

# PROTECTED AREAS ZONE

## APPLICATION OF THE PROTECTED AREAS ZONE

The Protected Areas Zone applies to the land depicted on the Ruapehu District Plan Maps as:

- Amenity Policy Area,
- Conservation/National Park,
- Reserves and Others.

These areas form subsets of the Protected Areas Zone and cumulatively make up the entire Protected Areas Zone in this Plan.

The Protected Areas Zone includes:

- National Parks managed in accordance with the National Parks Act 1980,
- Conservation Areas and other land managed in accordance with the Conservation Act 1987,
- Reserves managed in accordance with the Reserves Act 1977,
- Land subject to the Wildlife Act 1953, and
- Land zoned as Protected Areas in accordance with the Resource Management Act 1991 (open space either owned or leased by an individual, Trust, Company, Council, Crown or the like).

The Issues, Outcomes, Objectives, Policies and Methods (excluding Rules) apply to all these areas.

The Rules apply to different parts of the Protected Areas Zone. With the exception of the Amenity Policy Areas as depicted on the Planning Maps, to decide which Rules in PA5.0 apply to a specific site the statutory status of the land on 6 December 1994 must be determined (the District Planning Maps provide some guidance). If the statutory status of the land was:

- National Park, or other land, in accordance with the National Parks Act 1980 (excluding the Amenity Policy Areas as depicted on the Planning Maps) then Rule PA5.2 applies;
- Conservation Area, or other land, in accordance with the Conservation Act 1987 then Rule PA5.2 applies;
- Reserve, or other land, in accordance with the Reserves Act 1977 then Rule PA5.3 applies;
- and
- subject to the Wildlife Act 1953 then Rule PA5.4 applies.

In the event the land is not depicted as Amenity Policy Area on the Planning Maps, and did not have any statutory status in accordance with the National Parks Act 1980, Conservation Act 1987, Reserves Act 1977 or Wildlife Act 1953, the land is a Protected Area because it is zoned in this Plan "Protected Areas" (ie. open space either owned or leased by an individual, Trust, Company, Council, Crown or the like) in accordance with the Council's powers under the Resource Management Act 1991. As such Rule PA5.5 applies.

If the land is depicted on the Plan Maps as being within the Amenity Policy Area Rule 5.1 then applies.

## THE CROWN

Section 4 of the Act provides an exemption for any activity or work of the Crown within the boundaries of an area of land held or managed under the Conservation Act 1987, or any other Act specified in the First Schedule to that Act (other than land held for administrative purposes), that is consistent with a conservation management strategy, conservation management plan, or management plan established under the Conservation Act 1987 or any other Act specified in the

First Schedule to that Act, and does not have significant adverse effects beyond the boundary of the area of land.

The implication of this is that the Ruapehu District Council has the function to control any actual or potential effect of the use, development, or protection of land with respect to activities that are not carried out by the Crown consistent with the requirements of Section 4 of the Act.

It should, however, be noted that new land uses, or extensions to or alterations to existing land uses, on areas administered by the Department of Conservation, must also obtain its approval. Applicants should consider the relevant planning documentation, which includes but is not limited to, management plans for national parks and the relevant Conservation Management Strategies.

## **THE RUAPEHU DISTRICT**

### **National Park and Conservation Areas**

The principal protected areas within the District are the Tongariro National Park, Whanganui National Park and Tongariro, Erua and Southern Pureora Conservation Areas.

Tongariro National Park was the first National Park within New Zealand and has been accorded World Heritage status by the International Union for the Conservation of Nature for its landscape and cultural qualities.

Whanganui National Park, situated in the western part of the District, is mainly focused on the Whanganui River. The total area of the park is 74,231 hectares, of which approximately 30% is in the Ruapehu District.

The park, established in 1986, protects one of the largest remaining tracts of lowland forest in the North Island and provides a habitat for a wide variety of native wildlife. As it is almost entirely a lowland park, it is in sharp contrast to the Tongariro National Park, which is largely alpine in character.

The District also includes a number of large protected areas adjacent to Whanganui National Park between the Retaruke and Manganui-o-te-Ao Rivers (eg. Murumuru and Morinui Conservation areas, Manatiti Valley, Rotokahu Scenic Reserve). These areas are currently being considered for inclusion in the Whanganui National Park.

### **Iwikau Village, Whakapapa and Turoa Skifields**

Located within the Tongariro National Park is the Iwikau Village, Whakapapa Skifield and Turoa Skifield. Iwikau Village and Whakapapa Skifield are closely linked. These areas are subject to Part II of the Tongariro National Park Management Plan (1990) which is administered by the Department of Conservation, and are recognised as amenity areas within this Management Plan as defined in the National Parks Act 1980.

