

SECTION 17: NATURAL ENVIRONMENT RULES

This section of the District Plan relates to the following areas identified on Planning Maps:

- Significant Natural Areas (listed in Schedule 2).
- Outstanding Natural Features/Landscapes (listed in Schedule 8A).
- Coastal Protection Area, including Areas of Outstanding Natural Character (listed in Schedule 8B).

General rules and performance standards in relation to indigenous vegetation and habitats are also included to protect other important natural areas which are not listed for protection in Schedule 2 – Significant Natural Areas.

Furthermore, the underlying zone rules (e.g. Rural Zone) apply in addition to the rules in this chapter. Unless otherwise stated, the sites zoned Residential are exempt from the provisions in this chapter.

When there is actual or perceived conflict between provisions in different sections of the District Plan, the more stringent provisions shall apply.

Further information on the identification, values and attributes of these areas is contained within specific assessment reports, available from the Council. An applicant shall have regard to the particular values and attributes of the site or area in which a particular activity or development is proposed when applying for a resource consent.

17.1 CATEGORIES OF ACTIVITIES

17.1.1 PERMITTED ACTIVITIES

(a) Within the Coastal Protection Area, the following activities are permitted:

- (i) Passive outdoor recreation activities excluding boardwalks.

Note: This activity includes permanent or temporary structures designed to assist or restrict pedestrian access (such as fences, bollards and steps) or for passive recreation use (such as picnic tables, barbecues, shelter, and rubbish/recycling bins).

- (ii) Pest control methods aimed at managing pest plants and animal pests.
- (iii) Species protection and conservation management work, including indigenous vegetation restoration and re-planting work.
- (iv) Maintenance of flood control, erosion control, or drainage works carried out by or on or behalf of Taranaki Regional Council.
- (v) The operation, upgrading, maintenance or removal of existing network utilities.
- (vi) Clearance, modification, damage or destruction of indigenous vegetation required for the operation, upgrading, maintenance, or removal of existing network utilities, but excluding their expansion and relocation.
- (vii) The maintenance of existing structures and tracks (including earthworks for existing farm tracks, fence lines and recreational tracks).

- (viii) The operation, use and maintenance of existing campgrounds, including earthworks within existing campgrounds not exceeding 1m (cut or fill) measured vertically.
- (ix) Clearance of indigenous vegetation not exceeding 100m² in area per 5 year period, per site.
- (x) Maintenance of bridges.
- (xi) The installation of underground pipelines and cables (including new customer connections) using trenchless techniques, such as directional drilling, where Significant Natural Areas and the following Regionally Significant Wetlands are avoided;
 - Julian's Pond
 - Lake Taumaha
 - Waitōtara River Marginal Strip (Hawken's Lagoon Conservation Area).
- (xii) The installation of underground pipelines and cables (including new customer connections) using trenches where the maximum length of trench open at any one time is 50m.
- (xiii) Farming.
- (xiv) Construction of new fences and stock water reticulation (tanks, pipes and water troughs).
- (xv) Soil conservation, including borrow pits.
- (xvi) Earthworks not exceeding 1m (cut or fill) measured vertically.
- (b) Within the existing Kaūpokonui Beach Motor Camp section of the Kaūpokonui Outstanding Natural Feature/Landscape listed in Schedule 8A, the following activities are permitted:
 - (i) The operation and use of the existing campground.
 - (ii) Earthworks not exceeding 1m (cut or fill) measured vertically.
- (c) New buildings or structures, and external additions to existing buildings that are set back a minimum of 100m from the boundary of the Kaūpokonui Outstanding Natural Feature/Landscape listed in Schedule 8A.
- (d) For indigenous vegetation not identified as a Significant Natural Area in Schedule 2, any clearance, modification, damage or destruction of indigenous vegetation for the following purposes:
 - (i) Required for the operation, maintenance, and upgrading of existing network utilities, or roads, tracks, drains, structures and fence lines but excluding their expansion and relocation.
 - (ii) The removal of dead wood, wind-thrown trees or diseased vegetation.
 - (iii) Required as emergency work to safeguard life, dwelling units, or network utilities from immediate danger.
 - (iv) Removal of re-growth from previously cleared land, which has grown within 15 years of last being cleared, and does not involve trees greater than 30cm measured at 1.4m from the highest point of ground level at the base of the tree.
 - (v) Forestry harvesting.

