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## Section 32 Report for the Proposed Waitomo District Plan

## Section 32 Report – Karst Overlay

ISSUES	RESOURCE MANAGEMENT ACT	NATIONAL DIRECTION	REGIONAL POLICY STATEMENTS	IWI MANAGEMENT PLANS CONTINUED
<p>Karst systems and features were researched early on in district plan review process. Dr Bruce Hayward undertook this research and consulted with other specialist geomorphologists and speleologists as part of this work. The report is entitled '<i>Outstanding Natural Features Identifying and Mapping sites in Waitomo District</i>' August 2018. This report forms part of this section 32 assessment.</p> <p>The karst overlay addresses the following issues:</p> <ul style="list-style-type: none"> <li>Waitomo district contains the majority of the Waikato region's karst features, many of which are nationally and internationally significant. The most important sites are classified as outstanding natural features in this plan. However, a number of karst systems have significance at a regional and district level. These systems are sensitive to above ground activity.</li> <li>Only 23% of the karst overlay is formally protected and a further 17% is classified as SNA which affords some protection from vegetation clearance (which is a major threat to the hydrological function of below ground systems). This means that approximately 60% of the overlay area is likely to be farmed or developed in some manner.</li> <li>Approximately 5% or around 17,000 hectares comprise the karst overlay. This comprises 31 cave systems and 5 catchment areas. The cave systems largely replicate the existing caves overlay in the ODP. The 5 catchment areas are a new addition and have been added to provide a buffer zone against excess erosion and hydrological change impacting the main tourism and recreational cave systems in the region.</li> <li>Cave systems contain features that can be sensitive to changes in the flows of air, water, sediment and energy through the cave. Land disturbance, such as earthworks and vegetation clearance (especially around cave entrances) may disrupt these processes. Direct physical damage or destruction to features may also arise from external land disturbance or from internal works within caves.</li> <li>Earthworks and vegetation clearance and other forms of land development (including farming and forestry development, down slope cultivation, tracking, roading construction and maintenance), if inadequately managed, may increase the risk of erosion and thus increase the risk of adverse effects on water quality and the degradation of eco-systems and habitats</li> </ul>	<p><b>Section 5</b> This section of the Act is relevant as the karst systems are a significant attraction for tourists and they bring in economic spend into the district. Protecting the karst systems and features enables people and their communities to provide for their social and economic well-being.</p> <p>Protection of the karst systems will also sustain the potential of this natural resources for the foreseeable needs of future generations. It will also safeguard the life-supporting capacity of the water and ecosystems which are part of the karst network.</p> <p><b>Section 7 RMA</b> Section 7(c) Council must have particular regard to the maintenance and enhancement of amenity values and 7(f) the maintenance and enhancement of the quality of the environment.</p> <p>Karst systems are managed to maintain and enhance their natural features while allowing for appropriate development, particularly the ongoing use of rural land for agricultural, pastoral and horticultural activities. Consequently, a working pastoral landscape is envisaged for these areas and the provisions heavily rely on the underlying general rural zone to manage the effects of non-farming activities including rural industry, quarrying activities and tourism.</p> <p><b>Section 8 RMA</b> The principles of Te Tiriti o Waitangi are complemented by section 7(aa) and 7(a) which requires Council to have particular regard to the ethic of stewardship and kaitiakitanga and the view of mana whenua as guardians of natural resources. Mana whenua value karst systems for their customary resources, naturalness and recreational opportunities. Areas of this overlay are also farmed through Māori Trusts and the ongoing use of this rural land for agricultural and pastoral activities is anticipated.</p> <p><b>Relevant case law considered</b> Council has reviewed relevant Environment Court cases regarding the karst overlay, and no specific case law relating to karst systems is applicable.</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>The NPS for Freshwater Management is relevant to the management of karst systems. Te Mana o te Wai is the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. Water is an important feature of the karst system and it is the complex relationship of water with limestone that creates the unique geologic formations.</p> <p>There are also seven National Environmental Standards (NESs) currently in place:</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> </ul> <p>Some rules in this Plan prevail over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. The plan contains rules restricting afforestation in the karst overlay and the rules prevail over the NES for Plantation Forestry.</p> <p>The provisions of the NES for Freshwater are relevant insofar as they relate to farming activities and where natural wetlands are included within the karst overlay.</p>	<p><b>Waikato Regional Policy Statement:</b></p> <p>While there are no provisions which specifically relate to karst systems, there are a number of provisions which are relevant.