
Section 32 Report for the Proposed Waitomo District Plan

Section 32 Report – Hapori whānui

SUMMARY OF ISSUES	RESOURCE MANAGEMENT ACT 1991	NATIONAL DIRECTION	REGIONAL POLICY STATEMENTS	IWI MANAGEMENT PLANS CONT...
<p>The Hapori Whānui Chapter addresses the following issues:</p> <ul style="list-style-type: none"> Poorly located domestic scale television aerials, satellite dishes and water tanks, have the potential to create a nuisance or detract from the character and amenity of the District's townships and rural areas. Pou, carved gateways and public art can and do celebrate the natural, cultural and social diversity and creativity of the District, but the rules relating to these are not clear or in one central consistent location in the Operative District Plan (ODP). Buildings and sites that are left unfinished or in a state of disrepair, that are not maintained or are damaged by fire and left in a state of disuse adversely affect the amenity and character of the surrounding neighbourhood. Glare from buildings and structures can result in adverse environmental effects and is a matter that needs to be appropriately managed. Loss of amenity and potential public health effects can also occur where there is an accumulation of disused vehicles and goods on a property. In addition to detracting from the character of the neighbourhood, sites that are not maintained can also present a potential fire and contamination hazard. Waitomo District Council must have the ability to ensure properties and buildings are maintained to the standards that are in keeping with the zone and the surrounding area. The rebuilding and repairs required as a result of natural disaster can be cumbersome and slow due to District Plan rules. District plan provisions can unnecessarily be a barrier to cultural artwork. 	<p>Section 5 RMA The amenity provisions relate to section 5 in terms of managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. Amenity issues have the potential to affect the health and safety of people, but also can have social effects.</p> <p>The enhancement of community, cultural, environmental and physical well-being goes to the heart of section 5 and is reflected in HW-O5.</p> <p>Enabling the appropriate use of pouwhenua, waharoa and public art will assist in the community's social and cultural wellbeing. It will also assist in creating a unique identity for the community and encourage economic development.</p> <p>The objectives enable for the health and well-being of the community by providing for the uplift of zone rules individually or as a whole in the event of the declaration of a civil defence state of emergency which results in the requirement for a period of significant recovery and rebuilding.</p> <p>Section 6 RMA Section 6(e) identifies as a matter of national importance the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga. Pou is a physical recognition of Māori culture and values and will achieve section 6(e). In addition, HW-O5 seeks to enhance the cultural well-being and will assist in achieving section 6(e).</p> <p>Section 7 RMA The following clauses are relevant in section 7: Section 7(b) - the efficient use and development of natural and physical resources; Section 7(c) - the maintenance and enhancement of amenity values; and Section 7(f) - maintenance and enhancement of the quality of the environment.</p> <p>The general quality of the environment can be adversely affected by activities, especially in more sensitive environments such as residential zones. Derelict buildings can adversely affect the amenity of a neighbourhood.</p> <p>Glare affects the amenity of surrounding properties and can be an annoyance. It can also affect the safe operation of the transport network.</p> <p>Section 8 RMA The provisions enable pou which is a physical representation of culture and the relationship of Māori with sites or events. Enabling these structures will achieve section 8. Similarly, HW-O5 seeks to enhance cultural well-being and will assist in achieving section 8.</p>	<p>There are six National Policy Statements (NPSs) currently in place:</p> <ul style="list-style-type: none"> New Zealand Coastal Policy Statement 2010 NPS for Electricity Transmission 2008 NPS for Renewable Electricity Generation 2011 NPS for Freshwater Management 2020 NPS on Urban Development 2020 NPS for Highly Productive Land 2022 <p>There are no NPS's specifically relevant to this Chapter.</p> <p>There are also 8 National Environmental Standards (NESs) currently in place:</p> <ul style="list-style-type: none"> NES for Air Quality 2004 NES for Sources of Human Drinking Water 2007 NES for Telecommunication Facilities 2016 NES for Electricity Transmission Activities 2009 NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 NES for Plantation Forestry 2017 NES for Freshwater 2020 NES for Storing Tyres Outdoors 2021 <p>There are no NES's of particular relevance to this Chapter.</p> <p>Relevant case law considered</p> <p>There is no relevant case law applicable to this Chapter.</p>	<p>The Waikato Regional Policy Statement As this chapter has four main parts, they have been addressed individually.</p> <p>Culture Objective 3.9 seeks to recognise the relationship of tangata whenua with the environment including a) the use and enjoyment of natural and physical resources in accordance with tikanga Māori, including mātauranga Māori; and b) the role of tāngata whenua as kaitiaki.