

## **Multi Zone Precincts – Te Maika Precinct**

### **Section 32 Report for the Proposed Waitomo District Plan**

**Section 32 Report – Area Specific Matters – Multi Zone Precincts – Te Maika Precinct (Precinct 7)**

| SUMMARY OF ISSUES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      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                                                                                                                                                                                                                                                              | REGIONAL POLICY STATEMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               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| <p>The Te Maika Precinct addresses the following issues:</p> <ul style="list-style-type: none"> <li>The Te Maika peninsula is of particular significance to Waikato Tainui.</li> <li>Te Maika is remote and isolated peninsula with no permanent residents and no reticulated electricity, water or wastewater services on the peninsula.</li> <li>While public roads have been surveyed and established, they remain unformed and there is no intention to provide physical road access to this community.</li> <li>The entire precinct is surrounded by public lands in the form of either esplanade reserves or public roads.</li> <li>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. There are also a number of archaeological sites on the peninsula.</li> </ul> | <p><b>Section 5 RMA</b><br/>The management of the Te Maika Precinct is directly relevant to section 5, as it is important for the cultural, social, community wellbeing of the peninsula to ensure that it is preserved for future generations. The Precinct also provide environmental benefits by protecting important landscapes and biodiversity, and cultural and historic heritage.</p> <p><b>Section 6 RMA</b><br/>The relevant section 6 matters are:</p> <p>Section 6(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.</p> <p>Council is required to recognise and provide for the preservation of the natural character of the coastal environment from inappropriate subdivision, use and development as a matter of national importance. The precinct contains specific provisions to ensure that this matter of national importance is given effect too.</p> <p>Section 6(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.</p> <p>Council is required to protect outstanding natural features and landscapes from inappropriate subdivision, use, and development as a matter of national importance. The precinct and district wide provisions contains specific provisions to ensure that this matter of national importance is given effect too.</p> | <p>There are six National Policy Statements (NPSs) currently in place:</p> <ul style="list-style-type: none"> <li>New Zealand Coastal Policy Statement 2010</li> <li>NPS for Electricity Transmission 2008</li> <li>NPS for Renewable Electricity Generation 2011</li> <li>NPS for Freshwater Management 2020</li> <li>NPS on Urban Development 2020</li> <li>NPS for Highly Productive Land 2022</li> </ul> <p>It is considered that New Zealand Coastal Policy Statement 2010 (NZCPS) would be relevant to this Chapter. The following policies from the NZCPS are relevant Policy 7, Policy 13, Policy 17, and Policy 25.</p> <p>The NZCPS must be given effect to in district plans. It contains policies about how certain matters in relation to coastal management should be dealt with in RMA documents, including district plans. Under Policy 7 of the NZCPS, regional policy statements and plans must specify where subdivision and development may be inappropriate in the coastal environment.</p> <p>Policy 13 of the NZCPS relates to preservation of natural character. The subject site is identified as having "outstanding natural character" and warrants such a classification.</p> <p>Policy 17 seeks to ensure that historic heritage is identified and protected. This is addressed through the performance standards. Policy 25 states that in areas potentially affected by coastal hazards over at least the next 100 years, changes in land use should be avoided where that would increase the risk of adverse effects from coastal hazards. Coastal hazards are being addressed separately and are not assessed as part of this section 32 report.</p> | <p><b>Waikato Regional Policy Statement</b><br/>The Waikato Regional Policy Statement 2016 (WRPS) sets out a number of objectives and policies for development in the region which seek to ensure that development of the built environment occurs in an integrated, sustainable and planned manner, which enables positive environmental, social and economic outcomes, as set out in Objective 3.12.</p> <p>Provisions for development in the Te Maika Precinct must give effect to the objectives and policies in the WRPS.</p> <p>The direction sought by the WRPS is that development of the built environment should occur in an integrated way, so that environmental, social, cultural and economic considerations are addressed, and to ensure that infrastructure is integrated with development.</p> <p>The WRPS also seeks to ensure the coastal environment is managed in a way that preserves the natural character of the coastal environment, as set out in Objective 3.7.</p> <p>The WRPS sets out a number of policies through which the above objectives are to be addressed. The WRPS requires, through these policies, that development is undertaken in such a way that it, amongst other things:</p> <ul style="list-style-type: none"> <li>Has regard to local coastal character and provides for safe and efficient connectivity with the coastal marine area.</li> <li>Ensures appropriate infrastructure necessary to service the development is in place.</li> </ul> | <p>The Waikato Tainui Environment Management (WTEP) Plan 2018 contains the following provisions relevant to the Te Maika Precinct:</p> <p>Objective 15.3.1 and Policy 15.3.1.1 – 15.3.2.1 these provisions relate to the preservation of natural character and ecosystems.</p> <p>Objective 16.3.1 and Policy 16.3.1.1 – 16.3.5.1 – these provisions relate to the preserving historic heritage items, highly prized sites and sites of significance.</p> <p>Objective 17.3.1 – 17.3.1.1 – 17.3.3.1 – these provisions relate to ensuring land use and the construction of structures occurs in a way that does not increase the risk or magnitude of a natural hazard event, and that does not increase the risk or effects on human life or activity in the event that a natural hazard event occurs.</p> <p>It is considered that the proposed provisions will not conflict with the above objective and policy in the WTEP, as they seek to protect natural character, ecosystems, historic heritage items, highly prized sites and sites of significance and ensuring that there is no risk to human life in the event of a natural hazard event occurring.</p> |
