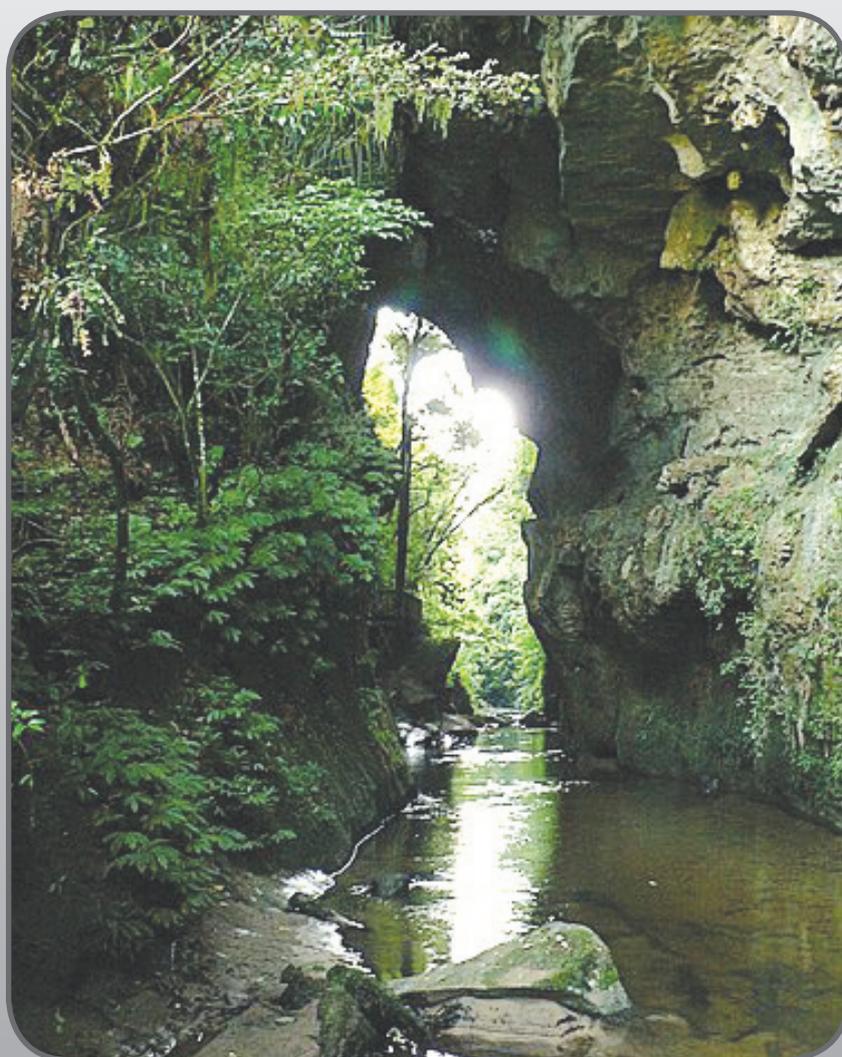


Waitomo District Council

# Waitomo District Plan

March 2009





# WAITOMO DISTRICT COUNCIL

## WAITOMO DISTRICT PLAN

**March 2009**

Pursuant to Clause 17 of the First Schedule of the Resource Management Act 1991 the Waitomo District Council approved the Waitomo District Plan at its meeting on 17 February 2009 and resolved that the District Plan shall become operative on 1 March 2009.



**Mark Ammon**  
Mayor



**Chris Ryan**  
Chief Executive





# WAITOMO DISTRICT PLAN

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# **PART ONE**

## **INTRODUCTION**

## Introduction

### 1. **What is the District Plan**

The Resource Management Act 1991 (the Act) came into effect on 1 October 1991 and created a new framework for resource management in New Zealand. Its enactment was the result of a comprehensive legislative reform process that led to the integration of many statutes.

Section 72 of the Act outlines the purpose of a District Plan as being *"to assist territorial authorities to carry out their functions in order to achieve the purpose of the Act..."*. District Plans are mandatory and are to be prepared by each territorial authority.

#### 1.1 **The Resource Management Act 1991**

The Resource Management Act 1991 has as its purpose the sustainable management of natural and physical resources. Section 5(2) of the Act defines *"sustainable management"* as:

*"managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while*

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment."*

The purpose and principles of the Act need to be interpreted and applied in a way that is appropriate to each district. It is the aim of the district plan to enable this balance to occur in the manner which achieves as many of the Waitomo community's aspirations as is practicable.

The Resource Management Act 1991 places the emphasis on controlling the environmental effects of activities. Thus, provided activities do not produce significant adverse effects which impact upon the surrounding environment they can generally be accommodated throughout the district. The various standards, terms, conditions and assessment criteria prescribed in this plan, and the Assessments of Effects accompanying resource consent applications will be used in determining the significance of the environmental effects.

Sections 6 to 8 of the Act also contain a number of important matters which must be taken into account in both the plan preparation process, and in the administration of the plan. They have been taken into account in the preparation of the following sections of this plan.

