
3. LANDSCAPES AND HABITATS

Outstanding natural features and landscapes, natural heritage, and wetlands

3.1 SECTION INTRODUCTION

3.1.1 The district has an abundance of natural features, landscapes and areas of indigenous flora and fauna. While the sites are scattered throughout the district there has been historic and continuing loss of indigenous vegetation and indigenous habitats, often exacerbated by land use practices and adverse plant and animal pests. The District Plan acknowledges that historical land use patterns have contributed to a reduction in the number of areas of vegetation and habitat significance. The Plan also acknowledges that in some areas there has been concerted efforts made by land owners to protect and manage resources so that they are available for future use and enjoyment. As there has been historic loss of habitats, vegetation, and wetlands, there is opportunity now for restoration and enhancement to curb the biodiversity loss in the district.

3.1.2 As a result of the inequities in geographic spread of natural heritage in New Zealand the Opotiki district has a high proportion of areas that require protection. It is important to recognise that there are constraints to the management and protection of natural features, landscapes, and areas of indigenous flora and fauna. The objectives and policies of this section reflect community aspirations, statutory requirements, and constraints for the management of the district's natural resources.

3.1.3 Outstanding natural features and landscapes

Landscapes and habitats are a significant natural resource of the Opotiki district. The district has a number of important natural features and a number of important habitats that are housed within the district landscape. The habitats and landscapes of the district contribute to soil conservation and the protection of water bodies. They sustain life through their roles in the cycling of nutrients, oxygen, carbon, and other chemicals. The management of the effects of land use activities on landscapes and habitats is a matter that the District Plan must address. In terms of natural features and landscapes the district comprises many different landscapes, the most noticeable being the coastal landscape of the district.

- 3.1.4 The district's coastal landscape has many values. These include:
- Areas of significant indigenous vegetation and habitats of indigenous flora
 - Areas for recreational opportunities
 - Links the land with the water,
 - A place for people to reside
 - Opportunities for commercial activity

Uses of the coastal environment need to be carefully managed to ensure that the natural character and ecological values of the coastal environment are not adversely affected. The coastal landscape has some important landforms that have been identified by numerous studies done in the area.

- 3.1.5 The Ohiwa Harbour is an important area prized for its landscape and conservation values, comprising spits, harbour beaches, estuarine areas, hills, flats, headlands, and streams. The Harbour's wetlands also have very high values having been recommended for international recognition and protection. The land areas and land uses surrounding the harbour are an integral part of the harbour in that they have a positive and negative impact on the landscape and ecological values of the harbour. Integrated management of the harbour and its surrounds is essential to ensure that the internationally significant values of the harbour are preserved. The beach front along Waiotahi and the pohutukawa trees and 'tunnels' are other identifiable natural features associated with the coastal environment. Much of the coast line of the district can be described as sandy beaches or rocky shores which offer habitats to many bird species, both indigenous and introduced, and also provide habitats for whitebait and eel.

- 3.1.6 The other landscapes of the district include headlands and peninsulas, scarps and cliffs, rocky coast lines, bays, wetlands, dunelands and spits, outwash plains, estuaries and harbours, and areas of native vegetation, and very steep densely forested valley sides and narrow ridges. Most of the dunes and wetland areas are associated with the coast, with the wetlands also being related to the area where the sea and major river networks meet. The pastoral landscape of the district comprises the farmed areas of Kutarere, Waiotahi, Waioeka Pa, Opotiki, Tablelands, Otara, Torere, Waihau, and Whangaparaoa. There are also areas of pasture lands located further east on land that adjoins the coast.

- 3.1.7 There are many major river systems that bisect the district, including small and large rivers valued for their recreation, conservation, and scenic worth. The Motu River network that flows within the Opotiki district, does so within areas largely covered by indigenous vegetation. The Motu River from Motu Falls to the State Highway 35 bridge, has a National Water Conservation Order placed on it. The Waioeka Gorge is also of high scenic and landscape value. The land that adjoins the gorge is of 'high' or 'exceptional' botanical value. The majority of this land within the Opotiki district remains covered in indigenous vegetation. This includes the Waioeka Gorge Scenic Reserve and the Urutawa Conservation Area. The Haparapara River is of ecological importance within the district and region, as it is one of the few rivers of the area that remains free of introduced fresh water species.

3.1.8 The majority of the district comprises very steep and rugged hinterland country. A large percentage of this land is administered by the Department of Conservation. This includes the portions of the Te Urewera Conservation Park, the Raukumara Conservation Park, and the Waioeka Scenic Reserve. There are a number of Nga Whenua Rahui reserves in the district managed jointly by Maori Trustees and the Department of Conservation.

