
Section 32 Report for the Proposed Waitomo District Plan

Section 32 Report – Coastal Environment (Overlay)

ISSUES	RESOURCE MANAGEMENT ACT 1991	NATIONAL DIRECTION	REGIONAL POLICY STATEMENTS	IWI MANAGEMENT PLANS CONTINUED
<p>The issues for the coastal environment overlay chapter are:</p> <ul style="list-style-type: none"> Inappropriate subdivision, use and development can adversely affect the natural character of the coastal environment. The protection of the natural character of coastal environment is a matter of national importance. This plan must manage the coastal environment in an integrated manner and give effect to the New Zealand Coastal Policy Statement 2010 (NZCPS) and the Waikato Regional Policy Statement. Approximately 6.5% of the district or around 23,000 hectares is located in the coastal environment. 90% of the coastal environment is in private ownership. Council estimates that 52% of the coastal environment area (12,000 hectares) has settlements or developed as farms or in forestry. Te Waitere, Kinohaku, Marokopa, Awakino, Mokau and Taharoa are the district's coastal settlements. Under section 74 of the Act, this plan must be in accordance with the NZCPS. The coastal environment overlay is the baseline protection for this environment. Where there are specific values and sites that require protection, these are managed through the identification of cultural alert overlays, significant archaeological sites and sites and areas of significance to Māori. Other areas of the coastal environment are protected through areas of high/very high and outstanding natural character, as significant natural areas and as outstanding natural landscapes and features. 	<p>Section 5 Appropriately managing the coastal environment will promote the sustainable management of natural resources in accordance with section 5(1). In addition, it will safeguard the life-supporting capacity of ecosystems in accordance with section 5(2)(b).</p> <p>Section 6 RMA Section 6(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development. Section 6(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers. 6(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga. 6(g) the protection of customary rights. Council is required to recognise and provide for these matters as matters of national importance.</p> <p>Section 7 RMA Council must have particular regard to sections 7(a) kaitiakitanga, 7(aa) The ethic of stewardship, 7(b) the efficient use and development of natural and physical resources, 7(c) the maintenance and enhancement of amenity values, 7(d) intrinsic values of ecosystems, 7(f) maintenance and enhancement of the quality of the environment, 7(g) any finite characteristics of natural and physical resources.</p> <p>The maintenance and enhancement of environmental quality and recognition of the finite qualities of the coastal environment relate specifically to the natural ecological processes that occur in these areas and the specific landscape and ecosystem features of natural character.</p> <p>Section 8 RMA 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. Council and mana whenua have worked in partnership to develop the coastal environment provisions and to ensure that these recognise and provide opportunities for appropriate use and protection of this environment as well as the ability for mana whenua to exercise kaitiakitanga.</p> <p>Relevant case law considered Council has reviewed relevant Environment Court cases regarding landscapes, specifically:</p> <ul style="list-style-type: none"> Environmental Defence Society Inc v Otago Regional Council [2019] NZHC 2278 <p>This case law is relevant to the provisions of this plan which have been drafted in alignment with the outcomes.</p> <p>The matter concerned provisions of the Proposed Otago Regional Policy Statement ("PORPS") and how to provide for the ports in the Otago region in a way that would "give effect to" the New Zealand Coastal</p>	<p>There are six National Policy Statements (NPSs) currently in place:</p> <ul style="list-style-type: none"> New Zealand Coastal Policy Statement 2010 NPS for Electricity Transmission 2008 NPS for Renewable Electricity Generation 2011 NPS for Freshwater Management 2020 NPS on Urban Development 2020 NPS for Highly Productive Land <p>It is considered that the New Zealand Coastal Policy Statement 2010 (NZCPS) is relevant to this topic.</p> <p>Objective 1 To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land. Objective 2 To preserve the natural character of the coastal environment and protect natural features and landscape values through: recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution; identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and encouraging restoration of the coastal environment. Objective 3 To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment. Objective 4 To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment. Objective 5 To ensure that coastal hazard risks taking account of climate change, are managed. Objective 6 To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development. Policy 1 Extent and characteristics of the coastal environment. Policy 2 The Treaty of Waitangi, Tangata Whenua and Māori. Policy 3 Precautionary approach. Policy 4 Integration. Policy 5 Land or waters managed or held under other Acts. Policy 6 Activities in the coastal environment. Policy 7 Strategic planning. Policy 13 Preservation of natural character. Policy 14 Restoration of natural character. Policy 18 Public open space. Policy 19 Walking access. Policy 21 Enhancement of water quality. Policy 22 Sedimentation.</p> <p>National Policy Statement for Electricity Transmission 2008 Policy 8 states that in rural environments, planning and development of the transmission system should seek to avoid adverse effects on areas of high recreation value and amenity and existing sensitive activities.