#### 1.2 **Matters of National Importance**

Section 6 sets out various matters of *"National Importance"* which the District Plan must recognise and provide for. They are:

- (a) "The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, lakes and rivers and their margins, and protection of them from inappropriate subdivision, use and development.*
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use or development.*
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.*
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers.*
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga."*

#### 1.3. **"Other Matters"**

Section 7 sets out a number of *"Other Matters"* which the District Plan must have particular regard to. They are:

- (a) "Kaitiakitanga:*
  - (aa) The ethic of stewardship;*
  - (b) The efficient use and development of natural and physical resources.*
  - (c) The maintenance and enhancement of amenity values.*
  - (d) Intrinsic values of ecosystems.*
  - (e) Recognition and protection of heritage values of sites, buildings, places or areas.*

- (f) Maintenance and enhancement of the quality of the environment.
- (g) Any finite characteristics of natural and physical resources.
- (h) The protection of the habitat of trout and salmon."

#### 1.4. Treaty of Waitangi

Section 8 specifically requires the Council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in preparation and administration of the District Plan. These principles have been, and are continuing to be, refined by case law. Section 8 states:

*"In achieving the purposes of this Act, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)."*

## 2. The Scope of the District Plan

Since the appearance of the term "sustainability" in 1987 with the publication of what is commonly referred to as the Brundtland Report, it has been embraced by the international community, with New Zealand being a keen participant. Accordingly, we are a country which is internationally recognised for our commitment to sustainability and all that it implies. Hence the development and implementation of the Resource Management Act in 1991.

The Waitomo District Plan can be seen as a mechanism for implementing a global strategy of sustainability at a local level.

### 2.1 Legislative Requirements

There must, under law, be one district plan operative within the Waitomo District at all times.

The matters that may be incorporated in the plan, as set out in the Second Schedule of the Resource Management Act 1991, are, in summary;

- ♦ The actual or potential effects of the use of land.
- ♦ The avoidance or mitigation of natural hazards.
- ♦ The prevention or mitigation of the effects of storage, use, disposal or transportation of hazardous substances.
- ♦ The subdivision of land.
- ♦ The emission of noise from land and structures, and the mitigation of the effects of noise.
- ♦ Any potential effects of activities in relation to the surface of water in rivers and lakes.

While the scope of this plan is primarily restricted to controlling the effects of land use activities in the district, the manner in which the plan should achieve this is not prescribed. The Resource Management Act is an enabling Act and allows a variety of approaches to be taken.

### 2.2 Other Plans and Policy Statements

The District Plan is not a "stand alone" document. It is a component of a resource management and planning hierarchy that also includes:

- ♦ National policy statements
- ♦ National environmental standards
- ♦ Regulations relating to the conservation or management of taiapure or fisheries
- ♦ The New Zealand Coastal Policy Statement
- ♦ Water Conservation Orders
- ♦ Regional Policy Statements
- ♦ Regional Plans and Regional Coastal Plans
- ♦ Regional land transport strategies
- ♦ District Plans for adjacent areas
- ♦ Planning documents recognised by the Act such as Iwi Management Plans.

The Waikato Regional Council (Environment Waikato) is preparing a Regional Plan covering the majority of the Waitomo District. The Manawatu Wanganui Regional Council (Horizons M W) is preparing a Regional Plan which covers the headwaters of the Waimiha Stream south and east of Benneydale. References to the Regional Council or Regional Plan in this District Plan refer to one or both Regions as is relevant to the context.

The Plan has been prepared to meet its obligations in respect to linkages to these documents. A National

Coastal Policy Statement has been adopted and the Waikato Regional Council had released a Proposed Regional Policy Statement and a Proposed Regional Coastal Plan. Under Section 75(2) of the Act the District Plan must not be inconsistent with the New Zealand Coastal Policy Statement or the Regional Policy Statement. It must also not be inconsistent with any regional plan in regard to any matter of regional significance or for which the regional council has primary responsibility under Part IV of the Act.

### **2.3 The Strategy of the Waitomo District Plan**

In order to achieve the legislative requirements the Council has developed a strategy which is permissive in relation to the use and development of land while at the same time being compatible with the philosophy of sustainable management. It only includes rules where they are clearly required to meet the purposes of the Act. These rules apply to different geographic areas in the District in the form of zones. The reasons for the choice of this strategy are as follows:

- ♦ The use of zoning as a planning tool has proven successful in the past in controlling environmental effects.
- ♦ Zoning offers a degree of certainty and familiarity to the public.
- ♦ The adoption of a permissive stance in the regulation and control of land uses, and a reduction in the number and complexity of rules is consistent with the balance inherent in Section 5(2) of the Resource Management Act 1991. The Act sets up an enabling system of resource management which is focused on the control of the adverse effects of activities on the environment, rather than the activities themselves.

### **3. Cross Boundary Issues**

Several resource management issues in Waitomo District occur across the administrative boundaries of the District and would affect neighbouring districts. These issues need to be addressed in a co-ordinated way. Where an application for a resource consent, plan change, variation or resource management policy proposal includes a cross boundary issue (examples may include clearance of indigenous vegetation, extractive industry, and tourist developments) the Council will inform and liaise with the affected Council. The following cross-boundary issues have been identified.

#### **3.1 Air Quality**

Although the Council may under s31(b) of the Act "*control ... any actual or potential effects of the use, development or protection of land ...*" the primary control of air contaminants remains the role of the regional councils through their Regional Plans. However matters such as dust or odour could cross district boundaries and therefore it is a cross-boundary issue. The Council will liaise with the regional council and the relevant district council on air quality issues, where there could be adverse effects across the boundary.