- (vi) The modification or removal of kanuka and/or manuka when not accompanied by other indigenous tree species; or when the manuka and/or kanuka is less than 25 years of age.
- (vii) Required for pest control undertaken by the Department of Conservation, Taranaki Regional Council or South Taranaki District Council.
- (viii) The removal of up to 50m³ of timber from any area of indigenous vegetation per 10 year period for the following purposes:
 - a. Private use (i.e. the timber must not be sold or gifted to third parties).
 - b. Use by tāngata whenua for cultural purposes (e.g. for rongoa, waka, traditional buildings and marae based activities).
- (ix) Except where specifically listed in Rules (i) – (viii) above, any clearance, modification, damage or destruction of indigenous vegetation, regardless of land ownership, where:
 - a. Indigenous trees at less than 30cm in diameter measured at 1.4m from the highest point of ground level at the base of the tree; and
 - b. Four or fewer indigenous trees at least 6m in height, per 1ha area (or if less than 1ha, there are four or fewer trees at least 6m in height in the within an area of contiguous indigenous vegetation); and
 - c. The area of contiguous indigenous vegetation is either:
 - Smaller than 0.5ha in the Ring Plain and Marine Terraces Areas;
 - OR
 - Smaller than 2ha in the Hill Country Area.

As shown on the map in Natural Environment Appendix 2.
- (e) For indigenous vegetation identified as a Significant Natural Area in Schedule 2 and Outstanding Natural Features/Landscapes in Schedule 8A, clearance, modification, damage or destruction by a suitably qualified arborist where vegetation is interfering with, or is likely to compromise the safe and effective operation of the existing National Grid or an existing network utility.
- (f) Within the Significant Natural Areas listed in Schedule 2 and the Outstanding Natural Features/Landscapes listed in Schedule 8A, the following activities are permitted:
 - (i) The operation, upgrading, maintenance or removal of existing network utilities.

17.1.2 CONTROLLED ACTIVITIES

None.

17.1.3 RESTRICTED DISCRETIONARY ACTIVITIES

- (a) Within the Coastal Protection Area, the following activities:
 - (i) External additions or alterations to an existing building or structure that increase the gross floor area.
 - (ii) New buildings or structures up to 50m² in gross floor area and with a height of no more than 5m.

- (iii) New or the upgrading of flood control, erosion control, or drainage works carried out by or on behalf of Taranaki Regional Council.
- (iv) New or upgraded board walks and bridges.
- (v) The installation of underground pipelines and cables (including new customer connections) using trenches where the maximum length of trench open at any one time exceeds 50m.

Matters to which the Council restricts its discretion:

- (i) Whether there is a functional requirement for the activity to be located within the coastal environment.
 - (ii) Effects on the natural character and landscape values, indigenous vegetation and fauna, visual amenity, open space, and historical and cultural values, and quality of the coastal environment, and proposed mitigation measures to reduce adverse effects.
 - (iii) Risks from natural hazards, including whether the activity would accelerate or worsen natural hazard risks.
- (b) Within the Lake Rotokare Outstanding Natural Feature/Landscape listed in Schedule 8A, the following activities:
- (i) The clearance of indigenous vegetation up to 100m² in any continuous period of 12 months (except as provided for under Rule 17.1.1).
 - (ii) New buildings or structures, up to 50m² in gross floor area and a height of no more than 5m.

Matters to the Council restricts its discretion:

- (i) Effects on natural character and landscape values, visual amenity, recreational values, and quality of the environment.
 - (ii) For the clearance of indigenous vegetation, the need for vegetation clearance and suitability of any re-vegetation plan.
- (c) Within the Kaūpokonui Beach Motor Camp section of the Kaūpokonui Outstanding Natural Feature/Landscape listed in Schedule 8A, new buildings or structures, and external additions to existing buildings.

Matters to which the Council restricts its discretion:

- (i) Effects on natural character and landscape values, visual amenity, recreational values, and quality of the environment.
- (d) Any new buildings or structures, and external additions to existing buildings that do not comply with the setback from the boundary of the Kaūpokonui Outstanding Natural Feature/Landscape listed in Schedule 8A as in Rule 17.1.1(c).

Matters to which the Council restricts its discretion:

- (i) Effects on natural character and landscape values, visual amenity, recreational values, and quality of the environment.
- (e) Any building within 500m of the natural waterbody of Lake Rotorangi, except for any buildings for the Pātea Hydro Scheme, Lake Rotorangi Campground or Hāwera Water Ski Club (500m setback is shown on the map in Natural Environment Appendix 1).