There are approximately 50 club lodges located within Iwikau Village and the Whakapapa Skifield. Whakapapa Skifield is presently managed by Ruapehu Alpine Lifts Limited which operates facilities to cater for up to 6,000 skiers per day.

Turoa Ski Resort Ltd manages the Turoa Skifield. This Skifield caters for approximately 3,500 skiers per day.

### **Whakapapa Village**

Whakapapa Village is situated within the Tongariro National Park. Within Part III of the Tongariro National Park Management Plan (1990), Whakapapa Village is explicitly recognised as an amenity area as defined in the National Parks Act 1980.

Within Whakapapa Village there is substantial development. Little of this development is undertaken by the Crown. The majority is undertaken by lessees or people holding licences to occupy specific parts of Tongariro National Park.

With minor exceptions a majority of the existing development is designed to cater for people visiting the area. The facilities provided include overnight accommodation, restaurants, bars and recreation facilities.

### **Other Areas**

Other areas of the Protected Areas Zone include Reserves under the Reserves Act 1977, land subject to the Wildlife Act 1953, and land zoned as Protected Areas in accordance with the Council's powers under the Resource Management Act 1991.

All these areas contribute to the promotion of the sustainable management of the natural and physical resources and the quality of the environment of the Ruapehu District, including by:

providing open space,  
providing both passive and active recreation opportunities, and  
protecting and enhancing natural values.

These areas are located in both the urban and rural environment. While a majority of the areas are publicly owned, there are also many areas that are privately owned. The Plan recognises the individual and cumulative value of these areas to the Ruapehu District, regardless of tenure.

### **PA 1.0 ISSUE**

- (a) Degradation of natural, amenity, historic, recreational and cultural values in the Protected Areas Zone caused by human interference.**

### **PA 1.1 OUTCOME**

- (a) Natural, amenity cultural, recreational and historic values are maintained in the Protected Areas Zone.**

### **PA 1.2 OBJECTIVE**

- (a) Protection of the natural, amenity, historic, recreational and cultural values in the Protected Areas Zone.**

### **PA 1.3 POLICIES**

- (a) To protect significant indigenous vegetation and significant habitats of indigenous fauna.**
- (b) To recognise and provide for the protection of Maori cultural values within the Protected Areas Zone including to manage development within the area gifted by Horonuku Te Heuheu in 1887 within the Tongariro National Park so that adverse environmental effects are avoided, remedied or mitigated.**
- (c) To protect the intrinsic values of ecosystems.**
- (d) To maintain and enhance amenity values.**
- (e) To protect the finite characteristics of the Protected Areas Zone.**

- (f) To recognise Tongariro National Park, and in particular the volcanoes, as an outstanding natural feature.
- (g) To recognise, maintain and enhance the qualities and characteristics of the Protected Areas Zone that contribute to people’s appreciation of the pleasantness, aesthetic coherence, and cultural and recreational values of the urban and rural environment.

**Explanation of Policies**

The policies seek to ensure that the natural, amenity and cultural values associated with the Protected Areas Zones are preserved. They recognise that the values of the protected areas enhance people’s wider appreciation of the environment, including offsetting the effects of the intensification of development associated with urban areas.

Particular consideration is given to the original gift area within Tongariro National Park which has significant cultural and historic value. Further, the Tongariro National Park, and in particular the volcanoes, has been identified as an outstanding natural landscape feature in the Proposed Regional Policy Statement for Manawatu-Wanganui as changed by decisions on Submissions (May 1995).

**PA 2.0 ISSUE**

- (a) Development adversely affecting the character of the Protected Areas Zone.

**PA 2.1 OUTCOME**

- (a) Sustainable use and development of the Protected Areas Zone.

**PA 2.2 OBJECTIVE**

- (a) Use and development of the Protected Areas Zone by individuals and groups as a natural, and as a recreational, resource while ensuring that any adverse effects on the environment are avoided, remedied or mitigated.

**PA 2.3 POLICIES**

- (a) To require all use and development be designed and sited so as to ensure that any adverse effects on the natural character of an area are avoided, remedied or mitigated.
- (b) To ensure that sewage is disposed of in a manner such that any adverse effects on the environment are avoided, remedied or mitigated.
- (c) To require all use and development to avoid, remedy or mitigate adverse noise effects.
- (d) To require that the use and development of land within Tongariro National Park does not significantly detract from the amenity or intrinsic values of Tongariro National Park, and in particular the volcanoes.
- (e) To require all development within Whakapapa Village to maintain the visual quality of views both into and at the village.