#### **3.2 Roads, Highways and Other Cross Boundary Infrastructure**

Some types of infrastructure raise cross boundary issues where they traverse the boundaries of district or regional councils. An example of such issues is the degree of consistency of the resource management approach by authorities in dealing with adverse effects that cross territorial boundaries, such as noise. Similarly, a degree of consistency must be maintained in dealing with the effects of activities which straddle territorial boundaries such as highways and roads, electricity transmission lines, telecommunication lines, and gas pipelines. Additionally, it is desirable that a consistent approach be maintained across boundaries on any necessary restraints on land use adjacent to the infrastructure. In considering all such issues Council will encourage consultation between the organisation responsible for the infrastructure, developers, the adjoining land owners, and the adjoining consent authority.

#### **3.3 The Coast**

Coastal issues cross the boundaries with Otorohanga District and New Plymouth District. In addition the Waikato Regional Council has responsibilities for administering the coastal marine area that may cross boundaries. The Council will liaise with the relevant Councils on coastal activities with a cross boundary impact.

#### **3.4 Indigenous Vegetation**

The District contains large areas of indigenous vegetation, some of which cross over the District boundary and may include catchments in neighbouring districts. Changes to this vegetation could affect neighbouring districts. The Council will liaise with the relevant neighbouring district where such issues arise.

#### **4. Maori Issues**

- 4.1** Waitomo District has a rich history of Maori culture. The historical significance of the King Country is well documented and includes statements from local Maori. In a petition to Parliament in 1883 Wahanui, Taonui, Rewi Maniapoto and others stated:

*"... .Sirs having allowed some of our lands to be adjudicated upon (through the Native Land Court) who was it that became possessed of them? It is true that after the investigations the natives received a certificate of title showing their right to the lands, but through the superior knowledge of the Europeans we accepted foolishly the lawyers recommended to us by the speculators (land swallows), thinking that they were to act in our interests, but in reality they were intended to prolong the investigations, thereby increasing the expenses to so great an extent that the natives were unable to defray them, so that they (the speculators) might seize the land, the result being that we secured the shadow and the speculators (land swallows) the substance.... Now, while we are striving to keep our lands, we are aware that your Government is trying to open our country by making roads, carrying out trig surveys and railways, thereby clearing the way for all these evils to be practised in connection with our lands before we have made satisfactory arrangements for the future.... What possible benefit would we derive from roads, railways, and land courts if they became the means of depriving us of our lands? We can live as we are situated at present, without roads, railways, or courts, but we could not live without our lands. We are not oblivious to the advantage to be derived from roads, railways and other desirable works of the Europeans. We are fully alive to these advantages, but our lands are preferable to them all..."*

- 4.2** This excerpt records the concerns of Maori of the 1880s as efforts were being made to open up the King Country. The same concerns relating to the preservation of Maori taonga exist today, especially in terms of continuing land development. However the legislative base both in the Te Ture Whenua Maori Act 1993, and the Resource Management Act 1991, strongly promote consideration and preservation of things Maori.
- 4.3** In terms of that legislation this District Plan identifies those known sites of cultural significance to Maori. The processes for considering activities at or near those sites is recorded in the Heritage Resources section of this District Plan. It is recognised that not all sites are recorded as many will be known only to particular Maori interests. Council, in conjunction with Maori, is investigating acceptable ways to identify and protect all sites precious to Maori, including culturally sensitive sites. Council is dependent upon responsible dialogue with the appropriate leaderships within the various Maori communities to better identify important sites, to establish priorities as to how they may be better protected, and to refine procedures for dealing with applications that may affect sites of cultural significance.
- 4.4** Council has appreciated that in initial meetings with the Maniapoto Maori Trust Board comment was made that the treatment of Maori issues should be consistent with treatment relating to the population generally. That could be interpreted to mean that a cultural site precious to Maori should be protected, as would a cultural site important to Europeans. Similarly the rules governing the subdivision and development of land should apply equally through the District. Yet the Act requires that special attention be paid to Maori taonga.
- 4.5** Council therefore proposes to set up ongoing liaison with the Maori community. It is understood that for Maori to participate fully in the resource management process they need to be properly informed of activities that may have cultural implications. Where an issue may have some effect on cultural issues an approach will be made firstly to the Maniapoto Maori Trust Board as the umbrella organisation relating to local Maori. Council will seek further advice from local Regional Management Committees where a proposal lies within the scope of the Marae under their structures. In turn Council will seek guidance as to spokesmen for particular hapu as they become identified. Current Regional Management Committees and their marae responsibilities are listed in Appendix 1.
- 4.6** Council recognises that the protection of the environment, particularly forests, water and fisheries, is of significant concern to Maori. The Act requires provision for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga as a matter of national importance. The Act also requires particular regard to be had for kaitiakitanga, the ethic of stewardship, and to the recognition and protection of heritage values of sites, buildings, places or areas. The principles of the Treaty of Waitangi must be taken into account in the administration of this Plan. Iwi Management Plans, and taiapure or fisheries plans, may be prepared by Maori. Within these structures responsible dialogue should be established to reflect the needs of both the Maori and European communities, and of Council in its administrative role. In particular Council will consult the relevant iwi authority, or Regional Management Committee, to provide input to significant resource management decisions when issues related to s6, s7 and s8 of the Act are to be addressed.

