

14A Te Maika Zone

14A.1 Introduction

- 14A.1.1 A special zone has been applied to the Te Maika Peninsula and an adjacent area of land known as Totara Point being all the lands in the historical Parawai Maori Township. Most of this land is administered by the Te Maika Trust representing the interests of the beneficial owner, Te Arikinui Dame Te Atairangikaahu. The trustees exercise mana whenua (customary authority over an identified area) over those lands at Te Maika vested in them. They act on behalf of the beneficial owner. The Trust also has regard for kaitiakitanga (exercise of guardianship) for the area. Although it is privately owned, the land has some unique features and wilderness/conservation values that make a separate zoning of some form appropriate.
- 14A.1.2 At the beginning of the 18 century Te Maika was occupied by the Ngati Toa, a tribe of Tainui connection led by the warlike fighting chief Te Rauparaha. Te Rauparaha made a 'nuisance' of himself and eventually the Waikato-Maniapoto confederation of tribes, under the leadership of Te Wherowhero, forced him from the area. Te Maika became the food basket for the coastal and inland tribes, which had supported Te Wherowhero in the split with Te Rauparaha. Seasonal parties used Te Maika as a summer camp for the gathering of kaimoana to be shared by their hapu. No one tribe claimed prior right to resources. When the harsh weather came Te Maika was left to the elements and the summer food gatherers returned home. Te Maika has continued to this day in similar vein. It is occupied in summer and is more or less desolate in winter. The remoteness of Te Maika has a special appeal to some people and offers a peaceful holiday retreat to bach owners, many of whom have a long association with the area.
- 14A.1.3 The main Te Maika peninsula is bounded by cliffs, rock outcrops and sandy beaches on the western side, and sandy beaches on the east which adjoins the Kawhia Harbour. The underlying subdivision of various parcels at Te Maika peninsula and Totara Point is shown on ML 13904 and ML 13904A prepared in 1903. Although public roads are surveyed and established on ML 13904 and ML 13904A, they remain unformed. The coastal/wilderness character of the area is accentuated by there being no reticulated electricity service or physical road access. There is no intention to provide physical road access or reticulated electricity, as the isolation is one of the area's attractions. In order to protect the fragile ground cover the Trustees propose to restrict the use of wheeled vehicles on the peninsula to the minimum necessary to service the area. In these respects it is a unique locality.
- 14A.1.4 The whole of the main peninsula is surrounded by public lands in the form of either esplanade reserves or public roads. Totara Point, which is part of Te Maika Trust lands, is an historic pa site to which there is no public access. Totara Point has no publicly owned land on the foreshore except for a small length of unformed public road.
- 14A.1.5 The Te Maika Zone is intended to reflect the unique environmental character of the area, and the fact that nearly all the land is under the control of the Te Maika Trustees who wish to see low key development compatible with its isolation and wilderness character. The northern headland part of the Te Maika Zone (the Te Maika settlement) is covered by the Te Maika Zone Structure Plan, while the landward section of the Te Maika Zone has the same controls as the Conservation Zone in the District Plan with the addition of extensive farming and a limited number of dwellings.

14A.2 Issues

- 14A.2.1 Adverse effects on the natural character of the coastal environment as a result of land disturbance, removal of vegetation and building development.
- 14A.2.2 Adverse effects on archaeological sites or areas of value to tangata whenua.
- 14A.2.3 Adverse effects of buildings and associated services, including roads, on the natural character of the coastal environment at Te Maika.
- 14A.2.4 Adverse effects on coastal waters and wetlands of effluent disposal from buildings at Te Maika and other adverse effects on wetlands.
- 14A.2.5 The adverse effects of buildings on the foreshore on public access to and along the coastal margin.
- 14A.2.6 Coastal erosion that forms part of normal coastal processes can cause conflict with existing buildings and new buildings established close to the coastline.

