



COASTAL ENVIRONMENT

Areas of High/Very High & Outstanding Natural Character

Section 32 Report for the Proposed Waitomo District Plan

Section 32 Report – Areas of high/very high & outstanding natural character

ISSUES	RESOURCE MANAGEMENT ACT 1991	NATIONAL DIRECTION	REGIONAL POLICY STATEMENTS	IWI MANAGEMENT PLANS CONTINUED
<p>The issues for this Chapter are:</p> <ul style="list-style-type: none"> • Areas of outstanding and high/very high natural character are located solely in the coastal environment. They are considered to be the most significant of all of the landscapes identified and managed in the New Zealand resource management system. • The rarity of these landscapes means that inappropriate subdivision, use and development within or in proximity to areas of outstanding and high/very high natural character may result in the degradation of their values, and adversely impact on people’s use, enjoyment and appreciation of them. Areas of outstanding and high/very high natural character are particularly vulnerable to change. • One area of outstanding natural character (ONC) is identified in the PDP. It is situated on the south-western side of Kawhia harbour within the Waikato Region part of the district, comprising approximately 0.3% or 1,200 hectares. One hectare of this landscape is protected, however 98% of the area of the ONC is identified as a nationally significant natural area. • The areas of very high/high natural character (HNCs) are also only located in the coastal environment and comprise a total of 0.8% of the district or just over 3000 hectares. 740 ha or 25% of the HNCs are protected. The remaining area is in private ownership although 70% of the area that is privately owned is significant natural area. It is estimated that 22% of the landscape is likely to be farmed. • One area of very high natural character has been identified at Tirua Point south of Marokopa. This is located on Nukuhakari station and comprises a large area of cliffs and coastal sand dunes. • The following areas have been identified as having high natural character: Awakino spit, nine localised areas (pockets) between North Awakino and Waikawau, Waikawau estuary, six areas between North Waikawau and Kiritehere, Marokopa spit, four areas between northern Marokopa and Taharoa, and a contiguous area from northern Taharoa around to just east of Anaomaki Point. 	<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(e) – the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga. Council is required to recognise and provide for section 6(b) and (e) as matters of national importance.</p> <p>Section 7 RMA Section 7(c) Council must have particular regard to the maintenance and enhancement of amenity values, 7(d) the intrinsic values of ecosystems, 7(f) the maintenance and enhancement of the quality of the environment and 7(g) any finite characteristics of natural and physical resources:</p> <p>Section 8 RMA Landscapes, places and features can be of cultural and spiritual significance to mana whenua and it is critical to manage and protect these resources in order to fulfil the obligation of kaitiakitanga or guardianship. There are a high number of archaeological sites in the coastal environment and the Waitomo coastline was inhabited extensively by Māori. Wider landscape settings symbolise life and the narratives of the local tribal guardians, as well as providing a tangible connection to ancestors, whenua and significant historical events. Landmarks can carry deep levels of meaning and association. These settings are valued for their holistic connection to the local tribal custodians as a collective, through the generations.</p> <p>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 these landscapes and features for their customary resources, naturalness, solitude and recreational opportunities.</p> <p>Relevant case law considered Council has reviewed relevant Environment Court cases regarding areas of outstanding, high/very high natural character, specifically the King Salmon Supreme Court decision (2014). This case law states that that applying an overall judgment is not appropriate when giving effect to provisions in higher order planning documents and prescriptive policies are likely to be awarded more weight than flexible ones. The decision stated that the use of the word “avoid” adverse effects is an absolute for the matters listed. This is of particular relevance to objectives and policies relating to natural character which require adverse effects to be avoided. What this means for is that activities in the following areas in the coastal environment will need to be managed differently from the rest of the district:</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 2022 <p>It is considered that the New Zealand Coastal Policy Statement 2010 (NZCPS) is relevant to this topic. Objective 1 requires Council to safeguard the integrity, form and resilience of the coastal environment including by maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature. Objective 2 aims to preserve the natural character of the coastal environment and the protection of natural features and landscape values by recognising particular qualities, identifying where activities would be inappropriate and protecting those areas and encouraging restoration. Objective 6 aims to enable the use of the coastal environment, recognising that, among other things, protection does not preclude appropriate use and development and that some use and development