Matters to which the Council restricts its discretion:

- (i) Effects on natural character and landscape values, visual amenity, recreational values, cultural values, and quality of the environment.
- (f) Within the Coastal Protection Area, the installation of underground pipelines and cables (including new customer connections) using trenchless techniques, such as directional drilling within Significant Natural Areas or within the following Regional Significant Wetlands:
- Julian's Pond
 - Lake Taumaha
 - Waitōtara River Marginal Strip (Hawken's Lagoon Conservation Area).

Matters to which the Council restricts its discretion:

- (i) Avoiding, remedying or mitigating actual or potential effects on the values of the Significant Natural Area(s) or Regionally Significant Wetland(s).

17.1.4 DISCRETIONARY ACTIVITIES

- (a) Within the Coastal Protection Area, the following activities are discretionary activities:
- (i) Clearance of indigenous vegetation over 100m² in area per 5 year period.
 - (ii) Except as provided for as a permitted activity in in Rule 17.1.1, earthworks not exceeding 2.5m (cut or fill) measured vertically.
 - (iii) New camping grounds or extensions to existing camping grounds.
 - (iv) Except as provided for in Rules 17.1.3(a) and 17.1.4(a)(v), new buildings, structures or network utilities with a height of no more than 7m.
 - (v) New network utility lines and poles with a height of no more than 12.5m.
 - (vi) Any relocatable dwelling unit located within 100m of the Mean High Water Springs.
 - (vii) Waste disposal facility.
 - (viii) Large-scale renewable electricity generation activities.
 - (ix) Landfarming
- Note: Relocatable means not intended for permanent location and readily capable of removal for relocation within the site or to another site (i.e. not on concrete foundations).
- (b) Within Lake Rotokare Outstanding Natural Feature/Landscape listed in Schedule 8A, new buildings or structures or clearance of vegetation not provided for as a restricted discretionary activity in Rule 17.1.3(b).
- (c) Any activity in the Coastal Protection Area, not specifically listed as a Permitted,-Restricted Discretionary, or Non-Complying activity.
- (d) Any clearance, modification, damage or destruction of indigenous vegetation in any Significant Natural Area listed in Schedule 2, except as provided for under Rule 17.1.1(e) or 17.1.3(f).
- (e) Any clearance, modification, damage or destruction of indigenous vegetation not identified as a Significant Natural Area in Schedule 2 regardless of land ownership, or unless the activity is provided for under Rule 17.1.1(d) or Rule 17.1.3.

- (f) Any clearance, modification, damage or destruction of indigenous vegetation which forms part of a 'Regionally Significant Wetland' identified in Schedule 6, which:
- (i) Is equal to or greater than 0.5ha in area; or
 - (ii) Regardless of size, contains nationally threatened or regionally distinctive species listed in Schedule 6 of this Plan.

Except as provided for under Rule 17.1.3(f).

Note: This rule does not include damp gully heads, or paddocks subject to regular ponding, or areas of wetland in or around bodies of water specifically designed, installed and maintained for the purposes of water storage, water treatment, water drainage or for beautification, landscaping and amenity purposes.

- (g) Within any Significant Natural Area listed in Schedule 2 or any Outstanding Natural Feature / Landscape listed in Schedule 8A, the construction of new above or below ground electricity lines including any associated vegetation clearance and earthworks.
- (h) Within any Outstanding Natural Feature/Landscape listed in Schedule 8A (except for Lake Rotokare, Whanganui National Park and Taranaki Maunga / Mount Taranaki), any waste disposal facility.

17.1.5 NON COMPLYING ACTIVITIES

- (a) Within the Coastal Protection Area, the following activities:
- (i) Aggregate/soil extraction
 - (ii) Petroleum exploration and production.
 - (iii) Except as provided for in Rule 17.1.1, earthworks involving cut or fill of 2.5m or more measured vertically.
 - (iv) New buildings or structures with a height above 7m or network utility lines and poles with a height of more than 12.5m.
 - (v) Any new dwelling unit which is located within 100m of Mean High Water Springs, which is not relocatable.