14A.3 Objectives

- 14A.3.1 To ensure that the natural character, biodiversity values and existing landscape of the coastal environment at Te Maika is maintained and enhanced. *Issues 14A.2.1, 14A.2.3*
- 14A.3.2 To protect archaeological sites and areas of value to tangata whenua. *Issue 14A.2.2*
- 14A.3.3 To ensure that coastal waters and ground and surface waters are not adversely affected by effluent disposal from development and that wetlands are maintained. *Issue 14A.2.4*
- 14A.3.4 To ensure that adequate public access to and along the coastal margin is provided and where possible, enhanced. *Issue 14A.2.5*
- 14A.3.5 To ensure that the effects of coastal erosion processes on development at Te Maika are regularly reviewed. *Issues 14A.2.6*

14A.4 Policies

- 14A.4.1 To provide for limited and controlled forms of development at Te Maika that maintains the wilderness/coastal values. *Objectives 14A.3.1, 14A.3.3*
- 14A.4.2 To encourage the retiring and planting of coastal escarpment areas in ecologically appropriate native association species. *Objective 14A.3.1*
- 14A.4.3 To ensure that all developments, activities or subdivisions are designed, constructed or operated so as to avoid, remedy or mitigate any adverse effects upon archaeological sites and areas of value to tangata whenua. *Objective 14A.3.2*
- 14A.4.4 To encourage the removal of inappropriate structures that restrict public access to and along the coastal marine area. *Objective 14A.3.4*
- 14A.4.5 To encourage the provision of esplanade reserves or other appropriate forms of public access and environmental protection consistent with the practicality of access and extent of coastal erosion. *Objective 14A.3.4*
- 14A.4.6 To regularly review the coastal erosion monitoring and protection mechanisms to ensure relevance to the Te Maika environment. *Objective 14A.3.5*
- 14A.4.7 To rationalise land status and ownership of the land so that:
a) land containing houses (except for those on existing freehold titles) is controlled by the Te Maika Trust on behalf of the beneficial owner; and
b) accessways and open space areas to be agreed are set aside for managed public use or for environmental protection purposes. *Objective 14A.3.1, 14A.3.4*

14A.5 Methods

Te Maika Zone

Purpose

- 14A.5.1 Enable development on those areas of the Te Maika Zone outside the Te Maika Zone Structure Plan consistent with the provisions of the Conservation Zone in addition to limited provision for dwellings and extensive farming.

14A.6 Te Maika Zone Structure Plan

- 14A.6.1 To enable low impact development to occur while protecting heritage resources and maintaining and enhancing the natural character and special wilderness isolation of the Te Maika Peninsula, in accordance with a management planning approach developed and implemented in conjunction with the Te Maika Trust and bach owners. The Te Maika Zone Structure Plan comprises three diagrams A, B and C that are a guide to the future management of Te Maika, and is one of the methods of sustainably managing the northern part of Te Maika peninsula.

To achieve this purpose:

14A.6.1.1 Recognise and enhance the natural character of the open coastal and harbour environment through fencing and retiring coastal escarpment areas and wetlands, ecological planting, management of public access, clustered housing development and on site servicing to:

- (a) Enable low impact development to continue with no significant adverse environmental effects;
- (b) Ensure that coastal, ground and surface waters are not adversely affected by effluent disposal from development;
- (c) Provide public access to and around the coastal margin consistent with maintaining public safety and protecting sensitive coastal areas from erosion.

14A.6.1.2 Enable through control of location, scale, form and function a coastal settlement with no significant adverse environmental effects on the coastal environment or its natural, historical or ecological values.

14A.6.1.3 Consistent with the purpose of the zone, development within the zone is to occur in the absence of formed public or private roads, with continued reliance on access by sea and existing and new pedestrian accessways.