3.1.9 Indigenous vegetation, and habitats of indigenous fauna

There are a number of lowland and coastal wetlands within the district. Those that do exist are significantly reduced through historic, and some current, land use practices. There has been almost total loss of lowland and coastal wetlands on a national level. Many in this district have the potential to be protected and enhanced

Many introduced plant and animal species can threaten natural ecosystems. Introduced species can adversely affect natural ecosystems, decrease biodiversity in areas, and can degrade the natural character of environments. Introduced species compete with indigenous species for space and nutrients, often to the detriment of indigenous flora and fauna.

3.1.10 Linked to the natural features and landscapes of the area are numerous habitats within the district. The district has an abundance of flora and fauna species that are important in terms of their botanical, scientific, ecological, and cultural value. The district is home to a number of rare species including short and long tailed bats and Hochstetters frog. Those examples of indigenous vegetation that exist are a small portion of the biodiversity resource that the district possessed. There is a lack of protected indigenous vegetation and habitats in all but the hinterland of the district. Within the freshwater water bodies of the district there are known habitats for indigenous fish species such as the giant and short jawed kokopu. The Waiotahi and Waioeka Rivers are regionally important trout fisheries.

3.1.11 There are a number of native bird species that reside in the district including kokako, pukeko, North Island robin, kaka, kiwi, weka, parakeets, falcon, and whio (blue duck). The coastal areas of the district provide habitats for less common coastal and wading birds. These include New Zealand dotterels, caspian tern, reef heron, banded rail, spotless crane, fernbird, bittern, and the occasional white heron. Many of these species mentioned are nationally threatened, uncommon, or of limited geographic distribution.

3.1.12 Within the district there are many representative examples of indigenous vegetation predominantly in the district hinterlands. In other areas there are a small number of largely unprotected remnants. This includes small enclaves of vegetation highly susceptible to the effects of adjoining activities, coastal to inland vegetation sequences, and large tracts of intact indigenous forest areas. To provide for the protection of representative areas will not necessarily protect our biodiversity resource. There is a need to establish wildlife corridors, and to protect areas containing threatened or localised plant and animal species. The Council has commissioned a Natural Heritage Study that documents areas of indigenous vegetation. This study has been undertaken in consultation with the people and communities of the Opotiki district. Careful

management of the indigenous vegetation and continuous consultation with landowners is required to ensure sustainable management. Indigenous riparian vegetation is of importance in the district for its intrinsic, amenity, aquatic habitat protection, indigenous habitat, and natural character values. There is a need to protect and enhance remaining areas of indigenous riparian vegetation particularly in the lowland areas of the district.

3.1.13 The vegetation of the district includes coastal forests featuring kohekohe, puriri, karaka, tawa, tawaroa, whau, mangeao, and taraire; semi-coastal podocarp forests are also apparent and consist of rimu, rata, tawa, kamahi, puriri, and rewarewa. Within the district a historic puriri tree, Taketakerau, is located at Hukutaia domain. The tree is estimated to be over 2,000 years old and is of significant ecological, historical, and cultural importance. The pohutukawa is an important vegetation component of the district and the pohutukawa 'tunnels' along the Waiotahi beach front are an obvious feature example. There are also many examples of pohutukawa, individuals and groups, scattered along the coastal margin. Pohutukawa are a distinctive component of the natural character of the district's environment. Within the pastorate of the district there are remnants of indigenous vegetation that have been protected through the good management of landowners. Some of these remnants remain highly susceptible to the effects of adjoining activities and need protection methods to ensure their continued existence.

3.1.14 Riparian management

Riparian management areas are those areas of land that are adjacent to streams, rivers, wetlands, and lakes. Activities undertaken within these areas have a direct impact on the land and water interface. Riparian areas assist in reducing sedimentation and discharge effects into water bodies. They are a method for addressing Section 6(c) matters, and assist in protecting ecosystems and ecological processes. The Regional Council has responsibility for the management of water quality, while the District Council has the responsibility of managing the effects of activities undertaken on land. This includes activities undertaken in riparian management areas.

3.1.15 Riparian areas serve a number of functions including water management, access, landscape, and habitat management functions. They assist in improving stream conditions through stabilising stream banks and through the provision of shelter and shade. Riparian areas protect and enhance natural character and provide ecological corridors. In many cases riparian management areas also provide public access to and along water bodies of the district.

3.1.16 Whilst riparian areas can be esplanade reserves or esplanade strips they encompass tracts of lands wider than esplanade areas. Esplanade reserves and esplanade strips are a formally recognised mechanism to provide for public rights adjoining water bodies. Riparian areas are areas of land that require management that may affect land within and outside esplanade areas. Riparian areas provide the following functions:

- Improved instream conditions by stabilising stream banks, and by providing shade, shelter and a supply of carbon.