- (f) **To provide for the improvement or upgrading of existing facilities generally in preference to the construction of new facilities.**
- (g) **To restrict the area of site disturbance required for any development.**

**Explanation of Policies**

These policies seek to provide a framework whereby only development which is appropriate is established in the Protected Areas Zone.

The policies take into account the sensitive nature of many of the protected areas included within this zone.

**PA 3.0 ISSUE**

- (a) **Threats to human life and property from natural hazards in the Protected Areas Zone.**

**PA 3.1 OUTCOME**

- (a) **Limited risk to people and property.**

**PA 3.2 OBJECTIVE**

- (a) **To limit or avoid risks to people and property in areas subject to natural hazards.**

**PA 3.3 POLICIES**

- (a) **To control the location of development to minimise the risks of them being affected by natural hazards.**

**Explanation of Policies**

These policies aim to reduce the risks to people using these areas. These provisions complement the Natural Hazards Section of the Plan.

**PA 4.0 METHODS**

- (1) To develop separate rules for different areas of the Protected Areas Zone depending on the individual areas legislative status.
- (2) To identify Amenity Policy Areas within the Tongariro National Park, based on skifield boundaries identified in the Tongariro National Park Management Plan (1990).
- (3) To provide information on the management responsibilities of the Department of Conservation and the Ruapehu District Council to the public.
- (4) To develop and maintain communication channels with the Department of Conservation and, where appropriate, user organisations.
- (5) To administer the Building Regulations requirements for Surface Water and Foul Water disposal.

**PA 5.0 RULES**

**PA 5.1 AMENITY POLICY AREAS**

**Note:**

- (a) Land users intending to develop or redevelop within these areas should be aware that the Department of Conservation administers the land covered by the provisions which follow, for, and on behalf of, the Crown. Accordingly, the consent of the Department of Conservation must be obtained in addition to any resource consent(s) required by this Plan. Thus reference should also be made to the appropriate planning documents administered by the Department.

**PA 5.1.1 Permitted Activities**

- (a) Conservation Activity
- (b) Skifield operation and maintenance activities
- (c) Commercial Activity
- (d) Tourist Accommodation Activity
- (e) Residential Activity
- (f) Club Accommodation Activity
- (g) Skiing, snowboarding and other recreational activities, excluding structures.
- (h) Established Use or Activity.

**PA 5.1.2 Discretionary Activities (Restricted)**

- (a) Any permitted activity referred to in Rule PA5.1.1 which cannot meet all the relevant conditions for permitted activities.

**PA 5.1.3 Discretionary Activities**

- (a) Notwithstanding any permitted activity, a carpark exceeding 50m<sup>2</sup> in area (including entry and exit formation), other than any carpark that is an Established Use or Activity.
- (b) Skilifts and gondolas
- (c) Any land use or activity not specifically referred to. in Rules PA5.1.1, PA5.1.2 and PA 5.1.4

**PA 5.1.4 Non-Complying Activities**

- (a) Prospecting Activity
- (b) Exploration Activity
- (c) Extraction Activity
- (d) Waste Disposal Activity
- (e) Energy Generation Activity

**PA 5.1.5 Conditions For Permitted Activities**

**For Commercial and Tourist Accommodation Activities, and Skifield operation and maintenance activities compliance with the following conditions is required for the activity to be a permitted activity:**

- (1) Visual and Character

- (a) Any activity requiring a building in excess of 20m<sup>2</sup> in gross floor area or buildings with a cumulative gross floor area in excess of 20m<sup>2</sup> shall take place within, on, in or over an existing building which has been legally established.
- (b) Any redevelopment or extension of an existing building shall not increase the gross floor area of the building by more than 10% in any two calendar years.
- (c) No building or structure shall exceed 7.5 metres in height.
- (d) No new building shall be sited on a ridge line or spur or within 10.0 metres of a ridge line or a spur.
- (e) No redevelopment or extension of a building sited on a ridge line or spur, or within 10.0 metres of a ridge line or spur, shall alter the prominence, including increasing the height, of the roof line of that building.

(2) Constraints

No activity shall occur within a building that was established and used at the time this Plan was notified for Club Accommodation or Residential Activities.

**For Residential Activities, compliance with the following conditions is required for the activity to be a permitted activity:**

(3) Visual and Scale

- (a) Any activity requiring a building in excess of 20m<sup>2</sup> in gross floor area or building with a cumulative gross floor area in excess of 20m<sup>2</sup> shall take place within, on, in, or-over an existing building which has been legally established.
- (b) Any redevelopment or extension of an existing building shall not increase the gross floor area of the building by more than 10% in any two calendar years.
- (c) No building or structure shall exceed 7.5 metres in height.
- (d) No new building shall be sited on a ridge line or spur or within 10.0 metres of a ridge line or spur.
- (e) No redevelopment or extension of a building sited on a ridge line or spur or within 10.0 metres of a ridge line or spur shall alter the prominence, including increasing the height, of the roof line of that building or structure.