has functional requirements to be located in the coastal environment. Policy 1 directs Council to recognise that the extent of coastal environment, and management issues within it, vary from locality to locality and lists a range of factors which make up the coastal environment. The Waikato Regional Policy Statement has mapped the inland extent of the coastal environment in the Regional Policy Statement. Policy 13 addresses the preservation of natural character in the coastal environment. It directs Council to avoid adverse effects on natural character of areas with outstanding natural character and avoid significant adverse effects on natural character in all other areas. The policy requires the identification and assessment of, at least, areas of high natural character. Policy 13 additionally states that “natural character is not the same as natural features and landscapes or amenity values” and outlines a set of matters relevant for determining natural character in the coastal environment. Policy 14 seeks the restoration of natural character of the coastal environment including by: identifying areas and opportunities for restoration or rehabilitation; providing policies, rules and other methods directed at restoration or rehabilitation in plans; and through conditions on consents and designations. Policy 15 directs Council to protect the natural features and natural landscapes of the coastal environment from inappropriate activity by avoiding adverse effects on ONLFs, avoiding significant adverse effects on other natural features and landscapes, and by identifying and assessing the natural features and landscapes of the district.</p> <p>The 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 outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.</p>	<p>Waikato Regional Policy Statement The WRPS defines natural character in relation to the coastal environment, wetlands, and lakes and rivers and their margins, as the degree of naturalness of an area, as evidenced by the degree to which it possesses qualities and features that are products of nature as opposed to products of human activities. Objective 3.7 Coastal environment - The coastal environment is managed in an integrated way that preserves natural character and protects natural features and landscape values of the coastal environment. Objective 3.13 Mauri and health of marine waters Recognise and provide for the mauri and health of marine waters by maintaining natural character and natural function. 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 Planning for development in the coastal environment - Development of the built environment in the coastal environment occurs in a way that ensures sufficient development setbacks to protect coastal natural character, public access, indigenous biodiversity, natural physical processes, amenity and natural hazard mitigation functions of the coast, protects hydrological processes and natural functions of back dune areas, avoids the adverse effects of activities on areas with outstanding natural character, and outstanding natural features and landscapes. Policy 6.2.3 Coastal development setback (new development) district plans shall require that, unless there is a functional need for it to be otherwise, new development along the coast be sufficient distance from the coastal edge to allow for the preservation of natural character values. Policy 12.2 Ensure that activities within the coastal environment, wetlands, and lakes and rivers and their margins are appropriate in relation to the level of natural character and, (a) where natural character is pristine or outstanding, activities should avoid adverse effects on natural character; (b) where natural elements/influences are dominant, activities should avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on natural character; (c) where man-made elements/influences are dominant, it may be appropriate that activities result in further adverse effects on natural character, though opportunities to remedy or mitigate adverse effects should still be considered; (d) promote the enhancement, restoration, and rehabilitation of the natural character of the coastal environment, wetlands and lakes and rivers and their margins; and (e) regard is given to the functional necessity of activities being located in or near the coastal environment, wetlands, lakes, or rivers and their margins where no reasonably practicable alternative locations exist. Policy 12.2.2 Local authorities should identify opportunities to enhance, restore or rehabilitate the natural character of the coastal environment, wetlands, and lakes and rivers and their margins where it has been compromised, including when undertaking works and services or preparing or reviewing growth strategies, structure plans, or regional and district plans. Method 12.2.1 Regional and district plans shall: (a) recognise that different levels of natural character exist within the coastal environment and inland water bodies and their margins; (b)map or otherwise identify areas of high and outstanding natural character in the coastal environment using the criteria in section 12C (Table 12-</p>	<p>The Waikato Tainui Environment Management (WTEP) Plan 2018 contains the following provisions relevant to areas of outstanding and high/very high natural character:</p> <p>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. 1.5.3.2.1 To ensure that there is greater protection and enhancement of cultural, spiritual and ecological features of significance to Waikato-Tainui.</p> <p>The WTEMP promotes a range of implementation methods including: Identification and protection of culturally and or spiritual significant landscapes, the use of statutory instruments and methods promote the protection and restoration of landscapes and landscape values 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 will not conflict with the above objective and policy in the WTEP, as they seek to protect areas of outstanding and high/very high natural character from inappropriate subdivision, use, and development.</p>