**4.7** The themes expressed recognise the strong legislative requirement toward Maoridom with the Resource Management Act, 1991, recognise the strong past and present Maori influence within the Waitomo District, and hopefully will allow liaison with wisdom and understanding as expressed by prominent Maori leaders in the early 1880's, which concludes "...we wish you to understand that, if our petition is granted, we will strenuously endeavour to follow such a course as will conduce to the welfare of this Island."

## **5. Methods**

Several alternative methods were examined as part of the Section 32 analysis undertaken for this Plan. Rules which incorporate the use of activity classifications and performance standards are considered to be the approach which best fulfils the requirements of Section 32 of the Resource Management Act 1991 as:

- ♦ they establish minimum environmental thresholds which must be met
- ♦ they offer certainty to people using and implementing this plan
- ♦ they have a proven record of achieving environmental outcomes.

The Council aims to implement its strategy by including three forms of rules in the Plan. They take the form of General Provisions, Zones and Policy Areas.

### **5.1 General Provisions**

The Plan contains a series of development standards and assessment criteria to address resource management issues that apply throughout the District. There is no differentiation between the zones or other areas. These provisions set general environmental standards across the District that are intended to mitigate or avoid adverse effects. The general provisions are set out in Part Three of the Plan.

### **5.2 Zoning**

Five zones are contained in the plan, each dealing with environmental effects within specific geographical areas of the District. Each zone contains specific Issues, Objectives, Policies, Methods, Conditions, Standards and Terms, Assessment Criteria, Principal Reasons, and Anticipated Environmental Results.

The five zones in the plan are as follows:-

- ♦ Residential Zone
- ♦ Business Zone
- ♦ Industrial Zone
- ♦ Rural Zone
- ♦ Conservation Zone

The zones are set out in Part Two of the Plan.

### **5.3 Policy Area**

One policy area dealing with specific issues related to development in sensitive landscape areas is contained in the Plan. This is the Landscape Policy Area. Although the area is largely within the Rural Zone the aim is to apply additional assessment criteria and other controls to a specific area so as to address particular environmental issues. The policy area is included in Part T.

### **5.4 Special Industrial Activities**

There is a standalone section called the Special Industrial Activities section that applies to specified sites containing existing industrial activities in the Rural Zone. These are major industries that contribute to the District's well-being. The Special Industrial Activities section is included in Part Two of the Plan.

## **6. Waitomo District and its Resources**

### **6.1 The District**

Waitomo District encompasses 354,649 hectares of predominantly rural land on the west coast of the Central North Island.

The District's western boundary is the Tasman Sea. It is adjacent to the Otorohanga District to the north, Taupo District to the east and Ruapehu District and New Plymouth District to the South.

While the District is predominantly contained within the Waikato Region, the south-eastern corner of the District is within the Manawatu-Wanganui Regional Council's jurisdiction.

## 6.2 Geography

The District is characterised by extensive areas of hill country, some of it steep, particularly the Herangi Range to the west. The geology is varied, ranging from ocean mudstones and sandstones in the coastal strip through to the harder sandstones and siltstones of the Herangi Range, and to alluvial flats around Te Kuiti. To the east of the District, around Benneydale, are recent Taupo pumice alluviums.

The soils of the District display marked variations over relatively small distances, with pockets of alluvial soils around the river flats and large areas of hill country soils being derived from early ash deposits. Some of the hill country soils, particularly those of sedimentary origin, are unstable when cleared.

The climate is favourable for agriculture with ample rainfall, moderate temperatures and reasonable sunshine hours.

The District is well known for its karst areas (essentially the cave bearing limestones of the area) and associated features such as caves. There are numerous individual cave features of national and international significance within that karst. The streams and rivers within the upper Waitomo catchment and upper Mangapu catchments are particularly important as degradation in water quality has the potential to affect the internationally renowned Waitomo Glowworm and Mangapu Caves.

## 6.3 Farmlands

Some 206,000 hectares of land in the Waitomo District is being utilised for agricultural or horticultural purposes. This represents approximately 58% of the total land in the District.

Pastoral farming is the predominant productive rural land use in the Waitomo District. The economic and social importance of farming is recognised as a key component in the wellbeing of the Waitomo District, and the wider community.

The majority of farms in the Waitomo District consist of hill country or hard hill country which offers lower production per hectare in comparison with other farm types under MAF classifications.

## 6.4 Forests

Waitomo District contains significant areas of indigenous forests.

Approximately 113,000 hectares of the district is covered in indigenous vegetation. Indigenous forests in the district are mainly located on the district's west coast within the Whareorino Forest and the northwestern highlands in areas such as the Tawarau Forest. In comparison with surrounding districts Waitomo District contains few areas of exotic forest. In 1997 it was estimated that Waitomo District accommodated only about 20,000 hectares of exotic forests. The main exotic forests within Waitomo District are Pureora Forest (5,635 ha) Tawarau Forest (1,248 ha), which was due for harvesting in the year 2000, and Mangaokewa Forest (690 ha) which is due for harvesting in the year 2013. The remaining exotic forests in the district are mainly small areas located on private land holdings.

Due to the downturn in the farming economy over the last decade the planting of large areas of marginal private farmland within Waitomo District in exotic timber has become popular.