**For Club Accommodation Activities, compliance with the following conditions is required for the activity to be a permitted activity:**

(4) Visual and Scale

- (a) Any activity requiring a building in excess of 20m<sup>2</sup> in gross floor area or buildings with a cumulative gross floor area in excess of 20m<sup>2</sup> shall take place on or in conjunction with an existing building site that has been lawfully established.
- (b) No new building shall be so sited that any part of the roof is above the level of a ridgeline or spur within 10 metres of the building.
- (c) No redevelopment or extension of a building sited on a ridge line or spur or within 10 metres of a ridge line or spur shall alter the prominence, including increasing the height, of the roof line of that building or structure, accept where alterations to

existing huts are required in order to increase the safety of the hut by altering the pitch of the roof in order to reduce wind or snow loads.

- (d) No new Club Accommodation Activity shall be established which was not lawfully established on 6 December 1994, being the date this plan was notified.

(5) Bed Numbers

No club accommodation activity shall provide more than a maximum of 34 beds.

**Notwithstanding PA 5.1.5 (4) above, any Club Accommodation Activity may relocate or rebuild a single building on a new site provided the following criteria are met:**

(6) Redevelopment

- (a) The new building shall not exceed the gross floor area of the lawfully established principal building existing at the date this Plan was notified.
- (b) No new building shall be so sited that any part of the roof is above the level of a ridgeline or spur within 10 metres of the building or so as to be located within a known or suspected lahar path.
- (c) The existing building or buildings associated with the Club Accommodation Activity shall be demolished and/or removed.

**PA 5.1.6 Standards and Terms for Discretionary Activities (Restricted)**

**For Discretionary Activities (Restricted) compliance with the following standards and terms is required for an activity to be a Discretionary Activity (Restricted):**

None.

**PA 5.1.7 Matters over which the Council has Restricted the Exercise of its Discretion for Discretionary Activities (Restricted)**

- (a) Location of buildings within known lahar paths.
- (b) Any actual and potential effects on the environment of the activity due to the non-compliance of the activity with the permitted activity conditions, specifically including cumulative effects which may arise over time or in combination with other effects, but for the purposes of clarification, excluding those actual and potential effects on the environment that would result if the activity complied with all the permitted activity conditions.

**PA 5.2 NATIONAL PARKS AS DEFINED IN THE NATIONAL PARKS ACT 1980, AND CONSERVATION AREAS AS DEFINED IN THE CONSERVATION ACT 1987 (EXCLUDING AMENITY POLICY AREAS)**

**Note:**

- (a) Land users intending to develop or redevelop within these areas should be aware that the Department of Conservation administers the land covered by the provisions which follow, for, and on behalf of, the Crown. Accordingly, the consent of the Department of Conservation must be obtained in addition to any resource consent(s) required by this Plan. Thus reference should also be made to the appropriate planning documents administered by the Department.

**PA 5.2.1 Permitted Activities**

- (a) Conservation Activities.

**PA 5.2.2 Discretionary Activities**

- (a) Any land use or activity not specifically referred to in Rules PA5.2.1 and PA5.2.3.

**PA 5.2.3 Non-Complying Activities**

- (a) Extraction Activity
- (b) Waste Disposal Activity
- (c) Prospecting Activity
- (d) Exploration Activity
- (e) Energy Generation Activity

**PA 5.3 RESERVES AS DEFINED IN, AND ADMINISTERED UNDER, THE RESERVES ACT 1977**

**PA 5.3.1 Permitted Activities**

- (a) All activities or land uses in accordance with the Reserves Act 1977 approved by the administering body, and the Minister of Conservation where required in accordance with the Reserves Act 1977, excluding the specified non-complying activities listed below.

**PA 5.3.2 Discretionary Activities**

- (a) Any land use or activity not specifically referred to in Rules PA5.3.1 and PA5.3.3.

**PA 5.3.3 Non-Complying Activities**

- (a) Extraction Activity
- (b) Waste Disposal Activity
- (c) Prospecting Activity
- (d) Exploration Activity
- (e) Energy Generation Activity

**PA 5.4 WILDLIFE SANCTUARIES AS DEFINED IN, AND ADMINISTERED UNDER, THE WILDLIFE ACT 1953**

**Note:**

- (a) Land users intending to develop or redevelop within these areas should be aware that the Department of Conservation administers the land covered by the provisions which follow, for, and on behalf of, the Crown. Accordingly, the consent of the Department of Conservation must be obtained in addition to any resource consent(s) required by this Plan. Thus reference should also be made to the appropriate planning documents administered by the Department.

