

## **14. Conservation Zone**

### **14.1 Introduction**

- 14.1.1 The Waitomo District contains several areas of land administered by the Department of Conservation. Major areas include the Whareorino and the Tawarau Forests. There are many other ecologically significant areas such as the Waitomo Scenic Reserve, Mapara Wildlife Management Reserve, parts of the Pureora Forest and the Mahoenui Scientific Reserve. Conservation land includes marginal strips and stewardship land, that also has protected status. Department of Conservation lands form the majority of the Conservation zone.
- 14.1.2 The Conservation Zone also applies to reserves under the Reserves Act 1977 and to some private land that is the subject of covenants under the Queen Elizabeth II National Trust. There are requirements under the Reserves Act to be met as well as the requirements of the Resource Management Act. Some private land not subject to any form of covenant but having high conservation values, is included in the zone.
- 14.1.3 Section 4 of the Resource Management Act 1991 states that any land use of the Crown within the boundaries of land administered under the Conservation Act 1987 is exempted from its requirements. The activity or work must be consistent with a Conservation Management Strategy, Conservation Management Plan or other management plan prepared under the Conservation Act or other Acts specified in the First Schedule of that Act. It is subject to the proviso that the activity does not have a significant effect outside the boundaries of the land.
- 14.1.4 By implication land use activities carried out by agencies other than the Crown on Conservation land are subject to the provisions of the Resource Management Act.
- 14.1.5 Because both the Crown and Council have duties prescribed by this legislation there is a degree of duplication. In addition to resource users having to comply with this plan, the Department of Conservation must also be consulted and their approval obtained before any activity can proceed on land administered by them.
- 14.1.6 Control and management of this land in accordance with the objectives and policies set out in this section of the Plan will largely be achieved by public ownership and the implementation of Conservation Management Strategies and reserves management plans. However the zoning is a means of informing the public about the conservation values of the land. It also ensures activities within the zone do not have significant adverse effects on neighbouring land. The Conservation Zone does not cover all land with conservation values in the District such as esplanade reserves, Crown Land Reserved from sale, and unformed public road adjacent to water. Conservation issues are also addressed in other sections of this plan, particularly Sections 12, 21, 24 and 27.

### **14.2 Resource Management Issues**

- 14.2.1 Destruction of or damage to areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- 14.2.2 Destruction of or damage to sensitive karst and included cave systems as a result of increasing or uncontrolled use.
- 14.2.3 Adverse effects on the landscape and heritage values of the District through removal of vegetation or loss of geomorphic features.
- 14.2.4 Adverse effects on water quality as a result of land disturbance, particularly on steep land, and removal of vegetation.
- 14.2.5 Adverse effects on the natural character of the coastal environment as a result of land disturbance, removal of vegetation and building development.
- 14.2.6 Adverse effects on sites or areas of value to tangata whenua.
- 14.2.7 The adverse effects of buildings on the foreshore on public access to and along the coastal marine area.
- 14.2.8 Adverse effects on sites and/or structures of historic value.

### **14.3 Objectives**

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|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| 14.3.1 | To preserve areas of significant indigenous vegetation from damage.                                                                                             | <i>Issue 14.2.1</i>              |
| 14.3.2 | To protect karst and included cave systems from damage.                                                                                                         | <i>Issue 14.2.2</i>              |
| 14.3.3 | To maintain and enhance natural habitats and ecosystems, especially those which support indigenous fauna such as kokako, whitebait and the Mahoenui giant weta. | <i>Issues 14.2.1,<br/>14.2.4</i> |
| 14.3.4 | To ensure that the natural character and existing landscape of the coastal environment is maintained and enhanced.                                              | <i>Issues 14.2.5,<br/>14.2.7</i> |
| 14.3.5 | To protect sites and areas of value to tangata whenua.                                                                                                          | <i>Issue 14.2.6</i>              |
| 14.3.6 | To ensure that public access to and along the coastal marine area is maintained and where possible, enhanced.                                                   | <i>Issue 14.2.9</i>              |
| 14.3.7 | To ensure that coastal waters and ground and surface waters are not adversely affected by effluent disposal from development.                                   | <i>Issue 14.2.8</i>              |
| 14.3.8 | To protect sites and/or structures of historic value.                                                                                                           | <i>Issue 14.2.6,<br/>14.2.10</i> |