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		<p>There are also seven 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 <p>There are no standards and associated provisions specifically relevant to this topic. However, 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 gives effect to Policy 15 of the NZCPS. Where this occurs, the plan states this.</p>	<p>3); (c) ensure activities are appropriate with respect to the level of natural character, including particularly those activities that: alter the natural appearance and functioning of beach and dune systems, or wetlands, lakes or rivers (and their margins), damage or remove areas of indigenous vegetation, introduce man-made elements/structures where none were previously present or obvious or introduce man-made elements/structures into a modified area which results in a significant change to natural character; and (d) have particular regard to the following: protecting the special values of inland water bodies, estuaries and bays, beaches and dune systems, including the unique physical processes that occur within and between them, safeguarding the life-supporting capacity of fresh water aquatic, coastal and marine ecosystems, maintaining or enhancing indigenous biodiversity and the functioning of ecosystems, location, design and form of the man-made elements/structures and any mitigation measures necessary or proposed, protecting natural functioning of physical processes over a 100-year timeframe, protecting geological features, protecting surf breaks of national significance for surfing, the need to locate renewable electricity generation activities where the renewable energy resource is available, and the logistical or technical practicalities associated with developing, upgrading, operating or maintaining the renewable electricity generation activity.</p> <p>Manawatū-Whanganui One Plan No part of the coastal environment is located in Manawatū-Whanganui.</p>	
<p>OPERATIVE WAITOMO DISTRICT PLAN</p> <p>Chapter 12 of the ODP includes provisions for a Landscape Policy Area which is an “overlay” Policy Area. It covers land in the Mokau-Awakino coastal area. This area is identified as containing features and landscapes that are particularly sensitive to change. The sensitive natural landscape area formed the basis of tourism development and is not an area of outstanding or high/very high natural character because it does not meet the criteria set out in the WRPS and is not identified in the Waikato Regional Natural Character of the Coastal Environment Study. The ODP does not provide for the matters of national importance 6(a) and (e) in the coastal environment and therefore there is significant change required by the proposed district plan to accommodate these matters.</p>			<p>IWI MANAGEMENT PLANS</p> <p>The Maniapoto Environment Management Plan (MEMP) 2018 contains the following provisions relevant to areas of outstanding and high/very high natural character:</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 MEMP promotes a range of implementation methods including - Appropriately protect significant landscapes from destructive activities such as vegetation clearance and earthworks; Appropriately protect significant landscapes, features, locations and associated view shafts (lines of sight to significant areas) from development or any other adverse effects on their character or amenity values.</p> <p>It is considered that the proposed provisions will not conflict with the above objective and policy in the MEMP, as they seek to protect areas of outstanding and high/very high natural character from inappropriate subdivision, use, and development.</p>	<p>OTHER RELEVANT PLANS OR LEGISLATION</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 areas of outstanding and high/very high natural character 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 areas of outstanding and high/very high natural character are valued by mana whenua or have historical associations.</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>

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<p>SCALE & SIGNIFICANCE s32(1)(c)</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: 1 Degree of Impact on or Interest from Māori: 3 Timing and Duration of Effects: 1 Type of Effect: 3 Degree of Risk or Uncertainty:2</p> <p>Total (out of 40): 19</p> <p>The degree of change from the ODP has considered reasonably significant because only amenity landscapes are currently identified in the coastal environment. However, the ODP’s approach does not correspond with the requirements of the RMA, NZCPS or give effect to the WRPS. Due to the level of change anticipated by the PDP, a report has been commissioned to identify the areas of outstanding and high/very high natural character using the criteria prescribed in the WRPS and identified in the Waikato Regional Natural Character of the Coastal Environment Study. The proposed areas of outstanding and high/very high natural character provisions give effect to higher order documents and therefore the degree of risk and uncertainty is low.</p>				<p>STRATEGIC DIRECTION</p> <p>The following objectives from the Strategic Directions chapter of the PDP are relevant to this topic:</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 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 coastal 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 and NZCPS and may mean that the values of these areas 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 criteria and the approach taken for their management in the proposed provisions.</p>