</p> <p>There are also 8 National Environmental Standards (NESs) currently in place:</p> <ul style="list-style-type: none"> NES for Air Quality 2004 NES for Sources of Human Drinking Water 2007 NES for Telecommunication Facilities 2016 NES for Electricity Transmission Activities 2009 NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 NES for Plantation Forestry 2017 NES for Freshwater 2020 NES for Storing Tyres Outdoors 2021 	<p>Waikato Regional Policy Statement: The Waikato Regional Policy Statement requires district plans to identify and protect areas of high and outstanding natural character and map the coastal environment which must be treated as an integrated unit with special characteristics, values and issues. There are three objectives in the RPS which address the coastal environment and natural character matters. These Objective 3.20 The values of outstanding natural features and landscapes are identified and protected from inappropriate subdivision, use and development. Objective 3.21 The qualities and characteristics of areas and features, valued for their contribution to amenity, are maintained or enhanced. Objective 3.22 The natural character of the coastal environment, wetlands, and lakes and rivers and their margins are protected from the adverse effects of inappropriate subdivision, use and development. Policy 6.2 Development in the coastal environment occurs in a way, that amongst other things, avoids the adverse effects on areas with outstanding natural character, and outstanding natural features and landscapes and elsewhere ensures that activities are appropriate in relation to the level of natural character or natural feature and landscape, protects the valued characteristics of remaining undeveloped, or largely undeveloped coastal environments, and avoids ribbon development along coastal margins. Policy 12.1 Identified values and characteristics of outstanding natural features and landscapes (including seascapes) of regional or district significance are protected from adverse effects, including cumulative effects, arising from inappropriate subdivision, use and development. Policy 12.2 Activities in the coastal environment, wetlands, lakes and rivers and their margins are appropriate in relation to the level of natural character. Policy 12.3 Areas of amenity value, including landscapes, seascapes or natural features are identified, maintained and enhanced. Method 4.1.7 Recognise and manage the coastal environment as an integrated unit and recognise the special context of the coastal environment, including the recognition that it has particular values and issues that are of regional and national significance and that impact on the wellbeing of the Waikato region. Method 4.1.8 The RPS identifies the landward extent of the coastal environment and allows District Plans to determine an alternative landward margin if this is determined by a further detailed investigation. Method 6.2.1 and 6.2.3 Local authorities shall give effect to the policy direction on the coastal environment in planning for growth and development, and by including District Plan setbacks for new development from the coastal edge unless there is a functional need. Method 12.2.1 District Plans shall map or otherwise identify areas of high and outstanding natural character in the coastal environment using the criteria in section 12C (Table 12-3) and in all areas ensure activities are appropriate to the level of natural character. Method 12.5.1 Regional and district plans shall identify the circumstances when it is appropriate to restrict public access to and along the coastal marine area, lakes, and rivers and provide for alternative routes, where practicable, in the coastal environment, in accordance with Policy 12.5.</p> <p>Manawatū-Whanganui One Plan: There are no coastal areas in this part of the district.</p>	<p>The Waikato Tainui Environment Management (WTEMP) Plan 2018 contains the following provisions relevant to the coastal environment:</p> <p>24.3.3 Waikato-Tainui access to coastal areas for customary activities is protected and enhanced.</p> <p>24.3.3.1 To ensure that Waikato-Tainui access to coastal areas for customary activities is protected and enhanced.</p> <p>24.3.4 Activities in the Waikato-Tainui coast area only occur when adverse effects to the environment, community, and customary activities are managed, as determined in consultation with Waikato-Tainui.</p> <p>24.3.4.1 To ensure a precautionary approach to activities in the coast area that may result in adverse effects to the environment, community, and customary activities.</p> <p>24.3.4.2 To ensure that Waikato-Tainui marae, particularly coastal marae, are able to undertake customary coastal activities and have the ability to sustain manuhiri with traditional coastal food sources during hui, poukai, and waananga.</p> <p>24.3.5 Waikato-Tainui coastal areas are managed in an integrated way, considering the upstream effects of land and freshwater activities. Productive relationships exist between those who impact on or use the resources of the Waikato-Tainui coastal area.</p> <p>24.3.5.1 To ensure integrated management is applied to the coastal area.</p> <p>24.3.5.2 To encourage sector wide relationships that promotes and encourages an integrated approach to activities and resource use within the coastal area in such a way that the coastal area is protected and enhanced.</p> <p>The WTEMP promotes a range of implementation methods including signalling that: Proposed activities that effect Waikato-Tainui access to coastal areas, particularly access to waahi tapu, sites of significance, and customary activities will generally not be supported. Any development in the coast area must have a functional need, as determined in consultation with Waikato-Tainui, to be located in the coast area and facilitate restoration or rehabilitation of natural features. Waikato-Tainui customary management tikanga is actively promoted to protect, restore and enhance customary fisheries including raahui on shellfish gathering and other activities and protection of coastal areas from over-fishing and other misuse.</p> <p>It is considered that the proposed provisions take account of the above objectives and policies in the WTEMP, as they seek to maintain, enhance and protect specific values of the coastal environment, particularly natural character.</p>