- Improved water quality through decreasing concentrations of nutrients and sediment entering from non-point sources.
- Protecting and enhancing natural character and landscape and indigenous habitat values of river, coastal and wetland margins.
- Ecological corridors for movement of wildlife.
- Public access.
- The provision of vegetation for whitebait spawning.

3.2 RESOURCE MANAGEMENT STRATEGY

3.2.1 *Resource management issues*

Landscapes and natural features

1. Tracking, roads and earthworks can adversely affect the character and quality of landscapes.
2. The location of signage and some buildings can detract from the values of outstanding natural features and landscapes.
3. The location and planting of exotic planting, such as plantation forestry, shelterbelts and cropping can affect the character and visual values of landscapes within the district. This is particularly so where plantings are not sympathetic to the landscape and ignore contours and natural watercourses. Planting above prominent ridgelines and planting in linear block like patterns can also have detrimental effects on landscape values.
4. Transportation routes, transmission and electricity lines, can generate adverse effects on the landscapes of the district.
5. Identifiable landscape areas can be adversely affected by the location of buildings, structures, and earthworks. These activities can depreciate the qualities, characteristics, and nature of landscapes.
6. The clearance of areas of indigenous vegetation for conversion to other land uses can have a major adverse effect on the character and quality of landscapes.

3.2.2 *Objectives and policies*

Landscapes and natural features

- | | |
|-----------|--|
| Objective | 1. Management of the effects of activities to ensure protection and enhancement of landscape values. |
| Policies | <ol style="list-style-type: none"> 1.1 To protect and enhance indigenous vegetation, wetlands and other indigenous habitats which contribute to the character of a district. <i>(Section 16.5 and 17.5)</i> 1.2 To avoid, remedy, or mitigate the adverse effects of the planting, managing and harvesting of planted production forests including tracking, felling and thinning operations; and to manage the effects of |

urban activity and rural industries to preserve the natural character of the District's coastline.
(Section 2.7.1.2 and 17.3.3)

- Objective** 2. Protection and management of the district's outstanding natural features and landscapes, where the natural features and landscapes are identified as:
- Headlands and peninsulas
 - Scarps and cliffs
 - Rocky coast lines
 - Bays
 - Dunelands and spits
 - Outwash plains
 - Estuaries and harbours
 - Indigenous vegetation
 - Wetlands, rivers, and streams
 - Valleys and gorges
- Policies** 2.1 Provide for the protection of the qualities and characteristics of the outstanding natural features and landscapes identified in **Appendix 3** from adverse effects of subdivision, use, and development.
- 2.2 When assessing resource consents for activities undertaken within, and adjacent to, those areas stated in **Appendix 3** to consider the effects of the activities so that they will not depreciate the character and values of natural features and landscapes.

3.2.3 *Resource management issues*
Natural heritage

1. Modification and destruction of many indigenous habitats has led to a decline in the abundance of biodiversity, ecosystems and species in the district, particularly the lowlands.
2. There has been a loss of natural heritage within the district, and the region, through drainage, modification, and land development.
3. The areas of indigenous vegetation and habitats of the district contribute to the unique character of the district, and they need to be retained and enhanced.
4. There can be potential damage to ecologically sensitive areas from trampling, thus the need for well planned access.
5. Valuable ecosystems may be damaged by land clearance, drainage, earthworks, access tracks, pests, stock grazing, and logging.
6. The need for sustainable management of privately owned indigenous vegetation and wetlands which are individually important and which enhance indigenous fauna and conservation values.

7. The need for education and incentive mechanisms to provide for the sustainable management of privately owned indigenous forest lands and wetlands which are individually important at a local and/or national level, and which enhance wildlife and conservation values. These areas will be identified in consultation with landowners.
8. There needs to be recognition that some areas are parts of ecological sequences and species corridors, that the areas do not exist in isolation.
9. The need for restoration and enhancement of some degraded, modified, or vulnerable habitats in the district.

3.2.4 *Objectives and policies*

Natural heritage

Objective 1. The sustainable management of indigenous vegetation and habitats of indigenous fauna to maintain and enhance the abundance and diversity of the District's indigenous flora and fauna.