**PA 5.4.1 Permitted Activities**

- (a) All activities or land uses in accordance with the Wildlife Act 1953 as approved under the Wildlife Act 1953, excluding the non-complying activities listed below.

**PA 5.4.2 Discretionary Activities**

- (a) Any land use or activity not specifically referred to in Rules PA5.4.1 and PA5.4.3.

**PA 5.4.3 Non-Complying Activities**

- (a) Extraction Activity
- (b) Waste Disposal Activity
- (c) Prospecting Activity
- (d) Exploration Activity
- (e) Energy Generation Activity

**PA 5.5 RESERVES BEING RESERVES SOLELY BECAUSE THEY ARE IDENTIFIED UNDER THE POWERS VESTED IN THE RUAPEHU DISTRICT COUNCIL IN ACCORDANCE WITH THE RESOURCE MANAGEMENT ACT 1991**

**PA 5.5.1 Permitted Activities**

- (a) Conservation Activity
- (b) Recreation and Community Activity

**PA 5.5.2 Discretionary Activities (Restricted)**

- (a) Any permitted activity referred to in Rule PA5.5.1 which cannot meet all the relevant conditions for permitted activities.

**PA 5.5.3 Discretionary Activities**

- (a) Commercial Activity
- (b) Residential Activity
- (c) Any land use or activity not specifically referred to in Rules PA5.5.1, PA5.5.2 and PA5.5.4.

**PA 5.5.4 Non-Complying Activities**

- (a) Extraction Activity
- (b) Waste Disposal Activity
- (c) Prospecting Activity
- (d) Exploration Activity
- (e) Energy Generation Activity

**PA 5.5.5 Conditions For Permitted Activities**

**For Conservation, and Recreation and Community Activities, compliance with the following conditions is required for the activity to be a permitted activity:**

- (1) Visual and Character
  - (a) Any use requiring a building in excess of 20m<sup>2</sup> in gross floor area shall take place within an existing building that has been legally established.
  - (b) Any redevelopment or extension of an existing building shall not increase the gross floor area of the building by more than 10% in any two calendar years.

(c) No building or structure shall exceed 15.0 metres in height.

(2) Scale

No facility shall provide for more than 50 people.

**PA 5.5.6 Standards and Terms for Discretionary Activities (Restricted)**

**For Discretionary Activities (Restricted) compliance with the following standards and terms is required for an activity to be a Discretionary Activity (Restricted):**

None.

**PA 5.5.7 Matters over which the Council has Restricted the Exercise of its Discretion for Discretionary Activities (Restricted)**

Any actual and potential effects on the environment of the activity due to the non-compliance of the activity with the permitted activity conditions, specifically including cumulative effects which may arise over time or in combination with other effects, but for the purposes of clarification, excluding those actual and potential effects on the environment that would result if the activity complied with all the permitted activity conditions.

**Principal Reasons for Adopting the Objectives, Policies and Methods**

The above objectives, policies and methods recognise that the majority of the protected areas identified have management regimes already established under a number of different Acts of Parliament. The Council seeks to take these into account in its District Plan. However, it is recognised that in certain areas activities may produce adverse effects which would require avoiding, remedying or mitigating, and that the Council under the Act and the administering body have different functions.

The objectives, policies and methods provide a management regime that will ensure the natural, cultural and amenity values of the sites are protected, while providing for appropriate use and development.

Some of the methods are intended to complement the provisions of the Natural Hazards section of the Plan by including some specific criteria and standards relating to buildings in lahar paths. This recognises the particular natural hazards that are present in the Protected Areas Zone, although it should also be noted that there is incomplete knowledge of lahar hazards.

Within the limits of the empowering legislation the Council has sought to ensure consistency between the Tongariro National Park Management Plan (1990), Whanganui National Park Management Plan (1989) and the District Plan.

## **PA 6.0 CROSS REFERENCES**

As a guide only, any person referring to the above should also refer to the parts of the District Plan addressing the following issues:

- Information Requirements
- District Rules
- Transportation
- Subdivision
- Signs
- Financial Contributions
- Hazardous Substances
- Indigenous Vegetation and Habitats of Indigenous Fauna
- Riparian Management and Public Access
- Outstanding Natural Features and Landscapes
- Relocatable Buildings
- Utilities
- Natural Hazards
- Heritage

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