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OPERATIVE WAITOMO DISTRICT PLAN			IWI MANAGEMENT PLANS	OTHER RELEVANT PLANS OR LEGISLATION
<p>Chapter 12 of the ODP includes provisions for a Landscape Policy Area which is an “overlay” Policy Area covering land in the Mokau-Awakino coastal area. This area was identified as containing features and landscapes that are particularly sensitive to change. This area was initially identified on the basis of tourism development and was not related to the coastal environment. The ODP does not provide for the coastal environment or give effect to either the NZCPS or the Waikato Regional Policy Statement. This is a major failing of the ODP and therefore there is significant change required by the proposed district plan to accommodate this matter. There are some provisions in the plan which do relate to the effects on coastal areas, but these are only partly compliant with the NZCPS.</p>	<p>Policy Statement (“NZCPS”). In the EC decision, the EC adopted the view of Port Otago Ltd (“the Port”) that the provisions of the PORPS (namely policy 4.3.7) did not require port activities in all cases to avoid the effects of policies 11(a), 13(1)(a), 15(a) and 16 of the NZCPS (“the avoidance policies”). EDS appealed on the grounds that the EC failed to give effect to, and materially misinterpreted, the NZCPS. The Court concluded that the EC erred in its interpretation of the NZCPS and as a consequence failed to give effect to the NZCPS, as required by s 62(3) of the RMA. The errors of law were material and affected its ultimate determination. Accordingly, the Court found that the EC failed to properly implement the NZCPS in the PORPS, contrary to the decision in King Salmon.</p>	<p>NES for Telecommunication Facilities 2016 Regulation 51 - 1. This regulation applies to a regulated activity if it is carried out at a place identified in the relevant District Plan or proposed District Plan as being subject to coastal protection rules. 2. This regulation is complied with if the regulated activity is carried out in accordance with the coastal protection rules that apply to that place. 3. In this regulation, coastal protection rules mean district rules that regulate the carrying out of activities in places adjoining the coastal marine area for the purpose of protecting the coastal marine area.</p> <p>Some rules in this plan prevail over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Clause 6(1)(b) states that a rule in a plan may be more stringent than the regulations if the rule recognises and provides for the protection of any of policies 11, 13, 15, and 22 of the New Zealand Coastal Policy Statement 2010. Where this occurs, the plan states this.</p>	<p>The Maniapoto Environment Management Plan 2018 (MEMP) contains the following provisions relevant to the coastal environment:</p> <p>17.3.1 Objective: Recognition of the role of Maniapoto as rangatira and kaitiaki for the coastal and marine environment. To recognise and provide for the cultural relationships and values that Maniapoto have with the coastal and marine environment</p> <p>17.3.1.1 Maniapoto interests in coastal and marine areas and activities, particularly those relating to historical, spiritual, cultural and traditional values, are recognised and given effect to.</p> <p>17.3.5 Objective – Activities in the coastal and marine area. To eliminate discharges to the coastal marine area and avoid land use practices that generate contaminants and pollution to coastal areas.</p> <p>17.3.5.1 Adverse effects of discharge activities and land use activities that generate contaminants and pollutants on coastal and marine areas are avoided.</p> <p>17.3.6 Objective – Coastal access. To protect and enhance Maniapoto access to coastal and marine areas</p> <p>17.3.5.1 Maniapoto access to coastal areas for customary activities is enhanced and protected.</p> <p>17.3.8 Objective: Integrated management. To establish an integrated and coordinated approach to coastal and marine management which also considers the effects of land and freshwater activities and the fresh water-salt water interface.</p> <p>17.3.8.1 Maniapoto coordinate management of or control coastal activities that cross administrative boundaries, hapū or iwi rohe and local authority boundaries in a manner that protects and enhances the coastal environment.</p> <p>The MEMP promotes a range of implementation methods including: Identify and protect coastal and marine areas or characteristics of special value that require protection from use or development and promote recognition of the mauri of resources and mahinga kai as key cultural and environmental indicators of the cultural health of coastal environments and the relationship of Maniapoto to coastal and marine environments. Ensure Maniapoto involvement and input prior to the public release or notification of consents, policies, discussion documents, protocols, plans, and/ or regulations to ensure that any adverse effects on Maniapoto values are mitigated recognised and appropriately incorporated into such documents. Avoid activities and structures in the coastal area that might adversely affect Maniapoto values, areas of cultural and/or spiritual significance and natural characters of landscapes. Design and locate new coastal developments to minimise adverse effects on coastal and marine areas.</p> <p>It is considered that the proposed provisions take account of the above objectives and policies in the MIEMP, as they seek to maintain, enhance and protect specific values of the coastal environment, particularly natural character.</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 the coastal environment overlaps with any of the public conservation estate then the Conservation Act should be considered. The Waikato Conservancy Management Strategy sets 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> <p>Statutory acknowledgements identify the particular cultural, spiritual, historical and traditional association of mana whenua. There are no current associations identified in the coastal environment.</p> <p>Te Takutai Moana Act 2011 provides for recognition of customary interests of iwi, hapū and whānau in the common marine and coastal area. The takutai moana legislation also provides for the right of all New Zealanders to access and use the common marine and coastal area (subject to any lawful restrictions, including for the protection of wāhi tapu). Te Takutai Moana Act 2011 provides legal recognition of two kinds of rights: “CMT - customary marine title”, which refers to some of the elements of ownership and possession, and “PCR - protected customary rights”, which refers to use and activities. There are 11 applicants for CMT/PCR along the coastline of Waitomo District.</p>
<p>SCALE & SIGNIFICANCE s32(1)(c)</p>				<p>STRATEGIC DIRECTION</p>
<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: 5 Who and How Many Affected, Geographic Scale of Effects: 2 Degree of Impact on or Interest from Māori: 4 Timing and Duration of Effects: 2 Type of Effect: 2 Degree of Risk or Uncertainty: 2</p> <p>Total (out of 40): 21</p>				<p>The following objectives from the Strategic Directions chapter of the PDP are relevant to this topic:</p> <p>SD-03. Mana whenua are able to exercise customary activities, protect, develop and use Māori land in a way that is consistent with their culture and traditions and provides for their social and economic aspirations.</p> <p>SD-09. Subdivision, land use and development must not contribute to any further degradation of Kawhia Harbour.</p> <p>SD-010. The buildings, structures, sites, areas, ecosystems, natural landscapes and features identified as having special qualities and values and which contribute</p>