## 6.5 People

Approximately 53% (5,352) of the Waitomo District population live in rural areas. The remaining 47% live in townships, with Te Kuiti at approximately 4,600 being the largest. The importance of the rural sector to the Waitomo District is illustrated by the fact that of the total workforce of 3,855 people in 1991, 1,347 or 35%, were employed in the "Agricultural, Hunting, Forestry and Fishing" sector. This compares with an average of 19% for the Waikato Region as a whole. However despite being relatively close to the growth areas of New Zealand's population the population of Waitomo District, particularly in rural areas, has decreased in recent years. Between the period of 1976 to 1991 the District has lost 12% of its rural population. Population projections tend to indicate that this decline is likely to continue though at a slower rate.

## 6.6 Rural Settlements and Communities

Several small urban centres are contained within the Waitomo District. These settlements represent a considerable investment in infrastructure and residential, commercial and industrial development.

Te Kuiti functions mainly as a commercial and transport centre servicing an extensive rural district. Other

functions include the accommodation of an industrial sector, particularly for the limestone quarry industry, and to a lesser extent as an administrative centre. In recent years development within Te Kuiti has slowed. Factors likely to have contributed to the slowed development include a reduction in government services in the area, such as post offices, and railway services and the general economic downturn within New Zealand over the past decade. The last two years have seen signs of a reversal in that trend. Not surprisingly with the decline in development, Te Kuiti has experienced an increase in unemployment and a reduction in the value of buildings and premises.

There are several other smaller rural settlements located throughout the District. They are as follows:-

- ♦ Aria
- ♦ Awakino
- ♦ Benneydale
- ♦ Hangatiki
- ♦ Mahoenui
- ♦ Marokopa
- ♦ Mokau
- ♦ Piopio
- ♦ Taharoa
- ♦ Te Maika
- ♦ Te Waitere
- ♦ Waitomo Village

The prosperity of, and the standard of infrastructure servicing the small settlements vary greatly. While almost all contain the potential for growth, in most areas this will be subject to some limiting factors such as the capacity of services or the development of industry.

## 6.7 Tourist Resources

The Waitomo District supports a wide variety of visitor attractions. The attractions can be divided into three distinct and largely autonomous physical characteristics which provide different levels of use, types of recreation and tourism opportunity. All three are based on important natural features of the District.

These types are -

- ♦ The Coast
- ♦ Highland Forests
- ♦ Karst, including Caves
  
- ♦ The Coast

The Waitomo District includes about 80 kilometres of coastline stretching from Kawhia Harbour at the north to the Mokau River at the south. The attractions of this coastal environment are its sense of remoteness dominated by high energy wave action and coastal cliffs. Black magnetite sands dominate the coast providing a contrast to the white sands of the east coast.

The main types of coastal recreation are presently camping, fishing, surfing, diving and picnicking/day trips. However the area is relatively unknown to the everyday tourist.

- ♦ Highland Forest

The Waitomo District has some of the most extensive tracts of forested area in the Waikato Region. Two large western forests of significance to the tourist industry are the Whareorino and the Tawarau Forests. Whareorino Forest which is located 30 kilometres west of Waitomo Village, occupies a large area of land (15,903 hectares) which covers a complete altitudinal sequence of indigenous vegetation from close to sea level to the crest of the Herangi Range.

To the east, part of the massive Pureora Forest lies within the Waitomo District. The Pureora Forest, partially developed for tourist purposes, is generally well roaded and tracked and contains magnificent stands of bush and associated wild life. There are also exposed partially buried trees as a result of the Taupo eruption.

Tawarau Forest located in proximity to Waitomo Village contains significant Karst and Cave features within the forest. It contains numerous "clean" caves as a result of the intact indigenous forest cover and includes what is probably the largest continuous tract of virgin forest remaining on karst topography in the North Island. The forest is in both private and public ownership and contains excellent examples of the dense rimu/miro forest type which once occurred throughout the region.

Within the forest there is a wide variety of fauna. There is an elevated viewing platform at Pureora. Of

particular interest are the kokako predominantly at Mapara and Pureora, and the kaka. In other areas there are giant wetas, native bats and other species, but access may be restricted to special interest groups.

- ♦ Karst Landforms, including Caves

Most of the tourism industry in Waitomo District has developed because of the karst landforms and cave formations of the area. In the Waitomo District the caves, in particular the main glowworm caves, are international tourist attractions. There are numerous other significant cave systems in the Waitomo area as well as other karst features of natural, scientific, educational and recreational interest including cliffs, natural tunnels and bridges, and fossil sites.

*Waitomo Glowworm Cave*

The most internationally and nationally known tourist cave is located partly within the Waitomo Caves scenic reserve. It includes a stream, a boat trip and a significant glowworm population. The cave has been used for tourist activities since 1888 and since then has become extensively developed and "hardened" to accommodate up to 450,000 visitors per year. The cave constitutes the most readily accessible cave experience in New Zealand. Annual visitor growth has been in the order of 8% to 10%

The Waitomo Glowworm Caves rate as the second most popular conservation estate attraction in New Zealand behind the Whakarewarewa Geothermal Field in Rotorua.

*Aranui Cave*

The Aranui Cave is located in the Ruakuri Scenic Reserve approximately 1.5 kilometres west of the glowworm cave. The cave has been extensively developed for tourist activity but has only limited capacity for tourism, catering for approximately 20,000 visitors per year.