14A.6.1.4 Enable development on the Te Maika Peninsula in accordance with the Te Maika Zone Structure Plan Diagram "A" which provides for:

- (a) Residential cluster housing areas, with associated native incremental planted and retired areas.
- (b) Retirement and ecological planting of coastal escarpment open space with appropriate native vegetation.
- (c) Protective planting and access management of the eastern and northeastern foreshore and dune margins with access structures where appropriate.
- (d) Retirement of unstable slopes and gullies and control of inflows into the wetland area behind the eastern foreshore.
- (e) A network of areas which are free from buildings and may include:
 - ♦ Accessways (public access corridors that are grassed, maintained and suitable for pedestrian access only)
 - ♦ Coastal Escarpment Open Space and Inland Open Space Areas
 - ♦ Open areas grazed for maintenance and fire protection purposes
 - ♦ Wetland Open Space.

14A.6.1.5 Enable development on the Te Maika Peninsula in accordance with the Te Maika Zone Structure Plan Diagram "B" which provides for:

Active management of the sensitive eastern foreshore with restoration planting of eroding areas
Public access via unformed public accessways located behind the coastal foreshore dwellings.
Coastal structures for pedestrian access where appropriately identified.

14A.6.1.6 Enable development on the Te Maika Peninsula in accordance with the Te Maika Zone Structure Plan Diagram "C". This will be achieved by:

- (a) The Council will initiate the stopping of Maika Street with the landward area containing the existing dwellings being transferred to the Te Maika Trustees, the middle portion to be vested in the Council as an Esplanade Reserve of varying width (being the maximum width possible but if necessary less than 20 m) and the portion seaward of Mean High Water Springs to vest in the Crown. The stopping of Maika Street shall include a plan of proposed subdivision of land to be stopped, in accordance with Te Maika Zone Structure Plan Diagram C.
- (b) The council will initiate the uplifting of the Quarry Reserve status from Allot 44, Blk I, Parawai Maori Township and transfer the land to the Te Maika Trust.
- (c) The setting of a coastal erosion benchmark line corresponding with the right lined new property boundary of the esplanade reserve to be vested on the stopping of Maika Street, which shall indicate when coastal erosion processes will trigger relocation of the dwellings. When baches in Cluster 1 are deemed by Council to be threatened by coastal erosion they will be relocated to a safe location at the bach owner's expense.

- (d) The Council, in consultation with the Department of Conservation, will initiate amendments to the boundaries of the esplanade reserve (Lot 64 DPS 60648), quarry reserve (Lot 44, Blk I, Parawai Maori Township) and any public road, together with uplifting of the reserve status, to create an appropriate lot for the existing Robbins Family bach. The lot shall be of the minimum practicable size so as to minimise any impact on the functions of the esplanade reserve. The position of the esplanade reserve boundary shall also be the coastal erosion benchmark line, which shall indicate when coastal erosion processes will trigger relocation of any dwelling in Cluster 9.

Note: Although the boundary adjustment process can be initiated by the Council its outcome is dependent on processes specified in the Reserves Act 1977).

- (a) When any bach in Cluster 9 is deemed by Council to be threatened by coastal erosion by reference to the coastal erosion benchmark line it shall be relocated to a safe location at the bach owners expense.

Activity Status and Rules for Subdivision

14A.6.2 Te Maika Zone

14A.6.2.1 Permitted Activities in those areas of the Te Maika Zone outside the Te Maika Zone Structure Plan Diagram A shall be:

- (a) Any Permitted activity in the Conservation Zone in accordance with Rule 14.5.1.1.
- (b) One dwelling house and accessory building on each site held in a separate certificate of title.
- (c) One dwelling and accessory buildings on any allotment existing at 1st June 1999, whether held in a separate certificate of title or not, provided that the area of the allotment is in excess of 1.5 hectares.
- (d) Farming, except intensive farming and the pastoral farming of goats, deer and cattle.

14A.6.2.2 Conditions for Permitted Activities in the Te Maika Zone are:

- (a) Earthworks for any building shall not exceed 250m³.
- (b) Earthworks for tracking and access shall not exceed 250m³.
- (c) Earthworks cuttings shall not exceed 3 metres in height.
- (d) Compliance with Section 21 Heritage Resources and Section 27 Natural Hazards.