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OBJECTIVES s32(1)(a)	
<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 objectives achieve the purpose of the RMA by recognising the issue and requiring that areas of high/very high & outstanding natural character are protected, thereby meeting the intent of Section 6(a) which the plan must recognise and provide for. The objectives seek to protect the values and character of the areas of outstanding natural character identified in SCHED10 so they are recognised and protected from inappropriate subdivision, use and development. The objectives also seek to recognise, protect and enhance the qualities and values of the high and very high natural character areas identified in SCHED11. Protecting these areas will ensure that future generations continue to enjoy their values in accordance with section 5(2)(a) and will also assist in protecting their associated ecosystems, contributing to the achievement of section 5(2)(b)). Additionally, the objectives are separated between areas of outstanding natural character and the high and very high natural character areas to ensure that the differences in their values are captured and accounted for by the policy framework.</p> <p>Usefulness – Protecting the significant values of areas of outstanding and high/very high natural character ensures that the ecosystem values, visual amenity and identity of the district, which provides the community with a sense of place, is maintained, also providing for ecological, social and cultural wellbeing. The objectives give effect to s6(a) of the RMA which requires ‘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’. The objectives directly respond to the resource management issues identified as part of the development of this plan. They also steer a wider policy and rule framework which is reasonably directive in order to respond to the significance of this matter as nationally important.</p> <p>Reasonableness – The proposed objectives are aligned to, and consistent with higher order direction including the NZCPS. The objectives provide plan users and decision makers with certainty as to the expected outcomes by offering specific recognition of the overarching goal of recognising the values of areas of outstanding and high/very high natural character and protecting them from inappropriate subdivision, use and development. The objectives are consistent with best practice and are aligned with the identification of ONCs and HNCs in other districts. The objectives are in line with Council’s functions under section 31 of the RMA, including establishment of objectives to achieve the protection of areas of outstanding and high/very high natural character.</p> <p>Achievability – The identification of areas of outstanding and high/very high natural character is a standard approach across district plans in the Waikato region and is supported by identified assessment criteria. There is direct alignment between the plan’s objectives and the higher-order documents prepared under the RMA. The objectives guide decision makers when assessing resource consent applications as to the outcomes that are expected in terms of properly recognising the values of areas of outstanding, high and very high natural character which meet the needs of future generations (section 5(2)(a) of the Act). The objectives provide a clear and achievable statement of intent and certainty as to the appropriate outcomes. They also ensure that the cultural and spiritual relationships of Māori with areas of outstanding, high and very high natural character are appropriately considered as part of subdivision, use and development activities.</p> <p>The proposed objectives are considered to meet the tests of relevance, usefulness, reasonableness and achievability. They give effect to the purpose and principles of the RMA align with higher order documents drafted under the RMA including the NZCPS, and with best practice drafting for objectives. The objectives have been examined and evaluated, in terms of the purpose of the RMA, its provisions and the hierarchy of planning documents, and are considered to be the most appropriate way to achieve the purpose of the RMA.</p>	
PROVISIONS s32(1)(b)	
EFFICIENCY & EFFECTIVENESS s32(1)(b)(ii), 32(2)(a)(i), s32(2)(a)(ii)	ALTERNATIVES s32(1)(b)(i)