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<p>The degree of change from the ODP has considered to be in the medium range of significance, particularly given the importance of the coastal environment to mana whenua. The ODP does not identify the coastal environment at all, and this approach does not correspond with the requirements of the WRPS. The WRPS requires district plans to map or otherwise identify the landward extent of the coastal environment. The WRPS defines the coastal environment and provides indicative maps in Section 4A. District plans are able to refine the extent of the coastal environment providing the refinement recognise and includes assessment and consideration of the coastal environment definition and recognises the need to manage the coastal environment as an integrated unit.</p> <p>The proposed provisions give effect to a higher order document and therefore the degree of risk and uncertainty is low. Despite the relatively minor the level of change anticipated by the PDP provisions; the coastal environment does cover a reasonably area at 6.5 % of the district. As a result, the extent of the coastal environment was ground-truthed and refined in some areas in accordance with the WRPS requirements.</p> <p>There are only two rules which apply in the coastal environment - large buildings and large tanks/silos become restricted discretionary activities above defined thresholds. These rules apply to all zones in the coastal environment except for the rural production zone – notably Taharoa Ironsands Mine which is a regionally significant industry.</p>				<p>to the district’s sense of place and identity, are protected.</p> <p>SD-011. The components of the coastal environment including outstanding landscapes and features, natural character and ecosystems, together with the cultural and spiritual values accorded by mana whenua, are recognised and protected.</p> <p>SD-012. Acknowledge that Te Tiriti o Waitangi settlements may drive change and development in parts of the district that have until now, been undeveloped.</p> <p>SD-013. 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> <p>SD-026. Ensure that development in coastal settlements is appropriate in relation to its level of natural character, avoids ribbon development along coastal margins and ensures planned, cohesive, compact growth.</p> <p>UNCERTAINTIES AND RISKS s32(2)(c)</p> <p>Changes introducing new spatially defined overlays and associated provisions to manage activities in these areas are generally contentious because they represent a regulatory change. The risk or uncertainty of introducing such regulatory change is usually considered to be high. However, not acting would fail the statutory duty to give effect to the WRPS or the NZCPS and may mean that the values of the coastal environment could be degraded or lost. 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, prescribed WRPS criteria and the approach taken for their management in the proposed provisions. Additionally, the coastal environment is defined and mapped in the WRPS which has been through its own First Schedule process. The coastal environment extent was further ground-truthed by Bridget Gilbert.</p>
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<p>OBJECTIVE s32(1)(a)</p> <p>Relevance - 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 responding to section 6(a) of the RMA in relation to the preservation of the natural character of the coastal environment which is a matter of national importance that must be recognised and provided for. Te Waitere, Kinohaku, Marokopa, Awakino, Mokau and Taharoa are the district’s coastal settlements. Under section 74 of the Act, this plan must be in accordance with the NZCPS.</p> <p>Usefulness – The objective ensures that activities in the coastal environment are appropriate in relation to its level of natural character and that activities promote enhancement, restoration and rehabilitation of natural character. This provides clear direction on the management of activities in this area and signals the importance of the environment. The objective also indicates the high values of these areas and directs lower order policies accordingly. Other parts of the PDP address other aspects of the coastal environment which require management such as coastal hazards, setbacks, public access, climate change and areas of high/very high and outstanding natural character. These matters are included in the coastal environment chapter, the ecosystems and indigenous biodiversity chapter, the subdivision chapter, the natural features and landscapes chapter, the settlement and general rural zones and Te Maika precinct.</p>
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Reasonableness – The proposed objective is aligned to, and consistent with higher order direction from the NZCPS and the WRPS. The objective is consistent with best practice and aligned with the identification of the coastal environment in other districts and was refined employing the indicative maps in Section 4A and the definition of the coastal environment in the WRPS. The objective is in line with Council’s functions under section 31 of the RMA, to control any actual or potential effects of the use, development, or protection of land.

