

Te Maika Precinct | Te Maika whai tikanga

Overview

Located on the southern entrance of Kawhia harbour, the Te Maika precinct is situated on the northern point of the Te Maika peninsula. The majority of the land is administered by the Te Maika Trust who exercise mana whenua and kaitiakitanga over the area on behalf of the beneficial owner, the Māori King. The precinct contains a number of unique and significant natural features. These include a significant natural area of national importance which is a wetland habitat for endangered coastal wetland plant species and migratory birds. There are two areas classed as outstanding natural features which comprise the Te Maika point jurassic sequence and fossil forest. The fossil forest is regarded as the second-best example in New Zealand after Curio Bay. These two features are fragile exposures of geological material which contain important biological and geological history. They are located on local purpose reserve, road reserve and within the coastal marine area. The rules in this plan protect these two sites from development and damage.

The area has a rich history, evidenced by the numerous archaeological sites in the precinct. It was an important food source, used seasonally for the gathering of kaimoana. At the beginning of the 18 century Te Maika was occupied by Ngati Toa led by the warrior chief Te Rauparaha. Eventually the Waikato-Maniapoto confederation of tribes under the leadership of Te Wherowhero, forced Te Rauparaha from the area. Ngati Toa retreated down the south coast, eventually occupying Kapiti Island. A few members of Ngati Toa remained living in the area and their descendants can claim an un-broken line of residence in Kawhia harbour since the arrival of the Tainui waka. Around 100 years ago Te Maika was placed under the guardianship of the Māori King to protect it from European acquisition.

Te Maika is remote and wild, offering visitors peaceful respite from the busy pace of life. There are no permanent residents and no reticulated electricity, water or wastewater services on the peninsula, although the cellular network coverage is good. While public roads have been surveyed, they remain unformed and there is no intention to provide physical road access to this community. The entire precinct is surrounded by public lands in the form of either esplanade reserves or public roads.

Te Maika has both natural open space and settlement zoning, the rules for this community are set out in this precinct chapter. The precinct is subject to the coastal environment overlay and is within an outstanding natural landscape. The harbour-side coastal margins are subject to coastal erosion which threatens the long-term viability of some of the dwellings located on the Te Maika Road reserve. Coastal hazard areas are not identified in Te Maika but specific provisions are contained in the coastal environments chapter which manage buildings located adjacent to the open coast and within Kawhia Harbour. Additionally, because the majority of the precinct has been partitioned or subdivided there are archaeological assessment rules in this chapter which apply to land use activities. The purpose of the precinct is to protect the isolated, wilderness character of the area and to

only provide limited opportunities for development where this can be offered at an appropriate scale, avoiding adverse effects on the environment.

Objective

Refer also to the relevant objectives in Part 2 District - Wide Matters

PREC7-O1. Facilitate the management and development of the Te Maika precinct in a way that prioritises the implementation and creation of a low impact, self-sufficient, sustainable community which prioritises the well-being of the natural environment and recognises the area's unique cultural heritage.

Policies

Refer also to the relevant policies in Part 2 District - Wide Matters

- PREC7-P1.** Preserve the natural character of the coastal environment and protect the values of the northern coastline outstanding natural landscape and the jurassic sequence and fossil forest outstanding natural features.
- PREC7-P2.** Avoid new development that generates demand for wastewater disposal in a way and at a rate that adversely affects the health and well-being of wetland areas, coastal, ground and surface water.
- PREC7-P3.** Avoid locating new development in any part of the precinct that would restrict public access to and along the coastal marine area.
- PREC7-P4.** Avoid any further loss of wetland areas, and the associated habitats of indigenous and migratory species.
- PREC7-P5.** Ensure new development does not compromise the remote, rugged character of the peninsula.
- PREC7-P6.** Ensure the location, height, colour, number of structures and the type of activities permitted in the precinct are carefully managed to protect the values of this outstanding natural landscape.
- PREC7-P7.** Recognise and provide for the relationship that mana whenua have with their ancestral sites, ancestral lands, water, wāhi tapu, and other taonga including the coastal environment.
- PREC7-P8.** Avoid development unless it is confirmed that the building site does not contain an archaeological site or appropriate permission for development is secured from Heritage New Zealand Pouhere Taonga.
- PREC7-P9.** Ensure new development is designed and located to manage significant risks from natural hazards.