In addition to the above areas of tourism there are also undeveloped wild caves, and various conventional forms of tourism development associated with the natural features. Presently adventure caving caters for around 50,000 tourists per year.

## **6.8 Structures and Infrastructure**

The majority of the District has well developed structures and infrastructure to meet the needs of the people. They include:

- ♦ buildings and community facilities
- ♦ State highways and roads
- ♦ water supplies
- ♦ electricity
- ♦ sewage reticulation
- ♦ telecommunications
- ♦ gas (in parts)

## **6.9 Fresh Water Resources**

Significant fresh water bodies in the District include the Mokau, Marokopa, Awakino, Mangaotaki, Waipa and Mangaokewa Rivers, and Lake Taharoa and adjoining small lakes. Numerous small rivers and streams traverse the District with many being used to supply the District's inhabitants with their water needs. In addition the Mokau and Mokauiti Rivers are dammed for power generation purposes.

The rivers themselves represent an extremely significant resource as many act as head waters for adjacent catchments, while also being valuable for their recreational, cultural and scenic attributes. Thus, the maintenance and protection of water quality is essential for many surrounding communities.

Shallow bores tapping into water tables provide a significant proportion of the District's agricultural, horticultural and residential water supply.

## **6.10 Coastal Resources**

The District contains a number of important coastal resources. Areas of Significant Conservation Values (ASCV) have been identified by the Department of Conservation in the Coastal Resource Inventory. The areas are the Mokau River estuary, Marokopa River estuary, Albatross Point and adjoining coastline, and Kawhia Harbour.

- ♦ The Mokau estuary includes protected areas (Scenic Reserves) along the riparian margins of lowland forest, which adjoin the River at the coastal marine area. It is significant for its flora composition and as a spawning area for whitebait. The estuary itself has a "moderate to high" wildlife ranking.

- ♦ The Marokopa estuary and immediately south to and beyond Kiritehere has been identified by Tainui as a site of cultural and spiritual importance. Several threatened bird species are found there. Sightings of Hector's dolphin at the river mouth have also occurred.
- ♦ Albatross Point and adjoining coastline has nationally significant geological sites and landforms. It is also a haul out area for the largest and most northern mainland fur seal colony.
- ♦ Kawhia Harbour is of immense importance to Tainui iwi as the place of settlement. The harbour itself is of international importance particularly as a major destination for migrating endemic black stilts and is nationally significant for its geological values (especially at Te Maika) and other flora and fauna values.

### 6.11 Mineral Resources and Mining

While the Waitomo District relies mainly on its agricultural industries, mining and quarrying provide significant wealth and employment and have potential for considerable growth in the future. The main resources currently being extracted consist of:

- ♦ Titanomagnetite - Iron Sand
- ♦ Serpentine
- ♦ Limestone
- ♦ Greywacke

Coal has a past mining history and significant potential remains.

## 7. General Requirements

### 7.1 District Plan Rules

The rules in this District Plan have the force and effect of a Regulation. Section 76 of the Act specifically empowers the Council to include rules in the Plan as one of the methods to achieve the purpose of the Act. Accordingly, this plan includes rules to ensure that any actual or potential effects of activities on the environment are avoided, remedied or mitigated.

### 7.2 Types of Resource Consents

In terms of the Resource Management Act there are two types of resource consents which may be granted by the Waitomo District Council:

- ♦ Land Use Consents
- ♦ Subdivision Consents

Other types of resource consents such as water permits, land use consents (for example to clear vegetation), discharge permits or coastal permits are issued by the Regional Council.

For the purpose of administering the District Plan activities are classified into the following groups:

- PERMITTED ACTIVITY - means any activity which is permitted as of right provided that it complies with all applicable performance standards.
- CONTROLLED ACTIVITY - means any activity which is allowed in accordance with the discretions that are specified in this district plan. Controlled activities must be approved by Council but conditions may be imposed.

No assessment of environmental effects is required for resource consent applications which are submitted for a controlled activity.

- RESTRICTED DISCRETIONARY ACTIVITY – means a discretionary activity over which the Council has restricted the exercise of its discretion.
- DISCRETIONARY ACTIVITY - means an activity which Council may refuse or approve subject to appropriate conditions.
- NON COMPLYING ACTIVITY - means any activity not expressly provided for within the district plan or an activity specifically listed as a non-complying activity. Council may refuse a resource consent application or approve it subject to conditions.

- (f) PROHIBITED ACTIVITY - means any activity which is specified as such in the district plan and for which a resource consent cannot be sought.

### **7.3 Information to be supplied with Resource Consent Applications**

The information required to be supplied with resource consent applications is set out in Appendix 2.

### **7.4 Further Information**

Where the Council considers that the information submitted with an application for a resource consent or a notice of requirement is inadequate in terms of the requirements of the Act it may require the applicant to provide further information.

That information shall be in accordance with s88 of the Act. Council may require further information in accordance with s92 of the Act. Where Council is of the opinion that any significant adverse effect on the environment may result from an activity to which an application for resource consent relates, the Council may require:

- ♦ An explanation of any possible alternative locations or methods for undertaking the activity.
- ♦ The applicant's reasons for making the proposed choice.
- ♦ The consultation undertaken by the applicant, and
- ♦ Relevant information upon any other matters in s92 of the Act.

Council may commission a report on any matters raised in relation to the application, including a review of any information provided in the initial application under s88(4), or additional information under s92. Council will discuss the commissioning of any such report, and the recovery of costs, with the applicant prior to arranging its preparation.