</p> <p>Objective 3.2 Recognise and provide for the role of sustainable resource use and development and its benefits in enabling people and communities to provide for their economic, social and cultural wellbeing Objective 3.10 Use and development of natural and physical resources, excluding minerals, occurs in a way and at a rate that is sustainable. 3.8 Ecosystem services The range of ecosystem services associated with natural resources are recognised and maintained or enhanced to enable their ongoing contribution to regional wellbeing. 3.14 Maintain or enhance the mauri and identified values of fresh water bodies. 3.21 The qualities and characteristics of areas and features, valued for their contribution to amenity, are maintained or enhanced.</p> <p>Each of these objectives are then achieved by a number of policies in sections 8, 11 and 12.</p> <p>The provisions associated with the karst overlay give effect to the WRPS by identifying subterranean caves and catchment areas of high geomorphological and ecological diversity. The PDP manages land use activities within that overlay that have the potential to impact the hydrology of cave systems and the environmental conditions within the caves.</p> <p><b>Manawatū-Whanganui One Plan:</b> There are no provisions specific to karst in this plan, although the objectives and policies regarding erosion and water quality are relevant.</p>	<p>The Waikato Tainui Environment Management (WTEMP) Plan 2018 contains the following provisions relevant to the karst overlay:</p> <p>Objective 15.3.1 The full range of Waikato ecosystem types found throughout the Waikato-Tainui rohe are robust and support representative native flora and fauna.</p> <p>Objective 15.3.2 Cultural, spiritual and ecological features of the Waikato landscape that are significant to Waikato-Tainui are protected and enhanced to improve the mauri of the land.</p> <p>21.3.1 Objective: Activities that accelerate soil erosion are managed effectively, including through the reforestation and retirement of marginal lands from existing intensive and environmentally unsustainable land uses.</p> <p>Objective 25.3.3 Land use and development has positive environmental and cultural effects.</p> <p>The WTEMP promotes a range of implementation methods including: Identification and protection of culturally and or spiritual areas, the use of statutory instruments and methods promote the protection and restoration of areas of importance to Waikato-Tainui and education of the public, local authorities, developers and resource users on Waikato- Tainui values of regionally, culturally and spiritually significant landscapes, vegetation and species.</p> <p>It is considered that the proposed provisions have taken into account the WTEMP, as they seek to retain the full range of ecosystems and protect areas of significance to Māori.</p>

OPERATIVE WAITOMO DISTRICT PLAN			IWI MANAGEMENT PLANS	OTHER RELEVANT PLANS OR LEGISLATION
<p>The planning maps contain a karst overlay (cave systems) and the rules in Chapter 11 Rural Zone manage this area through specific provisions. Objective 11.3.2 ensures that significant cave systems and other karst features are protected from adverse effects. This is achieved by three Policies. Policy 11.4.2 - avoid, remedy or mitigate any adverse effects of vegetation clearance, extractive industry, earthworks, tourism developments, or other rural activities on karst and cave systems therein, with the approach dependent on the significance and sensitivity of the particular cave or karst features. Policy 11.4.11 To avoid, remedy or mitigate the visual and landscape effects of damage or destruction of outstanding landscape features such as limestone bluffs, other karst features, or indigenous vegetation which contribute to the amenity of the area. Policy 11.4.12 To ensure that all rural activities, including extractive industries, are established and operated so as to avoid, remedy or mitigate adverse effects on amenity or on neighbours, or on significant karst features.</p> <p>The following rules are unique from the rest of the Rural Zone:</p> <ul style="list-style-type: none"><li>• Extractive industries are a discretionary activity for cave systems in categories C to E, and a non-complying activity for cave systems in categories A and B.</li><li>• Clearance of more than 0.5 of a hectare of indigenous vegetation in any one calendar year shall be a non-complying activity for cave systems in categories A and B</li><li>• any clearance of vegetation or earthworks or fill placement within 50m upslope of an entry or opening into any cave or associated karst formation is a Restricted Discretionary Activity</li><li>• establishment of structures in, artificial entrances to, or other modification that causes loss of cave features, or change to cave processes, shall be a Restricted Discretionary Activity</li></ul>			<p>The Maniapoto Iwi Environment Management Plan (MIEMP) 2018 contains the following provisions relevant to the karst overlay:’</p> <p>Objective 19.3.1: The diversity of natural heritage areas, habitats and ecosystems are preserved in a healthy state alongside more modified ecosystems to ensure indigenous species and subspecies maintain genetic diversity and viable population densities</p> <p>Objective 19.3.2 To protect and enhance significant cultural, spiritual, natural and ecological landscapes, features and locations in the Maniapoto rohe and to protect and enhance Maniapoto relationships and associations with these features.</p> <p>Policy 19.3.2.1 Activities and uses that adversely affect significant cultural, spiritual natural and ecological landscapes, features or locations in the Maniapoto rohe are avoided, and Maniapoto relationships with those landscapes, features or locations are maintained and restored.