<p>Benefits Anticipated</p> <p>Environmental The plan identifies, maps and schedules areas of outstanding and high/very high natural character to ensure certainty of location and to clearly physically demark the expectations associated with the values of these areas. The rules proposed for the ONC are the most stringent of all of the landscapes and features. Under the New Zealand Coastal Policy Statement 2010, ONCs are considered to be exceptional in their intactness, integrity and lack of built structures and accordingly high levels of protection are required. The policy and rule framework seeks to avoid clusters of buildings, earthworks, structures, the removal of indigenous vegetation and plantation forestry. The draft rules require that the majority of activities obtain a resource consent in this landscape. Mineral extraction activities and quarrying are prohibited. Certain activities are permitted but only where these activities are not expected to have adverse effects on the values of the ONCs. The rules are less restrictive for HNCs. The size, scale and effect of the activities are managed through the plan provisions to ensure adverse impacts are avoided as far as possible which allows some activities to occur as permitted.</p> <p>Economic The majority of the ONC is covered in native bush and almost its entirety has been identified as a nationally significant SNA which adds additional restrictions to that site. Around 22% of the HNCs are farmed with the remainder being significant natural areas and dunelands. The settlement of Te Maika is excluded from the ONC. Economic benefits include landscape, character and amenity benefits. Economic development of Māori Freehold Land is considered through Policy CE-P8. The provisions also provide flexibility for some approved building platforms. Economic benefits also include the potential to provide public access to areas of outstanding and high/very high natural character, the ability to provide for some tourism and outdoor education activities and the corresponding economic benefit that visitors bring to the district. The provisions also seek to reduce duplication with other legislative mechanisms including the Conservation Act 1987 and the Reserves Act 1977, which increases efficiency of administration.</p> <p>Social The areas of outstanding and high/very high natural character are very sparsely inhabited and almost entirely in private ownership. There are a large range of social benefits which accrue from areas of outstanding and high/very high natural character. These areas are appreciated for their naturalness, solitude and recreational opportunities in particular.</p> <p>Cultural The relationship of mana whenua and their traditions associated with areas of outstanding and high/very high natural character is recognised and provided for, consistent with Sections 6(e) and 7(aa) and (a) of the RMA and Policy 15 of the NZCPS. Māori cultural and customary uses are permitted to support cultural and social wellbeing and to provide practical opportunities for mana whenua to exercise their role as kaitiaki. As noted the areas of outstanding and high/very high natural character are very sparsely inhabited. The majority of land in the ONC is in Māori Trust ownership and a proportion of this is landlocked. Wider landscape settings identified as areas of outstanding, high and very high natural character can symbolise life and the narratives of the local tribal guardians, as well as providing a tangible connection to ancestors, whenua and significant historical events. These settings are valued for their holistic connection to the local tribal custodians as a collective, through the generations. The policy framework additionally seeks to avoid developments in locations that are of significance to mana whenua in areas of outstanding and high/very high natural character.</p> <p>Costs Anticipated</p> <p>Environmental No environmental cost has been identified in relation to the preferred option of identifying and protecting areas of outstanding and high/very high natural character, particularly given the majority of these areas are also SNAs. The provisions of the plan acknowledge that some activities should be permitted in the HNCs in order to ensure that the landowners can appropriately use their properties for economic gain, such as pastoral farming. Plantation forestry requires a restricted discretionary consent in HNCs but is non-complying in ONCs and this is consistent with the NES-Plantation Forestry.</p>	<p>For the purpose of this evaluation, the Council has considered the following potential options:</p> <ol style="list-style-type: none"> 1. The status quo; and 2. The proposed provisions; and 3. Do nothing. <p>In order to identify other reasonably practicable options, the Council has undertaken the following:</p> <ul style="list-style-type: none"> • Reviewed other relevant district plan provisions for provisions relating to areas of high/very high & outstanding natural character; and • Engaged a landscape architect to identify, assess and ground-truth the values of areas of high/very high & outstanding natural character against the criteria in the WRPS section 12C Natural character of the coastal environment assessment criteria; and • Relied on the Waikato Regional Natural Character of the Coastal Environment Study as a starting point for identification; 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. • Given the requirements of the New Zealand Coastal Policy Statement 2010 (NZCPS) and the WRPS regarding the coastal environment and natural character areas, Bridget Gilbert a landscape architect was engaged to review the areas of natural character identified in the Waikato Regional Natural Character of the Coastal Environment Study and ground-truth the