Achievability – The identification of the coastal environment uses the standard approach across district plans in the Waikato region, refining the indicative maps in Section 4A of the WRPS. It is supported by best practice and ground-truthed. There is direct alignment between the plan’s objective and the higher-order documents prepared under the RMA. The objective guides decision makers when assessing resource consent applications as to the outcomes that are expected in terms of properly recognising the values of the coastal environment which meet the needs of future generations (Section 5(2)(a) of the Act). The objective provides a clear and achievable statement of intent and certainty as to the appropriate outcomes.

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.

PROVISIONS s32(1)(b)

EFFICIENCY & EFFECTIVENESS s32(1)(b)(ii), 32(2)(a)(i), s32(2)(a)(ii)

ALTERNATIVES s32(1)(b)(i)

Benefits Anticipated

Environmental

The plan maps the landward extent of the coastal environment in accordance with the requirements of the WRPS to provide certainty of location and to clearly physically demark the expectations associated with the values of this area. The preservation of the natural character of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits. Only two activities are controlled in this overlay as these are expected to have adverse effects on the values of this environment. Restricted discretionary resource consents are required to manage the effects of any building that is greater than 8 m in height and/or greater than 300 m² in size or any tank or silo that is greater than 3.2 m in height and/or has a capacity greater than 50,000 litres. Although Council has the ability to manage afforestation of plantation forestry it is not considered necessary in this environment. The proposed methods recognise the complementary role of the NES-PF in this respect. They also recognise the role of the Regional Plan in managing the adverse effects of activities in the coastal environment (particularly in relation to protection of coastal wetlands, pest management, and managing land use within identified primary hazard zones).