Policies 1.1 To protect, through the maintenance or enhancement of, the biodiversity of indigenous flora and fauna throughout the Opotiki District, from the adverse effects of inappropriate subdivision, use, or development. Regard to the following will be had when preparing plans or considering applications for plan changes, resource consents or designations:

- (i) Giving priority to the protection and rehabilitation of the following indigenous habitats and values:
 - coastal duneland vegetation
 - freshwater wetlands
 - estuarine vegetation and habitats
 - indigenous riparian vegetation
 - forest remnants in Opotiki Ecological District
 - remaining indigenous vegetation on alluvial flats and terraces in the Taneatua and Waioeka Ecological District
 - large, intact areas of primary and secondary forest
 - coastal forest in the Motu and Pukeamaru Ecological Districts
 - Areas of indigenous vegetation and habitats which connect (provide wildlife corridors) other areas of indigenous vegetation
- (ii) Encouraging the restoration and rehabilitation of degraded land through revegetation, using genetically suitable indigenous flora where appropriate; and.
- (iii) To have particular regard when undertaking such planting to the habitat requirements of indigenous fauna; and

-
- (iv) Ensuring that provision is made for the protection of ecosystems that are under-represented at a local (ecological district) level from the adverse effects of inappropriate subdivision, use and development; and
 - (v) Recognising that ecosystems located across a succession of natural habitats (such as riparian areas, foreshores, soil gradients and coast to mountain forest sequences), or in areas which experience occasional stress events (such as seasonal wetlands, slip faces, exposed headlands) are likely to be more diverse than elsewhere;
 - (vi) Avoiding, remedying or mitigating the adverse effects of activities on rare or threatened indigenous plant and animal species and their habitat.
- 1.2 To encourage landowners through the use of a variety of methods including advocacy, education and incentives, to recognise natural values and to implement protection measures as a means of achieving conservation and protection.
- 1.3 To identify indigenous vegetation and habitats in the District that are significant for their ecological and amenity values. In determining their significance the following matters will be considered:
- (i) Representativeness.
 - (ii) Diversity and pattern.
 - (iii) Naturalness/intactness.
 - (iv) Rarity and distinctiveness.
 - (v) Long term viability.
 - (vi) Buffering and connectivity.
 - (vii) Importance for breeding, feeding, roosting, or loafing areas for indigenous fauna on a regular or annual basis.
 - (viii) Importance of contribution to the habitat requirements of rare, vulnerable and endangered indigenous flora or fauna.
- 1.4 To use financial incentives, including rate relief as means of encouraging landowners to protect areas of significant indigenous vegetation and habitats of indigenous fauna.
- Objective 2. Protection and enhancement of the significant habitats of indigenous vegetation and habitats of indigenous fauna within the district.**
- Policies**
- 2.1 To provide for retention of significant indigenous vegetation which contributes to the character of the district, and this may include protection at the time of subdivision.
- 2.2 When considering resource consent applications preparing plans or considering applications for plan changes to ensure that any adverse effect from activities in or adjacent to areas of significant indigenous vegetation and habitats of indigenous fauna will be avoided, remedied, or mitigated.
- 2.3 To promote the restoration of ecosystems that have been damaged or degraded to ensure their continued viability.

-
- | | |
|-----------|--|
| Objective | 3. A database of information on natural heritage within the district, be developed and kept current in consultation with landowners and resource users, and is able to be used as a valuable resource for ecological management in the district. |
| Policies | <p>3.1 To evaluate and document on a continuing basis in consultation with landowners, resource users, and the community, the natural vegetation, habitat, and landscape resources of the Opotiki District, and assess their value for protection.</p> <p>3.2 To complete the draft Opotiki Natural Heritage Study and by plan variation ensure that areas/values identified as important in it are protected and/or restored.</p> <p>3.4 To avoid, remedy, or mitigate the adverse effects of plant and animal pests on the district's indigenous ecosystems.</p> |

3.2.5 *Resource management issues*

Wetlands

1. There has been a loss of wetland systems within the district and region through drainage, modification, and land development.
2. Effects of land use activities can modify, destabilise, drain or reclaim wetlands of importance in the district.
3. The restoration and rehabilitation of areas surrounding wetlands, and wetlands themselves, needs to be recognised.
4. Wetlands are often viewed as independent resources, when they are commonly a component of an overall ecosystem.
5. The land water interface associated with wetlands needs to be managed so that the wetland area is protected and managed and the land area is able to be used for land use activities.
6. Wetlands as systems for polishing and finishing of wastewater needs to be highlighted more, and they have an important role in filtering stormwater run-off.

3.2.6 *Objectives and policies*

Wetlands

- | | |
|-----------|---|
| Objective | 1. Wetlands within the district that continue to support indigenous flora and fauna habitats, where the natural character of the wetlands are maintained and enhanced. |
| Policies | <p>1.1 To protect the natural character and habitat values of wetlands that contribute to the character of the district. (<i>Section 16.5 and 17.5</i>)</p> <p>1.2 Promoting restoration and enhancement of riparian areas, and good land use practices as a means of mitigating the adverse effects of activities on wetlands.</p> |

- 1.3 To control adverse effects of activities on wetlands by restricting modification of wetlands that contribute to the natural character of the district.

Objective 2. Management of wetlands as components of an overall ecological system, not as isolated features in the environment.

Policies 2.1 When assessing resource consent applications to have regard to the relationship of a wetland to the site, the wetland as a component of the environment, and the relationship of the wetland to aquatic species habitat.