Note: Section 21 includes an outline of the requirements of the Historic Places Act 1993 and the need to verify the presence of archaeological sites prior to commencing earthworks.

Advisory note: Rule 14A.6.2.2 does not apply to earthworks activities regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Those regulations prevail over this rule in relation to plantation forestry activities.

14A.6.3 Te Maika Zone Structure Plan

14A.6.3.1 The subdivision of land within the Residential Clusters as shown on Te Maika Zone Structure Plan Diagram "A" shall be a controlled activity provided it meets the following standards and terms:

- (a) The minimum Lot size within any Residential Cluster shall be sufficient to enable adequate disposal of domestic effluent.
- (b) A qualified archaeologist has provided written confirmation that the Lot(s) are free of archaeological sites or that the appropriate consent has been obtained from the New Zealand Historic Places Trust under the Historic Places Act 1993. (The provisions of Section 21 of this plan shall also apply.)
- (c) A qualified geotechnical engineer has provided written confirmation that:
 - ♦ the Lot(s) are physically suitable for residential use and development as assessed by reference to the provisions of this rule; and
 - ♦ suitable effluent disposal can be achieved on site with preference given to composting toilets or equivalent technology with systems which do not require discharge of liquid waste; and
 - ♦ the site of any residential building and any area for on site effluent or grey water disposal is at least 900 millimetres above ground water level.; and
 - ♦ impermeable areas are minimised and stormwater disposal methods are used which minimise runoff in excess of that naturally occurring from the site.
 - ♦ For subdivision within Cluster 9, confirmation that the seaward boundary of the Lots are outside Coastal Hazard Area A as shown on Planning Map 1B.

- (d) Provision has been made for public and legal access to, through and around each Lot within each Residential Cluster with linkages to the open grazed areas.
- (e) For subdivision in Residential Clusters 2 – 9 provision has been made to retire, fence and plant with native association species an area of “Coastal Escarpment Open Space” that is equivalent to the area of the Lots to be subdivided, whether those Lots have existing dwellings on them or not and recognising any planting or land retirement activity that has already occurred.
- (f) For subdivision in Residential Cluster 1 provision has been made to establish the wetland reserve, retire and plant esplanade areas, erect fences, install boardwalks and sand ladders and all other works from the sand ladder north of Cluster 9 to the bridge south of Cluster 1, all as shown on Te Maika Zone Structure Plan Diagram B.

14A.6.3.2 For any subdivision in Residential Clusters 1 and 9 the esplanade reserve may be less than 20 metres wide and shall be of an appropriate width for the purpose.

14A.6.3.3 External alterations to existing buildings and replacement of existing buildings with new buildings within the Residential Clusters shown on Te Maika Zone Structure Plan Diagram “A” shall be a controlled activity provided it meets the following standards and terms:

- (a) There shall be only one residential dwelling and one storage or implement shed on each site.
- (b) The minimum front yard for any building is 3 metres.
- (c) The minimum side and rear yards for any building is 1.5 metres.
- (d) The maximum site coverage is 35%.
- (e) The maximum height for any building is 4 metres in Cluster 1 and 5 metres in the other Residential Clusters.
- (f) There is provision for a composting toilet (or equivalent technology) either within the building or within the Lot when any habitable building is constructed.
- (g) Buildings are to be painted so as to comply with the following recommended Colour Guidelines for side cladding and roof materials taken from BS 2660:
 - ♦ Group 2 2-027 – 2-029 inclusive
 - ♦ Group 3 3-035 – 3-038 inclusive
3-042 – 3-045 inclusive
 - ♦ Group 4 4-047 – 4-050 inclusive
 - ♦ Group 5 5-058 – 5-061 inclusive
5-063 – 5-065 inclusive
 - ♦ Group 6 6-066 – 6-067 inclusive
6-072 – 6-073 inclusive
- (h) For new replacement buildings in Cluster 1 and Cluster 9, a qualified geotechnical engineer (or equivalent suitably qualified person) has provided written confirmation that the building site is not at risk from coastal erosion processes.
- (i) Compliance with the permitted activity standards for earthworks in 14A.6.2.2 (a).