Economic

Economic development is not restrained by the coastal environment overlay rules except by restricted discretionary status rules requiring a consent for any building that is greater than 8 m in height and/or greater than 300 m² in size or any tank or silo that is greater than 3.2 m in height and/or has a capacity greater than 50,000 litres. Earthworks, quarrying and indigenous vegetation removal are controlled by the underlying zone. Forestry is controlled by the NES-PF. Provision is made for regionally significant rural industry activities which are located in the coastal environment. Other activities routinely permitted in the general rural and settlement zones are permitted in the coastal environment.

Social

There are a range of social benefits which accrue from preserving the natural character of the coastal environment. Principally, the coastal environment and its character will be protected so that it can be enjoyed by future generations.

Cultural

The coastal environment has high cultural value to mana whenua. Significant consultation has occurred with mana whenua regarding the provisions for the coastal environment. Where there are specific values and sites that require protection, these are managed through the identification of cultural alert overlays, significant archaeological sites and sites and areas of significance to Māori. The coastal environment overlay is the baseline protection for this environment.

Costs Anticipated

Environmental

No environmental cost has been identified in relation to the preferred option of identifying and mapping the coastal environment. Potential environmental costs which could occur due to activities which fall within the ‘permitted’ category have been assessed and it is considered that the preferred rules and standards will ensure that any such costs are at most minor.

Economic

Approximately 6.5% of the district is located in the coastal environment. 90% of this is in private ownership and 52% of this area or 12,000 hectares, has settlements or developed as farms or in forestry. Requiring a resource consent for large buildings or tanks may result in higher costs (including time and uncertainty) for landowners. However, these are not major restrictions and can be reviewed if Council finds that they have become burdensome on landowners and are failing to preserve the natural character of the coastal environment in a meaningful way. There are also compliance costs to Council to enforce the provisions of the plan and to process resource consents and monitor these. As noted, the preservation of the natural character of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits. Some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic, and cultural wellbeing of people and communities, such as public infrastructure and some public facilities. Also, functionally, some uses and developments must be located in the coastal environment. Other parts of the PDP address other aspects of the coastal environment which require management such as coastal hazards, setbacks, public access, climate change and areas of high/very high and outstanding natural character. These matters are included in the coastal environment chapter, the ecosystems and indigenous biodiversity chapter, the subdivision chapter, the natural features and landscapes chapter, the settlement and general rural zones and Te Maika precinct.

Social

No costs identified.

Cultural

No costs identified.

Economic Growth and Employment Opportunities

For the purpose of this evaluation, the Council has considered the following potential options:

1. The status quo; and
2. The proposed provisions; and
3. Do nothing.

In order to identify other reasonably practicable options, the Council has undertaken the following:

- Reviewed other relevant district plan provisions for provisions relating to the coastal environment; and
- Given the requirements of the NZCPS and the WRPS regarding the coastal environment, Bridget Gilbert, a landscape architect was engaged to ground-truth the landward extent of the coastal environment using the WRPS definition of the coastal environment and indicative maps in Section 4A; and
- Sought feedback from the 11 applicants for CMT/PCR along the coastline of Waitomo District; and
- Sought feedback from stakeholder groups including the Department of Conservation, Federated Farmers, The Waikato Regional Council, QEII Trust and other key groups; and
- Collated feedback obtained from workshops undertaken with mana whenua representatives comprising a working group on the proposed district plan.

Options:

- Status Quo - retain the ODP provisions: The ODP identifies amenity landscapes which appear to have been based on areas of high tourism. Draft versions of the ODP show these overlays as tourism overlays. This option does not fulfil the requirements of section 6 of the RMA, and therefore the Council’s functions and duties under section 31. This option does not give effect to either the NZCPS or the WRPS. As such it is not appropriate because it fails to meet the requirements of the primary legislation and regional planning documents.
- Alternative – the proposed provisions: This approach involves identifying, mapping the coastal environment by refining the spatial extent of the indicative maps in Section 4A and the definition of the coastal environment in the WRPS. It involves the development of a new policy framework and rules which apply to the coastal environment. This approach is consistent with the NZCPS and WRPS. Identifying and mapping the coastal environment provides certainty and is easier to administer and monitor. This option achieves the best environmental and cultural outcomes and is consistent with higher-order documents. The approach is likely to be the option most acceptable to the community based on consultation that has been undertaken to date. The approach is consistent with the approaches of other District Councils within the Waikato region. This approach considers the location of the coastal environment as identified in the WRPS in surrounding districts in order to provide consistency and continuity of the environment. It is the most effective option to achieve the objective.