| <p><b>OPERATIVE WAITOMO DISTRICT PLAN</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    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                                                                                                                                                                                                                                                              | <p><b>IWI MANAGEMENT PLANS</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       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| <ul style="list-style-type: none"> <li>The Te Maika Precinct is currently subject to the objectives, policies, and rules in Chapter 14A (Te Maika Zone) of the Operative District Plan (ODP).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>Council is required to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance. The precinct and district wide provisions contain specific provisions to ensure that this matter of national importance is given effect too.</p> <p>Section 6(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <ul style="list-style-type: none"> <li>NES for Air Quality 2004</li> <li>NES for Sources of Human Drinking Water 2007</li> <li>NES for Telecommunication Facilities 2016</li> <li>NES for Electricity Transmission Activities 2009</li> <li>NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011</li> <li>NES for Plantation Forestry 2017</li> <li>NES for Freshwater 2020</li> <li>NES for Outdoor Tyre Storage 2021</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>The Waikato Tainui Environment Management (WTEP) Plan 2018 contains the following provisions relevant to the Te Maika Precinct:</p> <p>Objective 15.3.1 and Policy 15.3.1.1 – 15.3.2.1 these provisions relate to the preservation of natural character and ecosystems.</p> <p>Objective 16.3.1 and Policy 16.3.1.1 – 16.3.5.1 – these provisions relate to the preserving historic heritage items, highly prized sites and sites of significance.</p> <p>Objective 17.3.1 – 17.3.1.1 – 17.3.3.1 – these provisions relate to ensuring land use and the construction of structures occurs in a way that does not increase the risk or magnitude of a natural hazard event, and that does not increase the risk or effects on human life or activity in the event that a natural hazard event occurs.</p>                                                                                                                                                                                                                                                                                  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| <p><b>SCALE &amp; SIGNIFICANCE s32(1)(c)</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>It is noted that there is a strong cultural history associated with Te Maika. Council is required to recognise and provide the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga as a matter of national importance. The precinct contains specific provisions to ensure that this matter of national importance is given effect too.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>There are no standards and associated provisions specifically relevant to this topic.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              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heritage items, highly prized sites and sites of significance and ensuring that there is no risk to human life in the event of a natural hazard event occurring.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p><b>STRATEGIC DIRECTION</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  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| <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: 2<br/>Problem / Issue: 1<br/>Degree of Shift from Status Quo: 1<br/>Who and How Many Affected, Geographic Scale of Effects: 1<br/>Degree of Impact on or Interest from Māori: 1<br/>Timing and Duration of Effects: 1<br/>Type of Effect: 1<br/>Degree of Risk or Uncertainty: 1</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>section 6(h) the management of significant risks from natural hazards.<br/>Council is required to manage the significant risks from natural hazards as a matter of national importance. The precinct and district wide provisions contains specific provisions to ensure that this matter of national importance is given effect too.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        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relevant to this topic:</p> <p><b>SD-010:</b> The buildings, structures, sites, areas, ecosystems, natural landscapes and features identified as having special qualities and values and which contribute to the district's sense of place and identity, are protected.</p> <p><b>SD-011:</b> The components of the coastal environment including outstanding landscapes and features, natural character and ecosystems, together with the cultural</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  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**Section 32 Report – Area Specific Matters – Multi Zone Precincts – Te Maika Precinct (Precinct 7)**