3.2.7 Resource management issues

Riparian management

1. The importance of preserving the natural character of wetlands, lakes, rivers and their margins, and the potentially adverse effects of inappropriate management of water bodies and riparian margins.
2. Qualities and values of riparian areas can be threatened by inappropriate access, land use and development.
3. The adverse effects of some land use activities can affect riparian management areas, and subsequently water quality, species habitats, and the margins of water bodies.

3.2.8 Objectives and policies

Objective 1. Improved land management adjoining waterways where the adverse effects of activities are managed so that there is improved water quality and species habitats in the land and water interface.

Policies 1.1 To manage the effects of activities of land use activities adjoining and within the riparian areas of the district so that water bodies and their margins are not depreciated.

1.2 Where practicable, and agreed upon with landowners to implement protection mechanisms to ensure that continued viability and functioning of the riparian area.

Objective 2. Management within the riparian areas of the district that provides for the preservation of the natural character of the coastal environment, wetlands, lakes, rivers, and their margins.

Policies 2.1 To preserve indigenous riparian vegetation areas within the district for their ecological, biodiversity, historical, and cultural character and value.

2.2 Use riparian management areas to protect whitebait spawning habitats.

3.2.9 *Methods of implementation*

The objectives and policies of this section will be implemented by the following methods.

1. Rules
2. Other methods

3.3 RULES

The following rules provide for permitted activities, controlled activities, discretionary activities and prohibited activities in respect of outstanding natural features and landscapes.

3.3.1 Permitted activities

The following activities are permitted in any Zone in relation to landscape features, natural heritage, wetlands, and other activities.

Landscape features

1. Plantation forestry in the Rural Zone.
2. Restoration and rehabilitation of coastal and estuary margins in association with Bay of Plenty Regional Council and the Department of Conservation.

Natural heritage

3. Revegetation and planting along the margins of the coast and water bodies, with indigenous vegetation species.
4. Riparian planting with indigenous species adjoining streams, rivers, and other water bodies.
5. Weed and pest eradication programmes undertaken within natural heritage areas.
6. Restoration and rehabilitation of significant habitat corridors and significant indigenous vegetation sequences.
7. Maintenance and pruning of pohutukawa trees where such maintenance and pruning is necessary for the safety of the tree or the safety of people
8. Fencing off the perimeter of heritage features.
9. Removal of diseased indigenous vegetation.

Wetlands

10. Rehabilitation of natural wetlands, wetland networks, and natural drainage channels, with indigenous vegetation.

Keeping or Farming of Goats

11. Permitted, other than in the following four Goat Management Areas (see Maps "Outstanding Natural Features, Landscapes and Ecological Districts"):
 - (i) To the west of the Waioeka and Opata Rivers

- (ii) All land in the district between the Motu and Raukokore Rivers
- (iii) Enclave west of the northern entrance to the Waioeka Gorge
- (iv) Omaukora Stream catchment.

Provided that,

- (a) The goats are formally identified in accordance with the Animal Identification Act 1993, but must include the tagging (brass tag or plastic tag or ear-cut or tattoo) of goats with recognisable owner identification.
- (b) The goats are to be contained on site at all times by either a boundary fence (the fence to comply with standards for goat fencing contained in Appendix 9) or tethered, which may include a running wire.
- c) Written advice of the location of the goat farming activity is provided to Council. (***Section 16 Rural Zone***)

Deer farming

12. Permitted, provided that deer are:

- (i) Kept in accordance with the Wild Animal Control Act 1977¹.
- (ii) Identified in accordance with the Animal Identification Act 1993.
- (iii) Contained within a boundary fenced area in accordance with the fencing standard set out in Appendix 9.
- (iv) Written advice of the location of the deer farming activity is provided to Council.

(***Section 16 Rural Zone***)

Other activities

- 13. Farming (***Section 16 Rural Zone***)
- 14. The maintenance of existing roads and accessways, excluding any widening.
- 15. The sustainable harvest of plant material for rongoa Maori (customary medicine) purpose.

¹ The keeping of certain deer species may be prohibited under the Wild Animal Control Act 1977.

3.3.2 Controlled activities

The following activities are controlled activities in any Zone in relation to landscape features. The activities may be established after a land use consent has been granted by Council. Council cannot decline a resource consent for a controlled activity.

Natural heritage

1. Relocation of pohutukawa including for enhancement or protective purposes.
2. Clearing of indigenous vegetation where necessary to provide for a stable building platform and access.

The following criteria will be considered when assessing whether a site is of significance:

- Representativeness.
- Diversity and pattern.
- Naturalness / Intactness.
- Rarity and distinctiveness.
- Long term viability.
- Buffering and connectivity.
- Importance for breeding, feeding, roosting or loafing areas for indigenous fauna on a regular or annual basis.
- Importance of contribution to the habitat requirements of rare, vulnerable and endangered indigenous flora or fauna.

