining property will not be detrimentally affected.
- (f) Where the standard is not met due to penetration by a dormer window, gable or similar roof feature, whether that will have a minor effect on the *amenities* of the neighbouring site.
- (g) The extent to which it is necessary to minimise the physical disturbance to the landscape and the landforms.
- (h) The degree to which *amenity value* and privacy of adjoining properties is affected by matters such as shading and loss of daylight.
- (i) The extent to which the *building* visually intrudes on any significant ridgeline or skyline or significant landscape and what measures are proposed to reduce the visual effects of that intrusion.
- (j) Whether the *building* will detract from any view or vista which contributes to the aesthetic coherence of a locality, and if it does, what measures can and will be taken to reduce the detraction to an acceptable level or remove it completely.

(2) **Yards**

- (a) The extent that topographical and *site* conditions restrict the area or shape of the *site* that is available and suitable for building.
- (b) The degree to which the functioning of the *site* and/or the activity can be improved by not meeting the standard.
- (c) Whether there is a need to preserve existing trees, vegetation or important physical characteristics of the *site*.
- (d) The extent to which the provision of daylight and sunlight into the neighbouring properties and the visual and aural privacy of neighbouring sites will be affected.
- (e) The extent to which the safe and efficient functioning of the street or *road* will be compromised.
- (f) Whether the detrimental effects of building in the *yard* can be reduced or avoided.
- (g) Whether the *yard* functions (including separation, *landscaping* and service provision) will be provided on the *site* by other means, or are they unnecessary.

5.2.4.4 DISCRETIONARY ACTIVITIES

Those activities listed below are a *Discretionary Activity* and shall be assessed against the relevant criteria in Rule 5.2.7.

Note: The Conservation and Heritage provisions in Section 6.0 and the Specific and District Wide provisions in Section 7.0 also apply and may alter the *Discretionary Activity* status for the activities specified below or require additional resource consents.

D1	ANY <i>PERMITTED</i> OR <i>CONTROLLED</i> ACTIVITY THAT DOES NOT MEET THE <i>ZONE DEVELOPMENT STANDARDS</i> IN RULE 5.2.5 FOR A <i>RESTRICTED DISCRETIONARY ACTIVITY</i>
D2	ANY OTHER ACTIVITY UNDERTAKEN EITHER BY THE DEPARTMENT OF CONSERVATION OR HAURAKI DISTRICT COUNCIL THAT IS NOT OTHERWISE PROVIDED FOR AS A <i>PERMITTED ACTIVITY</i>
D3	<i>EXPLORATION</i> NOT OTHERWISE PROVIDED FOR AS A <i>CONTROLLED ACTIVITY</i>
D4	<i>UNDERGROUND MINING</i>

5.2.4.5 NON COMPLYING ACTIVITIES

Those activities listed below are a *Non Complying Activity*.

NC1	ANY ACTIVITY NOT PROVIDED AS A <i>PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY, DISCRETIONARY</i> OR <i>PROHIBITED ACTIVITY</i>
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5.2.4.6 PROHIBITED ACTIVITIES

Those activities listed below are a *Prohibited Activity*.

THERE ARE NO <i>PROHIBITED ACTIVITIES</i>

5.2.5 ZONE DEVELOPMENT STANDARDS

- (1) The following relevant *Zone Development Standards* shall be met by all *Permitted* and *Controlled Activities* unless otherwise stated.
- (2) For *Controlled Activities*, where *Council* has reserved control over specified matters in Rule 5.2.4.2, and for *Restricted Discretionary Activities* in Rule 5.2.4.3, where *Council* has restricted its discretion to specific matters, more restrictive development standards than those specified in the table below, may be imposed as *conditions* of consent.
- (3) The following relevant *Zone Development Standards* shall be used as a guide in assessing any *Discretionary* and *Non Complying Activities*.