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| <p><b>Total (out of 40): 9</b></p> | <p><b>Section 7 RMA</b></p> <p>The relevant section 7 matters are:</p> <p>(b) the efficient use and development of natural and physical resources.</p> <p>Given the remote, isolated and un-serviced location of Te Maika, specific provisions have been included for the precinct to ensure the efficient use, and development of the peninsulas natural and physical resources.</p> <p>(c) the maintenance and enhancement of amenity values</p> <p>(a) intrinsic values of ecosystems:</p> <p>(f) maintenance and enhancement of the quality of the environment:</p> <p>(g) any finite characteristics of natural and physical resources:</p> <p>Given the remote, isolated and un-serviced location of Te Maika, specific provisions have been included for the precinct to have particular regard to the following matters:</p> <ul style="list-style-type: none"> <li>- The efficient use, and development of the peninsula’s natural and physical resources;</li> <li>- The maintenance and enhancement of amenity values and the quality of the environment;</li> <li>- The intrinsic value of ecosystems;</li> <li>- maintenance and enhancement of the quality of the environment; and</li> <li>- The finite characteristics of natural and physical resource.</li> </ul> <p><b>Section 8 RMA</b></p> <p>Council has consulted with the Te Maika Trust who exercise mana whenua and kaitiakitanga over the area on behalf of the beneficial owner, the Māori King in the development of the precinct provisions.</p> |  |  | <p>and spiritual values accorded by mana whenua, are recognised and protected.</p> <p><b>SD-012:</b> Acknowledge that Te Tiriti o Waitangi settlements may drive change and development in parts of the district that have until now, been undeveloped.</p> <hr/> <p><b>UNCERTAINTIES AND RISKS s32(2)(c)</b></p> <p>The degree of risk and uncertainty is low due to the certainty provided by well-understood potential effects and the approach taken for their management in the proposed provisions.</p> |
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| <p><b>OBJECTIVE(S) s32(1)(a)</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>Relevance</b> - The proposed objective provides for 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, which will assist with the peninsula’s ability to meet the needs of future generations (section 5(2)(a)).</p> <p><b>Usefulness</b> – The proposed objective will enable people and communities to provide for their social, economic and cultural well-being (section 5(2)). Therefore, the objective is consistent with the purpose of the RMA.</p> <p><b>Reasonableness</b> – The objective does not create unjustifiably high costs on the community. In line with the requirements of the WRPS, provision is made through the objective for identified permitted activities provided they can comply with the necessary performance standards to ensure that there are no adverse effects on the environment.</p> <p><b>Achievability</b> – The objective has been developed to align with the plan’s objectives and the higher-order documents prepared under the RMA. 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, which will assist with the peninsula’s ability to meet the needs of future generations (section 5(2)(a)).</p> <p>The proposed objectives are considered to meet the tests of relevance, usefulness, reasonableness and achievability. They give effect to the purpose and principles of the RMA align with higher order documents drafted under the RMA and with best practice drafting for objectives. The objectives have been examined and evaluated, in terms of the purpose of the RMA, its provisions and the hierarchy of planning documents, and are considered to be the most appropriate way to achieve the purpose of the RMA.</p> |