The further information may be required only if the information is necessary to enable Council to better understand the nature of the activity, the effect it will have on the environment, or the ways in which any adverse effects may be mitigated.

### **7.5 Notification**

Section 94 of the Act sets out the provisions regarding notification of applications. Generally, applications that do not need to be notified are:

- (a) Any subdivision application which is specified as a controlled activity.
- (b) Any application for a controlled activity which the Plan expressly permits consideration of without the need to obtain the written approval of affected persons.
- (c) A controlled activity in respect of which the written approval of affected persons has been obtained.
- (d) A restricted discretionary activity in respect of which the written approval of affected persons has been obtained.

Applications for land use consent to undertake a discretionary activity or non-complying activity can be either notified or non-notified. However, in the following circumstances, such applications will generally be non-notified:

- (a) Council is satisfied that the adverse effects on the environment of the proposed activity will be minor; and
- (b) Written approval has been obtained from every person Council considers may be adversely affected by the granting of the consent, unless Council considers it is unreasonable in the circumstances to require the obtaining of every such approval.

In determining whether there is more than a minor effect on the environment through the granting of a resource consent, the Council will consider the Plan's objectives and policies and reasons for rules, and (where appropriate):

- ♦ The degree of non-compliance with any rule in the Plan and the environmental outcome sought by that rule;
- ♦ The cumulative nature of any effect over time or in combination with other effects;
- ♦ The duration of any effect;
- ♦ The frequency of any effect;

- ♦ The area influenced by any effect;
- ♦ The timing of any effect;
- ♦ The sensitivity of surrounding uses to that effect; and
- ♦ Any other aspect of the effect considered relevant in the circumstances.

In determining those persons who may be adversely affected by the granting of a resource consent, the Council will consider the Plan's objectives and policies, and reasons for the rules, and (where appropriate) the effect on;

- ♦ Those persons living on properties adjacent to or near any application site;
- ♦ Those persons who own, occupy or lease land that is adjacent to or near any application site, and whose use of that land would be detrimentally affected by that application;
- ♦ The tangata whenua of an area whose cultural values could be adversely affected by any application;
- ♦ Those persons and organisations whose use or enjoyment of an area could be adversely affected by any application;
- ♦ Any minister of the crown with statutory responsibilities in respect of the application site or any adjacent area;
- ♦ Adjoining territorial authorities where a property adjoins the District boundary or the issue has been identified as a cross boundary issue;
- ♦ The regional council; and
- ♦ Any other person who the Council considers relevant in the circumstances.

## **7.6 Time Frames**

The Act specifies time limits for the processing of applications for resource consents. The Council may extend these time limits in terms of Section 37 of the Act, although the extension cannot have the effect of more than doubling the maximum limits specified, unless requested by or with the agreement of the applicant.