14A.6.3.4 The relocation of any existing building to a new position on the same site within Residential Cluster 1 and 9 or to another Residential Cluster as shown on Te Maika Zone Structure Plan Diagram “A” shall be a permitted activity in accordance with Rule 27.5.2.3 a)(ii) providing the provisions of 14A.6.3.3 (a) to (i) are complied with. Such relocation will be undertaken when the local authority deems that baches in Cluster 1 or 9 are subject to erosion and at the bach owner’s expense.

14A.6.3.5 Permitted Activities in those areas within the Te Maika Zone Structure Plan but outside the Residential Clusters:

- (a) Any Permitted activity in the Conservation Zone in accordance with Rule 14.5.1.1.
- (b) One dwellinghouse and accessory buildings on any allotment existing at 1st June 1999, whether held in a separate certificate of title or not, provided that the area of the allotment is in excess of 1.5 hectares.
- (c) Farming, except intensive farming and pastoral farming of goats, deer or cattle.

(d) 14A.6.3.6 **Restricted Discretionary Activities:**

- (a) Any subdivision that does not meet the standards and terms in Rule 14A.6.3.1. The matters over which Council shall exercise its discretion shall be limited to the following:
- ♦ the suitability of the Lot(s) for residential use and development;
 - ♦ the extent to which suitable effluent disposal can be achieved on site by way of a composting toilet or equivalent technology;
 - ♦ the extent to which the site of any residential building and any area for on site effluent and grey water disposal is at least 900 millimetres above ground water level.; and
 - ♦ the extent to which stormwater disposal methods are used which minimise runoff in excess of that naturally occurring from the site.
 - ♦ the extent to which the Lot(s) are threatened by coastal erosion, including the need to set aside a foreshore esplanade reserve for protective purposes.
 - ♦ for residential clusters 1 and 9 the extent to which provision has been made for a 10 metre wide accessway behind the dwellings;
- (b) Any external building alterations or new building that does not meet the standards and terms in Rule 14A.6.3.3. The matters over which Council shall exercise its discretion shall be limited to the following:
- ♦ The extent to which the level of privacy or access to daylight is compromised.
 - ♦ The quality of coastal or groundwater including wetlands.
 - ♦ The stability of the site or its proneness to inundation or coastal erosion processes
 - ♦ The historic or visual character of the existing residential area.
- (c) Any other activity not provided for in Rules 14A.6.3.1 to 14A.6.3.5. The matters over which Council shall exercise its discretion shall be limited to the following:
- ♦ The extent to which the level of privacy or access to daylight is compromised.
 - ♦ The quality of coastal or groundwater including wetlands.
 - ♦ The stability of the site or its proneness to inundation or coastal erosion processes
 - ♦ The historic or visual character of the existing residential area.
 - ♦ The extent to which the activity is consistent with the Te Maika Structure Plan.

14A.6.3.7 Esplanade Reserve:

Any esplanade reserve created as a result of the stopping of public roads adjoining the sea may be less than 20m in width provided that they adequately contribute to environmental protection and erosion protection.

14A.6.4 Anticipated Environmental Outcomes

14A.6.4.1 Development within the Te Maika Zone that is sensitive to the natural character of the area.

14A.6.4.2 The maintenance and enhancement of the natural character of the land in the Te Maika Zone, including the coast.

14A.6.4.3 The maintenance and enhancement of public access to the coastal margins of the Te Maika Zone, consistent with public safety and environmental protection.

14A.6.4.4 The protection and increased stability of the eastern and northern foredune systems.

14A.6.4.5 The protection of archaeological sites, waahi tapu and other sites of significance to tangata whenua.