</p> <p>Section 2.5 sets out the Vision and Strategy for the Waikato River which seeks to achieve: (b) The restoration and protection of the relationships of Waikato-Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships. (c) The restoration and protection of the relationships of Waikato River Iwi according to their tikanga and kawa with the Waikato River, including their economic, social, cultural and spiritual relationships. (d) The restoration and protection of the relationships of the Waikato Region's communities, with the Waikato River, including their economic, social, cultural and spiritual relationships.</p> <p>While the provisions in the Hapori whānui chapter are not specific to the Waikato River, they enable Māori cultural and customary uses of natural resources and maara kai in all zones.</p> <p>This approach gives effect to the objectives in section 2.5, Objective 3.4 and Objective 3.9 of the RPS.</p> <p>Objective 3.18 seeks to protect, maintain or enhance sites, structures, landscapes, areas or places of historic and cultural heritage in order to retain the identity and integrity of the Waikato regions and New Zealand's history and culture. This objective will be given effect to by the enabling provisions which celebrate the District's culture through pouwhenua, wharoa and public art.</p> <p>Amenity Objective 3.21 is the key objective which addresses amenity and seeks to maintain and enhance the qualities and characteristics of areas and features, valued for their contribution to amenity.</p> <p>Resilience and redevelopment Objective 3.24 seeks to enable the effective and efficient response and recovery from natural hazard events. The proposed provisions give effect to this by enabling recovery.</p> <p>The Manawatū-Whanganui One Plan The most relevant objectives and policies are in Section 2. In particular Objective 2-1 seeks to have regard to the mauri of natural and physical resources to enable hapū and iwi to provide for their social, economic and cultural wellbeing.</p> <p>Kaitiakitanga must be given particular regard and the relationship of hapū and iwi with their ancestral lands, water, sites, wāhi tapu and other taonga (including wāhi tūpuna) must be recognised and provided for through resource management processes.</p> <p>Policy 2.1(i)(i) achieves this through the relationship of Māori and their culture and traditions with their</p>	<p>The Waikato Tainui Environment Management Plan 2018 (WTEP)</p> <p>Objective 13.3.1 relates to papakainga development being sustainable and supported. This is delivered by Policy 13.3.1.1 and methods for ensuring that there is appropriate servicing, development is sustainable and surrounding land use is sensitive to existing or impending papakainga development. Policy 13.3.1.2 ensures that papakainga are able to be developed within rural and urban areas.</p> <p>These objectives and policies are delivered by the PDP which enables papakainga in every zone.</p> <p>Section 13 of the WTEP sets out objectives and policies for customary activities. Objective 14.3.1 seeks to protect and enhance access to and ability to undertake customary activities and resource use, including along the margins of waterways, is protected and enhanced. The methods to achieve Policy 14.3.2.3 includes: (a) the customary activities listed be permitted activities. (b) Make provision in Regional Plans, District Plans and fishery regulations to allow customary activities as Permitted or Controlled Activities and to protect customary activities and resource uses from competing interests.</p> <p>These outcomes are achieved by the Proposed District Plan (PDP) provisions which enable customary activities to be carried out.</p>

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			<p>ancestral lands, water, sites, wāhi tapu and other taonga (including wāhi tūpuna).</p> <p>These outcomes are achieved by the PDP provisions which enable customary activities to be carried out.</p>	
<p>OPERATIVE WAITOMO DISTRICT PLAN</p>			<p>IWI MANAGEMENT PLANS</p>	<p>OTHER RELEVANT PLANS OR LEGISLATION</p>
<p>The Operative District Plan (ODP) does not address these matters, and it was identified as a gap. While there are objectives and policies regarding amenity, these are contained in each of the zone chapters.</p>			<p>We are required to take into account planning documents recognised by an iwi authority and lodged with the territorial authority, and there are many provisions in these documents relevant to the management of artwork, glare, amenity and recovery from natural hazard events.</p> <p>Maniapoto Environment Management Plan 2018 (MEMP)</p> <p>A summary of the provisions in the MEMP relevant are as follows:</p> <p><i>8.3.2 Objective: Maniapoto identity and cultural values are reflected in community developments.</i></p> <p><i>8.3.2.1 Policy: Community developments recognise and support Maniapoto culture, history and identity associated with specific places.</i></p> <p><i>Actions:</i></p> <p>(a) <i>Ensure Maniapoto participation and input for community developments</i></p> <p>(b) <i>Strengthen Maniapoto identity and culture in the design of buildings and structures in public spaces</i></p> <p><i>8.3.2.2 Policy: Maniapoto culture, history and identity associated with specific places are reflected in residential and commercial developments.