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<p>It is not considered that the opportunities for economic growth or employment are reduced by the coastal environment overlay. The provisions of the underlying zones apply except for larger buildings and tanks where the location and the integration of these activities in the environment requires a resource consent. The overlay rules apply to all zones in the coastal environment except for the rural production zone – notably Taharoa Ironsands Mine, which is a regionally (and potentially nationally) significant industry and may continue to operate under existing use rights and resource consents.</p>	<ul style="list-style-type: none"> Do nothing: This alternative does not meet the intent or direction of s6(a). Nor does it achieve the intent of the higher order policy documents including the NZCPS or give effect to the WRPS. Council would fail to achieve its regulatory function to appropriately manage land use in the coastal environment (s31). This option is not environmentally acceptable and is not directly aligned with the policy intent of the two Iwi Environmental Management Plans.
<p>QUANTIFICATION OF BENEFITS & COSTS s32(2)(b)</p>	
<p>Section 32(2)(b) requires that, where practicable, the benefits and costs of a proposal are to be quantified. Approximately 6.5% of the district or around 23,000 hectares is located in the coastal environment. 90% of the coastal environment is in private ownership. Council estimates that 52% of the coastal environment area (12,000 hectares) is settlement or developed as farms or in forestry. It is not possible to quantify the costs or benefits of identifying the coastal environment. However, there are very limited restrictions on farming, vegetation and earthworks activities (the underlying zone provisions apply) and no restrictions on plantation forestry or forestry quarries in the plan’s provisions. There are also intangible benefits gained from appropriately preserving the coastal environment which are very difficult to quantify in monetary terms. As such quantifying the benefits and costs is not considered practicable.</p>	
<p>EFFICIENCY & EFFECTIVENESS s32(1)(b)(ii)</p>	<p>REASONS FOR PROVISIONS s32(1)(b)(iii)</p>
<p>Section 32(1)(b)(ii) requires assessing the efficiency and effectiveness of the provisions in achieving the objectives:</p> <p><u>Efficiency</u> This approach is efficient as it is a baseline mechanism which preserves the natural character of the coastal environment but does not preclude use and development in appropriate places and forms, within appropriate limits. The provisions recognise that some uses, and developments depend upon the use of natural and physical resources in the coastal environment. A description of the coastal environment is contained in SCEHD13. It is considered that the approach is pragmatic and fit for purpose. Activities requiring resource consent are limited and decision-makers are able to make an informed decision based on policy guidance. This approach is not considered to be restrictive for landowners. Te Waitere, Kinohaku, Marokopa, Awakino, Mokau and Taharoa are the district’s coastal settlements. Under section 74 of the RMA, this plan must be in accordance with the NZCPS. The key NZCPS direction relevant to this overlay is ensuring that the protection of coastal values does not preclude use and development within appropriate limits. The key direction from the Waikato Regional Coastal Plan and the WRPS in respect of this overlay is ensuring that development preserves natural character. The provisions respond to both these requirements.</p> <p><u>Effectiveness</u> The proposed provisions are considered to be effective as they directly address the resource management issues and the outcomes sought through the objective. The extent of the coastal environment, its associated natural character and values are clearly set out in the WRPS. The refinement of the boundaries of the coastal environment was carried out by a suitably qualified and experienced landscape expert, and the methodology applied reflects the requirements of the WRPS and current best practice. The approach of identifying the coastal environment through mapping provides a clear and consistent approach across the region. The provisions provide for a wide range of permitted activities and only manage two types of structure which might have more than minor adverse effects on the values of the coastal environment.</p>	<p>The proposed provisions are considered to be the most appropriate approach to achieve the objective of the coastal environment overlay. 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 management of the coastal environment by identifying its extent in accordance with the WRPS and identifying appropriate parameters for activities in this environment in accordance with the WRPS and NZCPS. A wide range of permitted activity rules, aligned largely with those in the settlement and general rural zones allow for activities within the coastal environment. Restricted discretionary resource consents are required to manage the effects of any building that is greater than 8 m in height and/or greater than 300 m² in size or any tank or silo that is greater than 3.2 m in height and/or has a capacity greater than 50,000 litres. Earthworks, quarrying and indigenous vegetation removal are controlled by the underlying zone. Forestry is controlled by the NES-PF. Provision is made for regionally significant rural industry activities which are located in the coastal environment. 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.</p>