</p> <p>The MIEMP promotes a range of implementation methods such as ensuring natural resource use and development, including land use, occurs in such a way that indigenous biodiversity is enhanced and protected It is considered that the proposed provisions have taken into account the provisions in the MIEMP.</p>	<p>The Conservation Act 1987 promotes the conservation of New Zealand’s natural and historic resources, preserves indigenous freshwater fisheries and habitat, and advocates for conservation. Where identified and mapped karst systems overlap with any of the public conservation estate then the Conservation Act should be considered.</p> <p>Statutory acknowledgements identify the particular cultural, spiritual, historical and traditional association of mana whenua. These have been taken into account wherever relevant.</p> <p>Waikato and Wanganui Conservancy Management Strategies set out the long-term vision for each conservancy and identify a range of objectives relating to management of natural heritage and biodiversity within these areas. They also identify those areas of habitat and natural character that are of national importance.</p>
SCALE & SIGNIFICANCE <i>s32(1)(c)</i>				STRATEGIC DIRECTION
<p>The assessment is based on eight factors outlined in Ministry for the Environment’s guidance on Section 32 reports. Each factor is scored in terms of its scale and significance (where 1 is low and 5 is high).</p> <p>Reason for Change:1 Problem / Issue: 3 Degree of Shift from Status Quo: 2 Who and How Many Affected, Geographic Scale of Effects: 3 Degree of Impact on or Interest from Māori: 3 Timing and Duration of Effects: 1 Type of Effect: 2 Degree of Risk or Uncertainty:2</p>				<p>The following objectives from the Strategic Directions chapter of the PDP are relevant to this topic:</p> <p><b>SD-013.</b> The district’s communities have access to a diverse and connected network of open spaces which offer a range of recreational experiences while protecting the values of scheduled sites, features and overlays.</p>

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Total (out of 40): 17  The degree of change from the ODP has considered to be in the medium to minor range of significance. The focus of the ODP rules is on extractive industries, clearance of indigenous vegetation, earthworks and modification to cave features. The focus of the PDP provisions is largely the same with the addition of provisions on plantation forestry.				UNCERTAINTIES AND RISKS s32(2)(c)
				There is little change to the provisions that are in the Operative District Plan for the karst overlay. There are no uncertainties as to the issues or the effect that the management framework will have on the karst overlay. Overall, it is considered that there is sufficient information to act, and that risks of acting outweigh those of not acting. The degree of risk and uncertainty is low due to the certainty provided by well-understood potential effects, existing provisions in the ODP, prescribed criteria and the approach taken for their management in the proposed provisions.

OBJECTIVE s32(1)(a)	
<p>NFL-O5 is specific to the karst overlay</p> <p><b>Relevance</b> - The purpose of the RMA is to promote the sustainable management of natural and physical resources by managing the use, development and protection of physical resources in a way which enables people and communities to provide for their social, economic and cultural well-being. The objective achieves the purpose of the RMA by recognising the unique geomorphological, hydrological and ecological values of the karst overlay identified in SCHED12 and seeking to protect them. The objective clearly sets out the outcome to be achieved.</p> <p><b>Usefulness</b> – Identifying the values of the karst overlay ensures that these values are protected.</p> <p><b>Reasonableness</b> – The proposed objective is aligned to, and consistent with higher order direction from the WRPS. The objective does not impose unreasonable restrictions on the district. The objective is in line with Council’s functions under section 31 of the RMA.</p> <p><b>Achievability</b> – The objective is achievable.</p> <p>The proposed objective is considered to meet the tests of relevance, usefulness, reasonableness and achievability. It gives effect to the purpose and principles of the RMA, aligns with higher order documents drafted under the RMA and with best practice drafting for objectives. The objective has been examined and evaluated, in terms of the purpose of the RMA, its provisions and the hierarchy of planning documents, and is considered to be the most appropriate way to achieve the purpose of the RMA.</p>	
PROVISIONS s32(1)(b)	
EFFICIENCY & EFFECTIVENESS s32(1)(b)(ii), 32(2)(a)(i), s32(2)(a)(ii)	ALTERNATIVES s32(1)(b)(i)
<p><b>Benefits Anticipated</b></p> <p><u>Environmental</u></p> <ul style="list-style-type: none"><li>protects and enhances the values of the karst overlay</li><li>retains the hydrology which supports the unique karst formations</li><li>recognises the unique ecology associated with the karst systems</li><li>maintains water quality by limiting earthworks within the overlay</li><li>retains vegetation cover and species.</li></ul> <p><u>Economic</u></p> <ul style="list-style-type: none"><li>enables the continued operation of lawfully established farming activities</li><li>the karst systems are a significant attraction for tourists and the rules ensure the quality of the formations and associated hydrological processes</li><li>the visitor spend as a result of the caves improves economic wellbeing</li></ul> <p><u>Social</u></p> <ul style="list-style-type: none"><li>there are social effects resulting from the spend by visitors on the caves.