### **14.4 Policies**

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|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| 14.4.1  | To ensure that areas of significant indigenous vegetation are identified, assessed and managed in accordance with their values.                                                             | <i>Objective<br/>14.3.1</i>                      |
| 14.4.2  | To ensure that appropriate vegetation is maintained over and around significant karst and included cave systems.                                                                            | <i>Objective<br/>14.3.2</i>                      |
| 14.4.3  | To encourage the control of pests in areas of significant indigenous vegetation.                                                                                                            | <i>Objectives<br/>14.3.1, 14.3.3</i>             |
| 14.4.4  | To ensure that development within the Conservation Zone does not damage the habitats or ecosystems supporting significant native species such as kokako, whitebait and Mahoenui giant weta. | <i>Objective<br/>14.3.3</i>                      |
| 14.4.5  | To facilitate a co-ordinated approach with the Department of Conservation and any other administrative bodies in management of land within the Conservation Zone.                           | <i>Objectives<br/>14.3.1<br/>14.3.8</i>          |
| 14.4.6  | To encourage the removal of inappropriate structures that restrict public access to and along the coastal marine area.                                                                      | <i>Objective<br/>14.3.6</i>                      |
| 14.4.8  | To encourage the provision of esplanade reserves or other appropriate forms of public access and environmental protection adjoining all coastal Conservation Zone areas.                    | <i>Objective<br/>14.3.6</i>                      |
| 14.4.9  | To ensure that development on land adjacent to the Conservation zone does not adversely affect habitats or ecosystems within the zone.                                                      | <i>Objectives<br/>14.3.1, 14.3.3,<br/>14.3.4</i> |
| 14.4.10 | To encourage development that within the Conservation Zone recognises and protects sites and/or structures of historic value.                                                               | <i>Objective<br/>14.3.8</i>                      |
| 14.4.11 | To ensure that development within the Conservation Zone protects sites and areas of value to tangata whenua.                                                                                | <i>Objective<br/>14.3.5</i>                      |

## 14.5 Rules

### 14.5.1 Activity Classifications

#### 14.5.1.1 **Permitted Activities**

- (a) Any conservation activity carried out by or approved by the land controlling authority in accordance with a Conservation Management Strategy, a Reserve Management Plan under the Reserves Act 1977, or in accordance with any other Act of Parliament or regulations that specifically apply to the land, or in accordance with the requirements of a covenant. *Policies 14.4.1, 14.4.3, 14.4.5 & 14.4.2*
- (b) The collection of plant or animal matter for scientific research or Maori cultural purposes if approved by the land controlling authority. *Policies 14.4.4 & 14.4.9*

#### 14.5.1.2 **Discretionary Activities**

*Policy 14.4.8*

- (a) Visitor indoor and outdoor recreational activities not otherwise included in Rule 14.5.1.1.
- (b) Subdivision
- (c) Any conservation activity not otherwise included in Rule 14.5.1.1
- (d) Harvesting of any exotic plantation forest (but not replanting of exotic forest), grazing and access.

**Advisory note:** Rule 14.5.1.2(d) does not apply to harvesting and replanting activities regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Those regulations prevail over this rule in relation to plantation forestry activities.

#### 14.5.1.3 **Non-complying Activities**

- (a) Any activity not included in Rules 14.5.1.1 and 14.5.1.2 *Policy 14.4.6*

Note 1: Not all lands administered by the Department of Conservation, specifically marginal strips, stewardship lands, or closed roads are shown as Conservation Zone on the Planning Maps due to difficulties of scale. If in doubt regarding administration of such lands contact the Department of Conservation. Similarly other publicly owned riparian lands such as unformed public roads are not shown as Conservation Zone due to difficulties of scale.

Note 2: All activities carried out on land in the Conservation Zone are subject to the approval of the land controlling authority.

### 14.5.2 Assessment Criteria for Discretionary Activities

- 14.5.2.1 The provisions of the relevant Conservation Management Strategy and Management Plans for Reserves for other parts of the Conservation Zone.
- 14.5.2.2 The effect of the proposal on any significant ecosystems and/or habitats of flora and fauna
- 14.5.2.3 The mitigation measures proposed to avoid, remedy or mitigate any adverse effects which have been identified or are anticipated
- 14.5.2.4 The results of consultation with the Department of Conservation or other relevant land controlling authority.
- 14.5.2.5 The anticipated adverse effects resulting from any area of non-compliance and its impact on the area's amenity and sites or areas of archaeological, historical, ecological or cultural significance.

- 14.5.2.6 The extent to which the natural character of the land or coast is maintained.
- 14.5.2.7 The extent to which the proposal would maintain or enhance public access to the coastal marine area or to the margins of rivers or lakes.

#### **14.6 Incentives**

The Council operates a rate relief policy for areas of privately-owned indigenous vegetation that is either protected by appropriate covenants or meets other requirements in terms of containing a minimum cover of virgin or cut-over revegetating forest of at least 90% of the title area. The policy provides for full remission of rates on qualifying areas of land. Council staff should be contacted to assess compliance with the policy.

#### **14.7 Anticipated Environmental Outcomes**

- 14.7.1 The maintenance and enhancement of the natural character of land in the zone, including the coast.
- 14.7.2 The protection of indigenous vegetation on land in the Conservation Zone.
- 14.7.3 The maintenance and enhancement of water quality and the protection of karst and cave systems located within the Conservation Zone.
- 14.7.4 The protection of significant habitats of indigenous fauna within the Conservation Zone.
- 14.7.5 The maintenance and enhancement of public access to the coast and the margins of lakes and rivers.
- 14.7.6 Development within the zone that is sensitive to the natural character of the area.