It is important to remember that Council cannot decline a resource consent application for a controlled activity, but can attach conditions to the activity on matters over which Council reserves control. The application for resource consent for a controlled activity enables a trigger for assessing the potential adverse effects of activities, it is not stopping the activity from being undertaken.

In respect to any controlled activity Council has reserved control over the following matters.

3.3.2.1 *Effects on pohutukawa*

- i. The relocation of pohutukawa is undertaken after receiving advice from a qualified arborist.
- ii. That the structure and form of the tree will not be adversely affected by the relocation.
- iii. That the root system of the tree will not be unduly harmed during the relocation of the tree.
- iv. That the relocation of the tree will be confined only to trees specified, and will not affect any adjoining tree.

- v. Measures implemented to mitigate the effects of excavation and earthmoving within the dripline of the tree.
- vi. The degree of modification of the tree as a result of any excavation or earthmoving.

3.3.2.2 *Effects on indigenous vegetation*

- i. Indigenous vegetation to be cleared to establish a practicable building platform and access will be assessed in terms of quantity, type, ecological and landscapes significance.
- ii. The need for replanting of vegetation to compensate for that which is lost.
- iii. The treatment of the area surrounding the building platform so that adjoining vegetation is not adversely affected.
- iv. The degree to which any clearing will adversely affect the representativeness of the indigenous vegetation.
- v. The need for buffer planting or riparian planting to ensure positive environmental effects from the activity.
- vi. The legal protection and management of indigenous vegetation.
- vii. The location and design of building platforms and access.

3.3.2.3 *Effects of excavation activities*

- i. The degree of alteration of the resource that will result from the excavation activities.
- ii. Measures implemented to manage the sedimentation and siltation effects of activities on natural resources and associated natural drainage courses.
- iii. The treatment and disposal of the spill from the excavation activities.
- iv. Measures implemented, such as planting, to mitigate the visual effects of the activity on the surrounding environment.
- v. The quantity of soil to be moved and over what period.
- vi. The location, method, scale and duration of earthworks.

Council may impose conditions on a resource consent for a controlled activity only in relation to those matters stated above.

3.3.3 Discretionary activities

The Council may grant or refuse a resource consent for a discretionary activity. The following activities may be established after a land use consent has been granted by Council.

Landscape

1. The location of buildings and structures on the skylines and ridge tops of those landscape features identified in **Appendix 3**.
2. Structural alteration of landscapes identified in **Appendix 3**, where this includes excavation, tunnelling, drilling, and earthworks.
3. Plantation forestry in the Coastal Zone except the replanting within one calendar year of harvesting a forest existing at the time of notification of this District Plan.
4. Plantation forestry in the Ohiwa Harbour Zone.

Wetlands

5. Modification or drainage of wetlands stated in Appendix 3, or modification or drainage of 500m² or more of wetland area.
6. Removal of vegetation surrounding those wetlands stated in Appendix 3, excluding weed and pest control as stated as a permitted activity in this District Plan.
7. Draining, infilling or vegetation modification or clearance in any wetland excluding:
 - i) Wetted pasture.
 - ii) Oxidation ponds.
 - iii) Artificial wetlands used for wastewater or storm water treatment.
 - iv) Farm related ponds, dams and detention dams.
 - v) Land drainage canals and drains.
 - vi) Reservoirs for fire fighting, domestic or municipal water supply.
 - vii) Temporary ponded rainfall.
 - viii) Wetlands created within the term of the plan (that are not created pursuant to a resource consent).

Natural Heritage

8. Disturbance of the following in the Coastal, Coastal Settlement and Ohiwa Harbour zones:
 - (i) Any pohutakawa tree.
 - (ii) Indigenous vegetation greater than 100m² except in the following cases:
 - (a) House site and curtilage up to 250m² on land contained in one title or partition order other than in the Ohiwa Harbour zone and for which a building consent has been issued and where there is no existing building or land previously cleared that would provide a suitable house site. Vegetation clearance for a house site and curtilage authorised under this rule is not to include individual pohutukawa, or other coastal species greater than 3.5m in height.