</i></p> <p><i>Actions:</i></p> <p>(a) <i>Ensure Maniapoto have appropriate opportunities to be involved in developing and implementing plans and strategies to identify and protect Maniapoto values in residential and commercial developments</i></p> <p>(b) <i>Encourage use of indigenous plants for public spaces, parks and reserves</i></p> <p>(c) <i>Encourage use of landscape design elements that promote and celebrate Maniapoto cultural values</i></p> <p>(d) <i>Ensure the use of Maniapoto designed artwork, signs, materials and structures that communicate the culture, heritage and history and promote the significance of places, resources and names important to the people of Maniapoto</i></p> <p>It is considered that the proposed provisions have taken into account the provisions in the MEMP by enabling the installation of pouwhenua, waharoa and public art.</p> <p>Section 9 sets out objectives and policies to enable access to resources and undertake customary activities. In particular, Policy 9.3.2.1(e) ensures regulations for activities and resource use do not prohibit or restrict customary activities, and (f) directs regional or district plans to provide for customary undertakings as a permitted or controlled activities. The policies and rules in the Hapori whānui section of the Plan support both of these activities through a permitted activity status in every zone.</p>	<p>The Civil Defence Emergency Management Act 2002</p> <p>The purpose of the Act is to:</p> <ul style="list-style-type: none"> improve and promote the sustainable management of hazards in a way that contributes to the social, economic, cultural and environmental well-being and safety of the public and the protection of property encourage and enable communities to achieve acceptable levels of risk by identifying risks and applying risk reduction management practices provide for planning and preparation for emergencies and for response and recovery in the event of an emergency require local authorities to coordinate Civil Defence Emergency Management (CDEM) through regional groups across the “4Rs” (reduction, readiness, response and recovery) and encourage cooperation and joint action between those groups integrate local and national CDEM planning and activity through the alignment of local planning with a national plan and strategy encourage the coordination of emergency management across the range of agencies and organisations with responsibilities for preventing or managing emergencies. <p>The Civil Defence Emergency Management Amendment Act 2016 enables the recovery from emergencies to be more efficient and effective.</p> <p>Although its focus is on recovery from small to medium events, the Amendment Act is not limited to these types of emergencies. Its provisions can be used in a large scale emergency until any bespoke legislation is created.</p> <p>The Amendment Act amends the Civil Defence Emergency Management Act to:</p> <ul style="list-style-type: none"> establish a legislative framework for recovery management, by providing a mandate for recovery managers and by strengthening the requirement to plan for recovery support a seamless transition from response into the initial recovery phase, by establishing a transition notice mechanism that will make some emergency powers available for a specified period of time (local or national transition period), and makes some minor and technical amendments to improve the Act, and

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				consequential amendments to other legislation and the National Civil Defence Emergency Management Plan Order 2015.
SCALE & SIGNIFICANCE s32(1)(c)				STRATEGIC DIRECTION
<p>The assessment is based on eight factors outlined in Ministry for the Environment’s guidance on Section 32 reports. Each factor is scored in terms of its scale and significance (where 1 is low and 5 is high).</p> <p>Reason for Change: 3 Problem / Issue: 2 Degree of Shift from Status Quo: 3 Who and How Many Affected, Geographic Scale of Effects: 3 Degree of Impact on or Interest from Māori: 4 Timing and Duration of Effects: 2 Type of Effect: 2 Degree of Risk or Uncertainty: 1</p> <p>Total (out of 40): 20</p>				<p>The following objective from the Strategic Directions chapter of the PDP are relevant to this topic:</p> <p>SD-01: Uphold the partnership principles inherent within Te Tiriti o Waitangi by ensuring mana whenua are enabled to maintain and enhance the well-being (mauri) and health (hauora) of both people and the environment and empowered in the expression and application of kaitiakitanga.</p> <p>SD-03: Mana whenua are able to exercise customary activities, protect, develop and use Māori land in a way that is consistent with their culture and traditions and provides for their social and economic aspirations.</p> <p>SD-012: Acknowledge that Te Tiriti o Waitangi settlements may drive change and development in parts of the district that have until now, been undeveloped.</p> <p>SD-015: The community is prepared to adapt to the effects of climate change and recognises the opportunities and risks associated with those effects.</p>
				UNCERTAINTIES AND RISKS s32(2)(c)
				The degree of risk and uncertainty is low. The subject matter and effects are well understood.