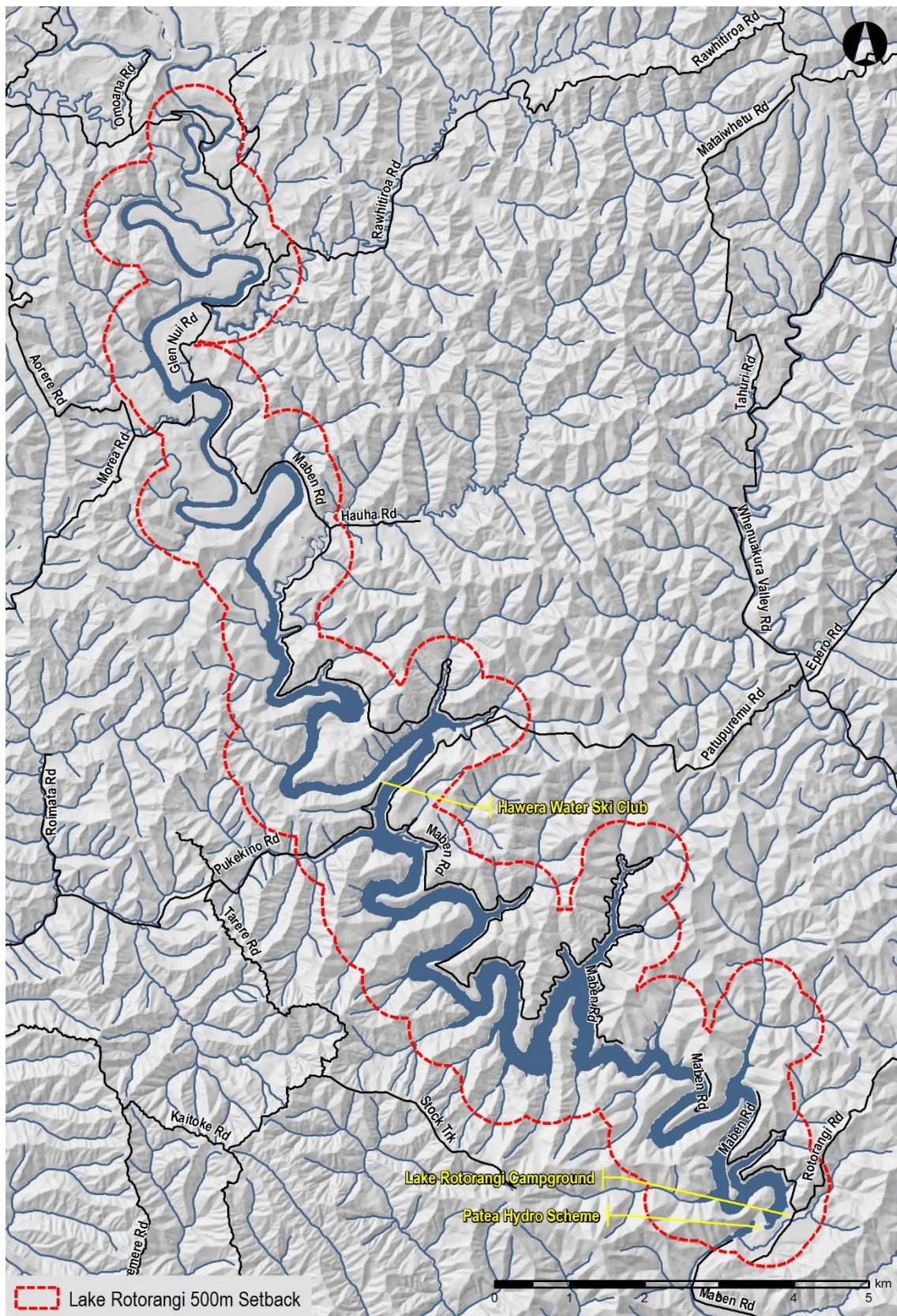
Note: Relocatable means not intended for permanent location and readily capable of removal for relocation within the site or to another site (i.e. not on concrete foundations). This rule includes residentially zoned sites within the Coastal Protection Area.

- (b) Within any Outstanding Natural Feature/Landscape listed in Schedule 8A (except for Lake Rotokare, Whanganui National Park and Taranaki Maunga / Mount Taranaki), or an area of Outstanding Natural Character listed in Schedule 8B, the following activities:
- (i) New buildings or structures, except as provided for in Rules 17.1.1, or 17.1.3(c) or 17.1.4.
 - (ii) Earthworks, except as provided for in Rule 17.1.1 or Rule 17.1.4(g).
 - (iii) Clearance of indigenous vegetation over 100m² in area (except as provided for in Rule 17.1.1(e)).
 - (iv) Large-scale renewable electricity generation activities.

17.1.6 PROHIBITED ACTIVITIES

None.

17.2 Natural Environment Appendix 1: 500m Distance for Lake Rotorangi (Rule 17.1.3(e)(i))



17.3 Natural Environment Appendix 2: Indigenous Vegetation Areas (Rule 17.1.1(d)(ix))