- (b) An access way that is less than 30m in length x 3m wide other than in the Ohiwa Harbour zone, to service a house site meeting the criteria for (a) above involving the disturbance of indigenous vegetation, provided that there is no disturbance of individual pohutukawa, or other coastal species greater than 3.5m in height.
- (iii) Coastal dune land vegetation greater than 100m².
- 9. Disturbance to indigenous estuarine vegetation and habitats, or earthworks in estuarine areas.
- 10. For areas not included in (7) to (9) inclusive above:
 - (i) Indigenous vegetation disturbance in the Opotiki or Taneatua Ecological Districts (see Maps "Outstanding Natural Features, Landscapes and Ecological Districts") where the sum of all disturbance exceeds 250m² in any five year period.
 - (ii) Indigenous vegetation disturbance in the Waioeka, Motu or Pukeamaru Ecological Districts (see Maps "Outstanding Natural Features, Landscapes and Ecological Districts") where the sum of all disturbance exceeds 2000m² in any 5 year period.
- 11. Indigenous vegetation disturbance of areas specifically stated in **Appendix 3**.
- 12. The planting of exotic species capable of naturalising (as identified in the Operative Bay of Plenty Regional Pest Management Strategy) into an area of indigenous vegetation where:
 - (i) The area of indigenous vegetation is a wetland or dune area; or
 - (ii) The area of indigenous vegetation is one hectare or greater.

Advice Notes

1. ***Consents may also be required from Environment Bay of Plenty for wetland modification, earthworks and vegetation clearance.***
2. ***If any activity under 3.3.3.5 and 3.3.3.7 is controlled by a rule in a Regional Plan, then a resource consent will not be required from the Opotiki District Council.***
3. ***Harvesting of indigenous vegetation under Part IIIA of the Forests Act 1949 as amended by the 1993 Amendments will require resource consent from Council where rule 3.3.3 applies.***
4. ***When assessing an application, regard may be had to the following resource information:***
 - (i) ***The "Protected Natural Areas Programme" prepared by the Department of Conservation; and***
 - (ii) ***A "Site of Special Wildlife Interest" (SSWI); and***
 - (iii) ***The "Natural Heritage Report" prepared for the Opotiki District Council by Wildland Consultants (1999); and***
 - (iv) ***A species identified in Appendix 10.***

5. *Council will implement a programme of proactive landowner consultation to identify property and site specific options for the long term protection of indigenous vegetation and habitats within five years of this interim rule becoming operative. This consultation will establish with landowners, managers and trusts, the best process to be used for the identification and long term protection of indigenous vegetation.*

Subject to the outcome of the consultation process, this will involve the preparation of a schedule and amendment to the District Plan identifying those parts of Opotiki District where indigenous vegetation and habitats are significant under Section 6(c) of the Resource Management Act.

Definitions

For the purposes of Rule 3.3.3 the following definitions apply

“Coastal dune land vegetation” means vegetation on sand dunes, including mixtures of indigenous and exotic species, but excluding plant species identified in the Regional Pest Management Strategy, National Pest Plant Accord or other pest plants as required to be controlled by Environment Bay of Plenty.

“Disturbance” means the clearance, cutting, crushing, desiccation (herbicide treatment) or burning, removal or damage to indigenous vegetation, except:

- (i) For normal domestic-scale trimming and maintenance. For pohutukawa, in order to be excluded, normal domestic-scale trimming and maintenance must be necessary for the safety of the tree or the safety of people; and*
- (ii) The day-to-day maintenance of existing vehicle and walking tracks; and*
- (iii) The collection of plant material for scientific purposes; and*
- (iv) The collection of plant material by the Tangata Whenua for maintaining traditional practices of rongoa (medicinal purposes), raranga (weaving), and mahi whakairo (carving); and*
- (v) The removal of indigenous vegetation planted for shelter belts; and*
- (vi) The removal of indigenous vegetation beneath a production forest; and*
- (vii) For the purposes of rule 3.3.3.10 (i) and (ii) secondary vegetation that is predominantly less than 3.5m in height that has regenerated following repeated clearance for production (e.g. farming, forestry purposes) and the disturbance is to maintain an existing production operation.*

“Indigenous estuarine vegetation” means indigenous vegetation in estuaries and on their margins, where periodic inundation by brackish or saltwater is a key determinant of habitat character.

Keeping or Farming of Goats

13. Goat farming is a discretionary activity in the following four areas (refer to Maps "Outstanding Natural Features, Landscapes and Ecological Districts"):
- i) To the west of the Waioeka and Opata Rivers;
 - ii) All land in the district between the Motu and Raukokore Rivers;
 - iii) Enclave west of the northern entrance to the Waioeka Gorge, and;
 - iv) Omaukora Stream catchment.

And the Council shall limit its discretion to matters (a) to (c) specified below:

- (a) The area and location of the activity in relation to (b) and (c) below
- (b) Potential effect on the values associated with natural character, indigenous biodiversity, amenity and landscape, including vegetation type and density
- (c) The ability to confine goats upon the site.

(Section 16 Rural Zone)

Council will review the operation of this rule within five years of this plan becoming operative. This will include an assessment of land use and conservation values in the Waiotahi Valley area.