Rules

The rules that apply to the Te Maika precinct are contained in the tables listed below. To undertake any activity, it must comply with the rules listed in:

- PREC7 - Table 1 - Activities Rules; and
- PREC7 - Table 2 - Performance Standards; and
- Any relevant provision in Part 2 District-Wide Matters.

Where an activity breaches more than one rule, the most restrictive status shall apply to the activity.

Refer to Part 1 - How the Plan Works for an explanation of how to use this plan, including activity status abbreviations.

PREC7 - Table 1 – Activities Rules

PREC7-R1.	Residential units
PREC7-R2.	Papakāinga housing developments and tiny house developments
PREC7-R3.	Residential based visitor accommodation
PREC7-R4.	Tourism facilities and outdoor education activities
PREC7-R5.	Marae complex
PREC7-R6.	One accessory building per allotment
PREC7-R7.	Construction, addition and alteration of buildings for any permitted activity
Activity status: PER Where: 1. All of the performance standards in PREC7 –Table 2 are complied with. <i>Note: For any activity associated with an outstanding natural feature the rules are contained in the natural features and landscapes chapter.</i> <i>Note: Where the building is listed in SCHED1 - Heritage Buildings and Structures, also see the historic heritage chapter.</i> <i>Note: Where building work is carried out (for example to join two tiny houses together by a walkway or create a permanent deck) or where kitchen and bathroom plumbing fittings need to be connected to reticulated water or wastewater systems or septic tank systems, the tiny house becomes a building.</i>	
Activity status where compliance is not achieved with PREC7-S1 to PREC7-S6: RDIS Activity status where compliance is not achieved with PREC7-S7 to PREC7-S11: DIS Where the activity is RDIS, the matters over which discretion is restricted are: (a) The matters of discretion associated with any performance standard which cannot be complied with in PREC7 -Table 2.	

PREC7-R8.	Tanks
Activity status: PER Where: 1. The tank is less than or equal to 3.2 m in height as measured from ground level; and 2. The tank has a capacity less than or equal to 50,000 litres.	Activity status where compliance is not achieved: RDIS Matters over which discretion is restricted: (a) The location, scale, materials and colour of the tank and whether these features detract from the outstanding natural feature or landscape; and (b) The extent to which the structure extends above a ridgeline or coastal headland or dominates an outstanding natural feature; and (c) Whether the structure is setback from riparian and coastal margins; and (d) The protection of existing vegetation and/or mitigation/enhancement planting to assist the visual integration; and (e) The location, timing of construction, design and density of soil disturbance and vegetation removal activities; and (f) Effects on archaeological sites including the location, and intensity of soil disturbance and vegetation removal activities; and (g) Measures to avoid, remedy or mitigate adverse effects of the activity on the outstanding natural feature or landscape.
PREC7-R9.	Home businesses
Activity status: PER Where: 1. No more than two full time equivalent persons who do not reside on the site are employed in the home business, except in tiny house developments where only people living on the site can be engaged in the home business; and 2. The hours of operation for the home business are between 7am and 7pm Monday to Friday and between 9am and 5pm Saturday, Sunday and Public Holidays; and 3. No outdoor storage associated with the home business is permitted; and 4. A home business may include home based child care but must not be any of the following activities: panel beating, spray painting, motor vehicle repair or wrecking, fibre glassing activities involving heavy vehicles, sheet metal work, wrought iron work, activities involving	Activity status where compliance is not achieved: DIS