Development Standard *	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Maximum Height	6.0 metres	8.0 metres	To ensure that the <i>height of buildings</i> is compatible with the activities permitted in the <i>zone</i> as well as the landscape, <i>amenity</i> and character of both the <i>zone</i> that the <i>building</i> is located in and any adjoining <i>zone</i> .
Minimum Yards (Other yards apply only at the <i>zone</i> boundaries)	Front Yard: 12 metres	Front Yard: 12 metres	To allow flexibility in <i>site</i> layout while still maintaining the <i>amenities</i> of the <i>zone</i> and any adjoining <i>zones</i> .
	Other yards: 6 metres for accommodation purposes, 12 metres for other purposes.	Other yards: Nil	

*These Zone Development Standards shall not apply to “Prospecting” and “Exploration”.

5.2.6 ACTIVITY SPECIFIC STANDARDS

(1) EXPLORATION

- (a) Trenching and costeaming is subject to a maximum cross section area of 6m².
- (b) Progressive rehabilitation of trenching is to be undertaken, such that no more than 50 metres of trenching is left open at any one time.
- (c) *Exploration* drilling is subject to a maximum drilling pad size of 200 square metres.
- (d) Bulk sampling is subject to a maximum of 500 cubic metres of material per 100 hectares.
- (e) *Exploration* tunnels are subject to the maximum volume of excavated material not to result in more than 500 square metres of surface area being covered, to a maximum height of 2 metres.
- (f) Rehabilitation measures are proposed.

5.2.7 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

When assessing any application for a *Discretionary Activity*, Council shall have regard to the relevant *development standards*, activity specific standards, environmental results and assessment criteria for *Permitted*, *Controlled* and *Restricted Discretionary Activities* in Rules 5.2.4 to 5.2.6, and the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

5.2.7.1 GENERAL ASSESSMENT CRITERIA

- (1) 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:

- (a) the extent to which the activity will adversely affect the *indigenous vegetation* canopy;
- (b) the effects on the habitat of indigenous fauna;
- (c) the proposals for rehabilitation of disturbed areas;
- (d) the measures proposed to avoid accelerated erosion;
- (e) the overall effect on the health and diversity of the *indigenous vegetation*.

Development proposals will need to demonstrate that the adverse effects on the *indigenous vegetation* cover and associated habitat are being avoided, remedied or mitigated.

- (2) The effects of the activity on the *Hauraki Ecological Corridor* including, but not limited to:
 - (a) adverse effects on the functioning of the Corridor;
 - (b) the potential for the proposal to enhance the ecological, landscape and scenic *amenity values* of the Corridor;
 - (c) proposals to provide additional land for conservation purposes which may enhance the values of the Corridor.
- (3) The visual impact of the activity, in particular the degree to which prominent visual features such as ridgelines and skylines are affected, as viewed from inside and outside the *zone*.
- (4) 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*.
- (5) Whether traffic movements resulting from the activity will have any significant impact on the safe and efficient operation of any *road*. Pertinent matters for consideration in this regard are:
 - (a) the carrying capacity, standard and status in the roading hierarchy of the *road* concerned;
 - (b) the ability of the *site* to accommodate the activity requirements for on-site parking, loading and *manoeuvring areas*;
 - (c) the means by which any likely adverse traffic effects can be avoided, remedied or mitigated;
 - (d) the access, parking and loading standards for *permitted activities* that shall be used as a guideline in assessing applications for *discretionary activities*;
 - (e) the comments of New Zealand Transport Agency on the possible adverse effects on the safe and efficient operation of the *state highway* network.
- (6) The degree to which the activity will cause demands for the uneconomic or premature upgrading or extension of public services, including roading, which are not in the interests of the District or locality.
- (7) Whether the activity and any *buildings* and *structures* are of a scale and intensity which are in keeping with the character and *amenity values* of the *zone*, the adjacent rural *environment*, and the coastal *environment* where the Conservation (Indigenous Forest) Zone is adjacent to the coast.