3.3.4 Prohibited activities

The following activities are prohibited activities for which no resource consent shall be granted:

1. The keeping, holding, or farming of wallaby species.
2. The keeping, holding, or farming of ferrets, stoats and weasels (mustela faro).

(Section 16.3.4 Rural Zone)

3.4 STANDARDS

See Zone Standards in Section 12 to Section 19 for each Zone of the district.

(Section 12 – 19)

3.5 SUBDIVISION

See Section 10 and the subdivision standards in the Zone Sections of the District Plan.

(Section 10, 16.5, and 17.5)

3.6 OTHER METHODS

3.6.1 The objective and policies of the Zone can be implemented by the rules as well as the following other methods.

1. To raise public awareness of significant indigenous habitats and natural features and freshwater ecosystems, by making information available on the importance of these areas.
2. Prepare and maintain a natural resources register which includes inventories of biological resources and assessments of their relative values for conservation and protection. Map areas of significant indigenous vegetation and natural features.
3. Investigate the identification of protected areas on planning maps-
4. Encourage access to the natural resources register as a public document, to be used to inform of the location, particular values, and management options for identified areas.
5. Consult and liaise with landowners, Iwi, the Department of Conservation, and other organisations for the management, conservation, and protection of natural resources in the District.
6. Cooperate with Bay of Plenty Regional Council in the development of voluntary Environmental Plans, agreements between agencies and rural land owners, where they may include the protection of outstanding features by retiring and fencing off of land.
7. The investigation into the use of rates relief as a method of encouraging landowners to protect areas of indigenous vegetation.
8. Investigation into the use of rates relief for significant natural areas that have been set aside from development.
9. Make use of the provisions of Environmental Plans or Farm Plans administered by Environment Bay of Plenty, to retire suitable areas of land for protection purposes.
10. To investigate the use of the Forest Heritage Fund, and the implementation of Queen Elizabeth the Second National Trust Covenants within the district to ensure protection of lands with important values to the community.
11. To make use of the Nga Whenua Rahui mechanism to protect areas of importance to Iwi.
12. To use the results of Council's Natural Heritage Study to establish priorities for reserve areas.
13. Setting aside of esplanade reserves/strips on resource consent applications for subdivision and land use.
14. Conditions attached to consent on land use applications, requiring protection of areas of wetland, existing vegetation and/or additional riparian management to avoid, remedy, or mitigate the adverse effects of the activity on the riparian margins and water bodies.
15. Encouragement of voluntary methods of protection for riparian and wetland areas.
16. Provision for co-ordination and liaison with Environment Bay of Plenty, particularly in respect of its advocacy and education initiatives, and providing information to the community.
17. Investigation of other methods of including economic incentives, such as rates relief and fencing of riparian areas.

3.7 EXPLANATION

- 3.7.1 The reasons for the foregoing objectives, policies and methods are stated below.
- 3.7.2 Section 6 of the Act requires Council to recognise and provide for the preservation of the natural character of the coastal environment, wetlands, rivers and their margins, from inappropriate subdivision, use and development, and the protection of outstanding natural features and landscapes. Section 6 also requires Council to protect significant indigenous vegetation and significant habitats of indigenous fauna.
- 3.7.3 Adverse effects from land use activities can destroy or modify habitats, and can degrade and destabilise landscapes. Land use activities that are undertaken in a sustainable manner, where adverse effects on landscapes and habitats are avoided, remedied, or mitigated will assist in enhancing the high quality of the district's natural environment.
- 3.7.4 Natural features, landscapes, indigenous vegetation and habitats of indigenous fauna are an integral component of the district's character. Many people within the district identify with those landscapes and habitats. Many plants and animals which are grown, farmed or enjoyed for recreation have escaped or been released into natural areas and have had significant adverse effects on the indigenous biodiversity of the district. The protection of indigenous flora and fauna contribute to maintaining and enhancing the biodiversity of the district and region. The objectives and policies included in this section seek to maintain and enhance the quality of the district environment.
- 3.7.5 Historic and current land use have, and will continue to have, effects on the natural resources of the district. Some habitats are under represented, and those that do exist need to be managed to ensure their existence for future generations. The objectives, policies, and rules of this section seek to promote the sustainable management of the district's natural resources. The rules do not seek to prohibit activities but to require consent where activities may affect the natural resources that exist in the district.

3.8 ANTICIPATED ENVIRONMENTAL OUTCOMES

Below are the anticipated environmental outcomes from the implementation of the objectives and policies of this section.

- 4 Protection and enhancement of the district's outstanding natural features and landscapes.
- 4 Protection, enhancement, and sustainable management of significant indigenous vegetation and significant habitats of indigenous fauna.
- 4 Protection and enhancement of the district's biodiversity resource.
- 4 The creation of new habitats that contribute positively to the district's high environmental quality.
(Section 1.6)