</li></ul> <p><u>Cultural</u></p> <ul style="list-style-type: none"><li>the caves are culturally significant</li></ul> <p><b>Costs Anticipated</b></p> <p><u>Environmental</u></p> <ul style="list-style-type: none"><li>some activities are still permitted within the overlay such as buildings and farming. There may be adverse environmental effects as a result of these activities</li></ul> <p><u>Economic</u></p> <ul style="list-style-type: none"><li>limits the activities that can be carried out within the overlay such as production forestry and earthworks, meaning that some of the productive potential of the land is not realised</li></ul>	<p>For the purpose of this evaluation, the Council has considered the following potential options:</p> <p>1. The status quo; and</p> <p>2. The proposed provisions; and</p> <p>3. Do nothing.</p> <p>In order to identify other reasonably practicable options, the Council has undertaken the following:</p> <ul style="list-style-type: none"><li>Engaged a specialist to assess cave features and karst systems of Waitomo District; and</li><li>Sought feedback from stakeholder groups including the Department of Conservation, recreational and commercial caving organisations and Waikato Regional Council; and</li><li>Collated feedback obtained from workshops undertaken with mana whenua representatives comprising a working group on the proposed district plan.</li></ul> <p><b>Options:</b></p> <ul style="list-style-type: none"><li>Status Quo - retain the ODP provisions: The ODP has largely formed the basis of the proposed provisions.</li></ul>

<div><div><div>Social</div><div><div></div><div>there are no social costs</div></div></div><div><div>Cultural</div><div><div></div><div>there are no cultural costs</div></div></div><div><div>Economic Growth and Employment Opportunities</div><div>While the provisions themselves will not result in growth and employment opportunities, maintaining the health of the karst system will ensure that the caves remain a tourist attraction which will mean jobs associated with the tourist industry such as accommodation and hospitality.</div></div></div> <div><div><div></div><div>Alternative – the proposed provisions: This approach sets out clear provisions in a chapter that is compliant with the National Planning Standards.</div></div><div><div></div><div>Do nothing: This alternative does not meet the intent of section 7(c) and (f), nor does it give effect to the WRPS. This option is not environmentally acceptable and is not directly aligned with the policy intent of the two Iwi Environmental Management Plans.</div></div></div>	
<div>QUANTIFICATION OF BENEFITS &amp; COSTS<div>s32(2)(b)</div></div>	
<div>Section 32(2)(b) requires that, where practicable, the benefits and costs of a proposal are to be quantified. Five catchment systems and 31 cave systems comprising approximately 5% or around 17,000 hectares of the district are identified in the karst overlay. Given the scale and significance of the karst overlay, quantifying the benefits and costs is not considered practicable.</div>	
<div>EFFICIENCY &amp; EFFECTIVENESS<div>s32(1)(b)(ii)</div></div>	<div>REASONS FOR PROVISIONS<div>s32(1)(b)(iii)</div></div>
<div>s32(1)(b)(ii) requires assessing the efficiency and effectiveness of the provisions in achieving the objectives:<div><div>Efficiency</div><div>This approach is efficient as it recognises, maintains, and where practicable, enhances the qualities and values of the karst systems which are identified in SCEHD12. The identification of the subterranean caves and catchment areas of high geomorphological and ecological diversity is efficient as it limits the application of the objectives, policies and rules to just that area. The approach is pragmatic and fit for purpose. Activities requiring resource consent are limited to high-volume earthworks, plantation forestry, quarries and extractive industries, clearance of indigenous vegetation and the creation of new entrances and structures in caves. This approach is not considered to be restrictive for landowners. This approach protects lawfully established activities and maintains and enhances the identified values of the karst system.</div><div>Effectiveness</div><div>The proposed provisions are considered to be effective as they directly address the two resource management issues and the outcomes sought through the objective. The approach of identifying the karst system through mapping and scheduling, by applying consistent assessment criteria, reflects best practice and is a clear and consistent approach. The provisions provide for a wide range of permitted activities and only manage the activities which have the potential to adversely affect the values and functioning of the karst systems.</div></div></div>	<div><div>The proposed provisions are considered to be the most appropriate approach to achieve the karst overlay objective. The evaluation has been undertaken in accordance with Section 32 of the Act in order to identify the benefits, costs and the appropriateness of the proposed objective 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 objective and provisions are the most appropriate option because they provide for the recognition and management of the karst system, and clearly identify appropriate and inappropriate activities in relation to the identified values. A wide range of permitted activity rules, aligned largely with those in the general rural zone, allow for activities within the karst overlay that are generally appropriate. Overall, it is considered that the proposed objective and provisions are the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies gained from their adoption.</div></div>