OBJECTIVE(S) s32(1)(a)
<p>Relevance – The objectives directly address the issues identified above. The proposed objectives enable Council to undertake its functions under section 31, in particular section 31(1)(a) “the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district”, section 31(1)(b)(i) ‘the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of avoiding or mitigating natural hazards’ and section 31(1)(e) “the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes”. The proposed objectives give effect to higher order policy documents. It achieves the purpose and principles of the RMA.</p> <p>Usefulness – The objectives guide decision making by providing clear guidance regarding the appropriateness of activities and the expected management of potential effects.</p> <p>Reasonableness – The objectives will not impose unreasonable costs on the community but will provide certainty and help maintain environmental qualities and values which has social and environmental benefits.</p> <p>Achievability – The proposed objectives are achievable and are consistent with identified tangata whenua outcomes expressed in the iwi management plans.</p> <p>Are the objectives the most appropriate way to achieve the Purpose of the Act? The proposed objectives are considered to meet the tests of relevance, usefulness, reasonableness and achievability. The objectives are the most appropriate way to achieve the purpose of the RMA because they:</p> <ul style="list-style-type: none"> • implement national and regional guidance and direction by providing clear guidance on the anticipated management of earthworks within Council’s jurisdiction. • provide greater certainty to decision makers and plan users regarding the desired end state. • appropriately reflects Council’s obligations under section 31 of the RMA. • reflect the directions in sections 6(e), 7(b), 7(c) and 7(f). • give effect to higher level documents, namely the RPS by recognising the importance of cultural well-being and expression • align with the Strategic Objectives.

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PROVISIONS s32(1)(b)	
EFFICIENCY & EFFECTIVENESS s32(1)(b)(ii), 32(2)(a)(i), s32(2)(a)(ii)	ALTERNATIVES s32(1)(b)(i)
<p>Benefits Anticipated</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> Enables conservation activities. Ensures that the character and amenity of the residential and commercial environment is retained by ensuring that buildings are not left in a state of disrepair. Controls amenity by addressing matters such as television aerials, satellite dishes and water tanks. <p><u>Economic</u></p> <ul style="list-style-type: none"> Supports creation of an identity for the District by providing for public art, murals, pou and carved gateways, which assist in creating a sense of place and encourage people to stop in the towns and villages across the District. Supports quicker recovery after a natural disaster through appropriate zoning uplift provisions. <p><u>Social</u></p> <ul style="list-style-type: none"> Ensures that buildings are not left in a state of disrepair. Supports the character and amenity of the District. Reflective glare is avoided. Enables cultural and social expression. Assists in creating an identity for the District. Enables quicker recovery from natural disasters. Protects health and safety from derelict buildings. Enables passive recreation activities and supports the health of the well-being. <p><u>Cultural</u></p> <ul style="list-style-type: none"> Celebrates the culture and identity of the District through pou and carved gateways. Enables customary activities. <p>Costs Anticipated</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> Unlikely to be any environmental costs from the proposals. <p><u>Economic</u></p> <ul style="list-style-type: none"> There may be costs associated with maintaining amenity. <p><u>Social</u></p> <ul style="list-style-type: none"> May limit the use of certain building materials due to the risk of glare. May limit artistic creativity due to needing a resource consent if rules cannot be complied with. <p><u>Cultural</u></p> <ul style="list-style-type: none"> There are no cultural costs anticipated. <p>Economic growth opportunities The provisions are unlikely to result in economic growth.</p> <p>Employment opportunities The provisions are unlikely to result in employment opportunities.</p>	<p>For the purpose of this evaluation, the Council has considered the following potential options: 1. The proposed provisions; and 2. The status quo.</p> <p>The ODP provisions are not considered to be efficient or effective in achieving the objectives.</p> <p>In order to identify other reasonably practicable options, the Council has undertaken the following:</p> <ul style="list-style-type: none"> Reviewed other relevant district plan provisions for provisions relating to amenity, public art, and customary activities; Collated feedback from discussions with iwi; and Workshops with elected members.
QUANTIFICATION OF BENEFITS & COSTS s32(2)(b)	
Section 32(2)(b) requires that, where practicable, the benefits and costs of a proposal are to be quantified. Given the assessment of the scale and significance of the proposed provisions, specific quantification of the benefits and costs in this report is considered neither necessary, beneficial nor practicable in relation to this topic.	
EFFICIENCY & EFFECTIVENESS s32(1)(b)(ii)	REASONS FOR PROVISIONS s32(1)(b)(iii)
<p>Section 32(1)(b)(ii) requires assessing the efficiency and effectiveness of the provisions in achieving the objectives:</p> <p><u>Efficiency</u> The policies and rules will be efficient in achieving the objectives, and it is not considered that they will impart substantive costs on the community.</p> <p><u>Effectiveness</u> The policies and rules will be effective in achieving the objectives. There is a clear link between the provisions and the objectives.</p>	<p>Section 32(1)(b)(iii) requires a summary of the reasons for deciding on the provisions: The review of the provisions of the ODP has identified that retaining the existing provisions does not provide an appropriate resource management approach into the future as the existing provisions are out of date, unclear in some respects and or do not cover the subject matter at all. The review of available options has concluded that the preferred approach is to amend the provisions to enable continued and improved management of amenity and explicitly enable culturally significant activities such as maara kai and customary activities.</p>