**Section 32 Report – Area Specific Matters – Multi Zone Precincts – Te Maika Precinct (Precinct 7)**

| <b>PROVISIONS</b> s32(1)(b)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| <b>EFFICIENCY &amp; EFFECTIVENESS</b> s32(1)(b)(ii), 32(2)(a)(i), s32(2)(a)(ii)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>ALTERNATIVES</b> s32(1)(b)(i)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p><b>Benefits Anticipated</b></p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> <li>The proposed approach would ensure that any adverse effects of residential and non-residential developments can be avoided, remedied or mitigated by addressing the matters that need to be provided for before development can occur in the performance standards. This ensures that the location and scale of residential and non-residential activities can be managed.</li> </ul> <p><u>Economic</u></p> <ul style="list-style-type: none"> <li>The ability for farm activities to continue to occur is preserved in the proposed rule framework. The provisions also accommodate activities such as tourism and outdoor education opportunities which offer the potential for increased economic activity in the area. The activity status and standards for these activities will ensure that the effects of these activities can be avoided.</li> </ul> <p><u>Social</u></p> <ul style="list-style-type: none"> <li>The provisions do not specifically provide for community facilities, but they do provide for additional residential and non-residential development to meet the community's needs.</li> </ul> <p><u>Cultural</u></p> <ul style="list-style-type: none"> <li>The relationship of mana whenua and their traditions associated with the peninsula is recognised and provided for, consistent with Sections 6(e) and 7(a) of the RMA and Policy 2 of the NZCPS by the current provisions.</li> </ul> <p><b>Costs Anticipated</b></p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> <li>The proposed approach would provide certainty as to the nature and extent of residential activities on the peninsula. Environmental costs would be avoided, remedied or mitigated through the proposed policy and rule framework. Amenity standards would ensure that the effects of residential activities on the landscape are minimised.</li> </ul> <p><u>Economic</u></p> <ul style="list-style-type: none"> <li>The approach in which many activities are permitted, will reduce compliance costs for applicants and increase certainty of outcomes. The performance standards also clearly articulate what is required if you wish to develop a site on the peninsula.</li> </ul> <p><u>Social</u></p> <ul style="list-style-type: none"> <li>There are no identified social costs of these provisions.</li> </ul> <p><u>Cultural</u></p> <ul style="list-style-type: none"> <li>There are no identified cultural costs of these provisions.</li> </ul> | <p>For the purpose of this evaluation, the Council has considered the following potential options:</p> <ol style="list-style-type: none"> <li>The status quo; and</li> <li>The proposed provisions; and</li> <li>Do nothing.</li> </ol> <p>In order to identify other reasonably practicable options, the Council has undertaken the following:</p> <ul style="list-style-type: none"> <li>Reviewed other relevant district plan provisions for provisions relating to coastal precincts; and</li> <li>Consulted with landowners and iwi / Māori; and</li> </ul> <p><b>Options:</b></p> <ul style="list-style-type: none"> <li><b>Status Quo - retain the ODP provisions:</b> There is little change in the overall rules approach between the ODP and PDP, as they both seek to ensure that development of the peninsula is undertaken in a way and at a rate that is sustainable given the peninsula is un-serviced and has a range of significant cultural and natural features. However, the ODP is based on a structure plan that has not been given effect to and will not be given effect too.</li> <li><b>Alternative – the proposed provisions:</b> This approach involves developing new policies and rules that provide for development of the Te Maika peninsula at a rate and in a way that enables sustainable development to meet the foreseeable needs of future generations. This option achieves the best environmental and cultural outcomes and is consistent with higher-order documents. The approach is likely to be the option most acceptable to the community based on consultation that has been undertaken to date.</li> <li><b>Do nothing:</b> This alternative does not meet the intent or direction of the relevant matters of national importance under section 6 of the RMA. Nor does it achieve the intent of the higher order policy documents including the NZCPS or give effect to the WRPS. Council would fail to satisfy its regulatory function if it adopted this approach. This option is not environmentally acceptable and opposes the policy intent of the WTEP.</li> </ul> |
| <b>QUANTIFICATION OF BENEFITS &amp; COSTS</b> s32(2)(b)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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| <b>EFFICIENCY &amp; EFFECTIVENESS s32(1)(b)(ii)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>REASONS FOR PROVISIONS s32(1)(b)(iii)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| <p>Section 32(1)(b)(ii) assessing the efficiency and effectiveness of the provisions in achieving the objective:</p> <p><u>Efficiency and effectiveness</u></p> <p>This approach effectively addresses the key resource management issue and aligns the provisions with the purpose and expectations of the WRPS and the RMA. With this approach, the council will continue to enable development of the Te Maika Peninsula in a way and at a rate that is sustainable based on the peninsula’s challenges (un-serviced, natural character, biodiversity and heritage).</p> | <p>The proposed provisions are considered to be the most appropriate approach to achieve the objectives of the Te Maika Precinct chapter. The evaluation has been undertaken in accordance with section 32 of the RMA in order to identify the benefits, costs and the appropriateness of the proposed objectives and provisions, having regard to their effectiveness and efficiency relative to other means in achieving the purpose of the RMA. This evaluation demonstrates that the proposed objectives and provisions are the most appropriate option because they give effect to the higher order policy documents. Permitted activity rules allow for activities that are generally appropriate, and resource consents are required to manage the effects of activities that may be inappropriate or have adverse impacts on the peninsula’s identified values and the environment. The policy framework provides specific recognition of the cultural values and association mana whenua have with their ancestral lands and taonga, and their kaitiaki role. Overall, it is considered that the proposed objectives and provisions are the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies gained from their adoption.</p> |