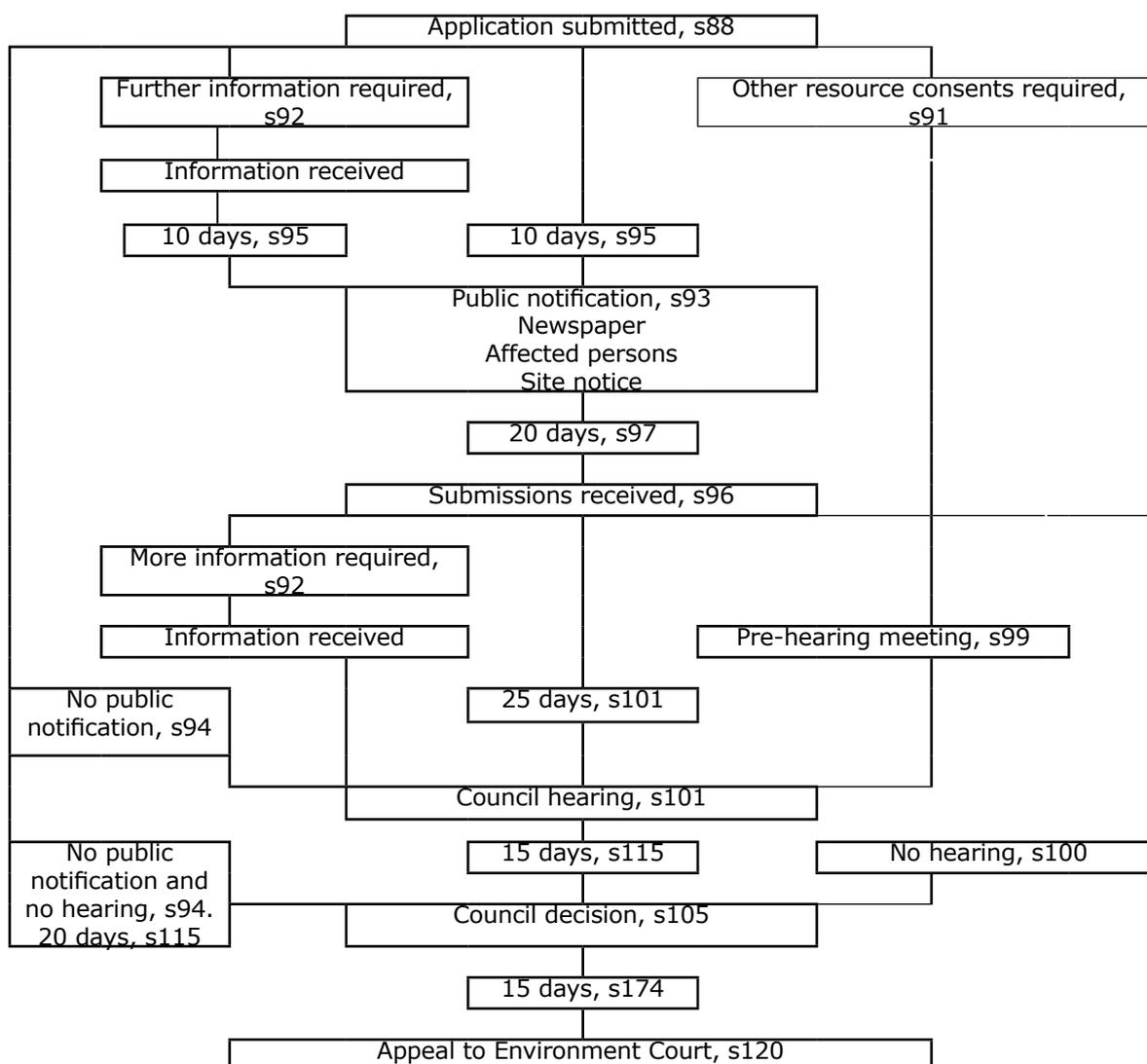
## **7.7 Resource Consent Fees**

The Council can charge fees for processing resource consents. These fees are reviewed and set annually. The Council will provide for full or partial waiver of fees where there is demonstrable public benefit from going through the consent process.

## **7.8 The Resource Consent Process**

The procedure involved in processing resource consent applications can vary significantly. The diagram which follows shows the usual procedure.

Figure 1: The Resource Consent Process Under the Resource Management Act 1991



## 7.9 Hearings

The Council will hold a hearing to consider an application for a resource consent, unless there are no submissions, or the persons making the submissions have stated that they do not wish to be heard and the applicant does not wish to be heard.

## 7.10 Joint Hearings

In order to encourage the integrated consideration of consents, ensure consistent decision making and reduce delays, joint hearings will generally be held where an application involves the granting of resource consents by both the District Council and the Regional Council. This approach will apply unless the Council and the Regional Council agree that the applications are sufficiently unrelated, and the applicant agrees a joint hearing need not be held.

## 7.11 Decisions

After completion of the hearing, the Council considers all the evidence submitted and makes its decision on the application. The decision is then conveyed in writing to the applicant and any submitters including the reasons for the decision.

The Act provides for resource consents to include conditions relating to matters set out in the Act. A resource consent may also include any other condition that the Council considers appropriate.

## **7.12 Changes to or Cancellations of Conditions**

The Act permits an application to be made to the Council for the change or cancellation of any condition imposed in respect to a consent (other than a condition as to the duration of that consent). The application may be made at any time specified for that purpose in the consent, or on the grounds that a change in circumstances has caused the condition to become inappropriate or unnecessary (Section 127 of the Act).

## **7.13 Objections to Decisions**

The Act provides for objections to be made against certain Council decisions (Sections 357, 358).

An objection to the Council may be made by the applicant in respect of Council decisions concerning a range of resource consents as set out in the Act.

The procedure for lodging an objection, the time limits to be met and the Council's obligations in considering any objection are set out in Section 357 of the Act.

## **7.14 Appeals**

An appeal to the Environment Court may be made against the whole or any part of a decision of the Council on a resource consent application, or an application for a change or review of consent conditions. The appeal may be lodged by the applicant, consent holder or by any person who made a submission on the application (Section 120 of the Act).

The procedure for lodging an appeal with the Environment Court is set out in Sections 121 and 358 of the Act.

## **7.15 Changes to the District Plan**

Changes to the Plan may be made as set out in the First Schedule of the Act. The Council has a commitment to maintain a District Plan which is up to date and relevant and which addresses resource management issues of significance to the District. The provisions of the Plan may therefore, be changed as necessary. The effectiveness of the Plan will be monitored and the Council will initiate plan changes which address evolving resource management issues and community needs, improve environmental conditions and enable the Council to better meet its obligations under the Act.

As well as Council-initiated changes, any person may request the Plan to be changed in accordance with the procedures set out in Part II of the First Schedule of the Act.

## **7.16 Existing Use Rights**

Sections 10 and 10A of the Resource Management Act 1991 protect certain existing activities.

Both sections offer full protection to activities lawfully established before the District Plan became operative. Whether existing use rights apply depend on the individual facts of each case.

## **7.17 Certificate of Compliance**

Any person proposing to undertake a land use or subdivision which is provided for in the District Plan as a permitted activity, may request a certificate stating that the particular proposal complies with the District Plan. A Certificate of Compliance is deemed to be a resource consent.

## **7.18 Designations**

A "designation" is a provision made in a district plan to provide for public works and certain types of network utilities, such as electricity transmission lines. A designation has the same effect as a rule in the Plan (Sections 176 and 178).

Land can be designated only by requiring authorities. A requiring authority is a Minister of the Crown, a regional or territorial authority or a network utility operator who has obtained the appropriate authority from the Minister for the Environment. A territorial authority may designate land in its own District Plan.

Designations are covered more fully in Section 23 Designated Works.