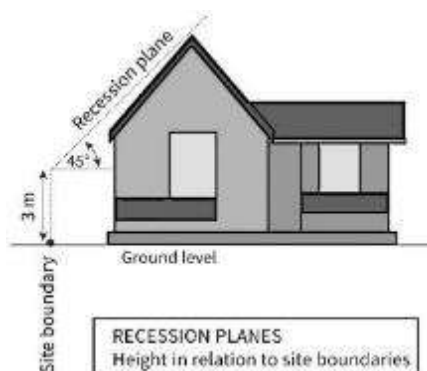
scrap metal or demolition materials or hazardous waste substances, activities involving fish or meat processing, funeral parlours, boarding or breeding kennels or catteries. In PREC7 these activities are industrial activities.	
PREC7-R10.	Agricultural, pastoral and horticultural activities
Activity Status: PER Where: 1. Agricultural, pastoral and horticultural activities are permitted except for farm airstrips and farm helipads. <i>Note: For rules pertaining to earthworks and quarrying activities, vegetation removal and forestry see the natural features and landscapes chapter.</i>	Activity status where compliance is not achieved: DIS
Activity Status: DIS Where: 2. Farm airstrips and farm helipads.	Activity status where compliance is not achieved: N/A
PREC7-R11.	Demolition and/or removal of buildings and structures
Activity Status: PER <i>Note: Where the building is listed in SCHED1 - Heritage Buildings and Structures, see the historic heritage chapter.</i>	Activity status where compliance is not achieved: N/A
PREC7-R12.	Industrial activities and activities not otherwise listed in Table 1
Activity status: DIS <i>Note: Relocated buildings and shipping containers are discretionary activities in PREC7. See the relocated buildings and shipping containers chapter.</i> <i>Note: For rules pertaining to earthworks and quarrying activities, vegetation removal and forestry, caves and sinkholes see the natural features and landscapes chapter.</i>	Activity status where compliance is not achieved: N/A

PREC7 - Table 2 - Performance Standards

PREC7-S1.	Minimum setback from road boundaries	
1. The minimum setback from road boundaries for any building adjacent to a formed or unformed road must be at least 3 m; and 2. For the avoidance of doubt a tiny house is a building for the purpose of this rule.	Matters over which discretion is restricted: (a) Visual effects including bulk, scale, materials, colour and location of the building; and (b) Effects on archaeological sites including the location, and intensity of soil disturbance and vegetation removal activities; and (c) Effects on the precinct's character and amenity; and (d) Ability to soften the visual impact of the building, including retention of any existing mature trees and landscaping; and (e) Other measures proposed to avoid, remedy or mitigate adverse effects of the activity on the landscape or coastal environment.	
PREC7-S2.	Minimum setback from internal boundaries	
1. The minimum setback for buildings from internal boundaries must be 3 m, provided that the eaves of any building may encroach into the required setback by not more than 600 mm; and 2. Buildings may be erected up to any common boundary with an adjoining site which is in the same holding; and 3. Decks, balconies and terraces more than 1.5 m in height from ground level and located along any internal boundary must be setback 3 m; and 4. For the avoidance of doubt a tiny house is a building for the purpose of this rule. <i>Note: All buildings and structures, must also comply with NATC-R2, CEH-R1 and CEH-R2.</i>	Matters over which discretion is restricted: (a) Visual effects including bulk, scale, materials, colour and location of the building; and (b) The provision of mitigation measures which enhance the natural character of the open coast and harbour environment such as fencing and retiring coastal escarpment and/or wetland areas and ecological planting; and (c) Effects on archaeological sites including the location, and intensity of soil disturbance and vegetation removal activities; and (d) Effects on the precinct's character and amenity; and (e) Ability to soften the visual impact of the building, including retention of any existing mature trees and landscaping.	
PREC7-S3.	Landscaping of site boundaries	
1. Where a tourism facility, outdoor education activity, home business or marae complex has an internal site boundary that adjoins a building housing a residential activity or a vacant site, the internal boundary of the site adjoining the residential activity or a vacant site must be landscaped to a minimum depth of 2 m, except for the required access point(s); and	Matters over which discretion is restricted: (a) Visual effects including bulk, scale, materials, colour and location of the building or activity; and (b) The provision of mitigation measures which enhance the natural character of the open coast and harbour environment such as fencing and retiring coastal escarpment	

2. The landscaping must consist of a combination of indigenous groundcovers, shrubs and/or trees.	and/or wetland areas and ecological planting; and (c) Effects on the precinct's character and amenity; and (d) Other measures proposed to avoid, remedy or mitigate adverse effects of the activity on the landscape or coastal environment. (e) Topographical and geographical features affecting the ability to provide the required landscaping.
PREC7 – S4.	Height and Height in relation to boundary
1. Structures must not exceed 5 m in height as measured from ground level; and 2. No structure or stored materials shall penetrate a recession plane at right angles to a boundary inclined inwards and upwards at an angle of 45° from 3 m above the ground level of the road or internal boundaries of a site. See Figure - PREC7 1.	Matters over which discretion is restricted: (a) The provision of daylight and sunlight into neighbouring buildings; and (b) Visual effects including bulk, scale, materials, colour and location of the structure or materials; and (c) Effects on the precinct's character and amenity; and (d) Ability to soften the visual impact of the structure or materials, including retention of any existing mature trees and landscaping; and (e) Other measures proposed to avoid, remedy or mitigate adverse effects of the activity on the landscape or coastal environment.

Figure – PREC7 1 –Height in relation to boundary



PREC7-S5.	Residential based visitor accommodation
1. The maximum occupancy must not exceed six guests at any one time.	Matters over which discretion is restricted: (a) Effects on the precinct's character and amenity; and

		(b) Other measures proposed to avoid, remedy or mitigate adverse effects of the activity on the landscape or coastal environment; and (c) Potential reverse sensitivity effects on any adjoining activities.
PREC7-S6.	Accessory buildings	
1. One accessory building is permitted per allotment which must not exceed 30 m ² gross floor area.		Matters over which discretion is restricted: (a) Visual effects including bulk, scale, materials, colour and location of the building; and (b) Effects on the precinct's character and amenity; and (c) Other measures proposed to avoid, remedy or mitigate adverse effects of the activity on the landscape or coastal environment.
PREC7-S7.	Hours of operation	
1. A tourism facility or outdoor education activity must not operate outside the hours of Monday to Sunday 9am – 8pm.		Activity status where compliance is not achieved: DIS
PREC7-S8.	Building colour	
1. All buildings must be painted using the colours in Figure – PREC7 2 – Te Maika Precinct colour chart.		Activity status where compliance is not achieved: DIS
PREC7-S9.	Maximum building coverage	
1. Building coverage must not exceed 35% of the net site area.		Activity status where compliance is not achieved: DIS
PREC7-S10.	Maximum number of residential units	
2. One residential unit per allotment; OR 3. Papakāinga developments and tiny house developments of no more than 6 residential units/tiny houses, where 200 m ² of net site area is provided per unit/tiny house.		Activity status where compliance is not achieved: DIS
PREC7-S11.	Site requirements	
1. No building may exceed 300 m ² in size; and 2. All developments must have an independent potable water supply for activities on the site; and		Activity status where compliance is not achieved: DIS

3. All developments must be on a site of sufficient size to enable on site detention and disposal of stormwater (as measured in a 10% AEP); and
4. No building (except accessory buildings) may be erected unless:
 - (a) A qualified archaeologist has provided written confirmation that the allotment does not contain an archaeological site or appropriate permission has been obtained from Heritage New Zealand; and
 - (b) A qualified geotechnical engineer has provided written confirmation that:
 - (i) The allotment is physically suitable for the proposed building and;
 - (ii) Suitable wastewater disposal can be achieved on site; and
 - (iii) The site of any wastewater or grey water disposal is at least 900 millimetres above ground water level.

Note: For wastewater disposal, preference is given to composting toilets or systems which do not require discharge of liquid waste.

Advice notes

Coastal environment

For setbacks from coastal margins, seawalls and coastal hazards, see the coastal environment chapter.

Te Maika wetland significant natural area

See also the ecosystems and indigenous biodiversity chapter.

Scheduled features and sites

For any activity associated with an outstanding natural feature, the rules are contained in the natural features and landscapes chapter.

There are additional rules for earthworks and quarrying activities, vegetation removal and forestry, caves and sinkholes see the natural features and landscapes chapter.

Accidental discovery protocol

In the event that an unidentified archaeological site or a wāhi tapu site is located during works, the following applies:

- *Work must cease immediately at that place and within 20m around the site;*
- *Heritage New Zealand Regional Archaeologist must be notified and apply for the appropriate authority if required;*
- *Notify the appropriate iwi groups or kaitiaki representative of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (New Zealand Pouhere Taonga Act 2014);*

- If human remains (koiwi) are uncovered then the Heritage New Zealand Regional Archaeologist, NZ Police and the appropriate iwi groups or kaitiaki representative must be notified. Remains are not to be moved until such time as iwi and Heritage New Zealand have responded;
- Works affecting the archaeological site and any human remains (koiwi) must not resume until appropriate authority and protocols are completed.

If the protocol is not adhered to then Heritage New Zealand can take out prosecution proceedings under the New Zealand Pouhere Taonga Act 2014.

Contaminated land

If the site is contaminated or potentially contaminated refer to the contaminated land chapter and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) 2011.

Regional Council consents

A resource consent for some earthworks may also be required from the Waikato Regional Council.

Figure – PREC7 2 – Te Maika precinct colour chart