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<p>Economic Requiring a resource consent for some buildings, activities, vegetation clearance or earthworks may result in higher costs (including time and uncertainty) for landowners. Restrictions on activities in areas of outstanding and high/very high natural character may impact on property values or restrict the development potential of sites. This could impact the efficient use of land and affect future resale of these land parcels. However, only around 2% of ONCs and 22% of HNCs are currently used for productive pastoral farming purposes. Additionally, the areas of outstanding and high/very high natural character comprise only 1% of the total area of the district. The majority of land is SNA. There are also compliance costs to Council to enforce the provisions of the plan and to process resource consents and monitor these.</p> <p>Social Where the areas of outstanding and high/very high natural character are also an SNA, these areas require regular upkeep, pest and weed control and the provisions may restrict land from being used for other purposes.</p> <p>Cultural As identified against specific provisions in the plan, when some resource consents are applied for under the plan’s provisions, there is an expectation that mana whenua should be involved and this may result in resourcing pressures on mana whenua and/or increase the cost and time it takes to gain consent (while permission is sought and/or values are assessed). The majority of land in the ONC is in Māori Trust ownership and a proportion of this is landlocked. The policy framework provides flexibility when considering the development of land returned under Te Tiriti o Waitangi settlements and multiple owned Māori land located within an areas of outstanding and high/very high natural character by evaluating the extent to which the development enables the relationship of mana whenua with their ancestral lands and the exercise of kaitiakitanga and the extent to which positive economic, social and cultural benefits are achieved for mana whenua now and into the future. It also takes into account the requirement to avoid adverse effects on the values and character of areas of outstanding, high and very high natural character.</p> <p>Economic Growth and Employment Opportunities There are fewer opportunities for economic growth or employment than if the land were developed in accordance with the provisions of the underlying zone. However, as stated the majority of land identified as areas of outstanding and high/very high natural character are SNA. Development is possible and legally established activities can continue, but the majority of new activities will require a resource consent.</p>	<p>extent of the coastal environment line identified in the WRPS.</p> <p>Options:</p> <ul style="list-style-type: none"> • 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 the NZCPS or the WRPS. As such it is not appropriate because it fails to meet the requirements of the primary legislation, national direction and regional planning documents. • Alternative – the proposed provisions: This approach involves identifying, mapping and scheduling areas of high/very high & outstanding natural character using subject matter experts employing criteria from the Waikato Regional Policy Statement and using the Waikato Regional Natural Character of the Coastal Environment Study. It involves the development of a new policy framework and rules which apply to the areas of high/very high & outstanding natural character dependent on their intactness, integrity, lack of built structures and extent. This approach is consistent with the WRPS. Identifying and mapping areas of high/very high & outstanding natural character 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 including the NZCPS. 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. It is the most effective option to achieve the objectives. • 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 Waikato regional policy statement. Council would fail to achieve its regulatory function to protect areas of high/very high & outstanding natural character from inappropriate use, subdivision and development (s31). This option is not environmentally acceptable and is not directly aligned with the policy intent of the two Iwi Environmental Management Plans.
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<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. 1% of the district’s total area is identified as areas of outstanding, high and very high natural character. This equates to 4,300 ha. The majority of this land area is SNA. However, there are significant areas in private ownership. It is not possible to quantify the costs or benefits of identifying areas of outstanding, high and very high natural character. It is understood that there could be significant economic gains in the form of tourism and recreation in these areas. There are also intangible benefits 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>s32(1)(b)(ii) requires assessing the efficiency and effectiveness of the provisions in achieving the objectives:</p> <p><u>Efficiency</u> Areas of outstanding natural character contain a combination of elements, patterns and processes that are exceptional in their intactness, integrity and lack of built structures. Areas of very high or high natural character have been evaluated on the basis of their natural elements, patterns and processes and the nature and extent of modification to ecosystems and the landscape. The Waikato Regional Policy Statement sets out the assessment criteria which have been used to identify the areas of outstanding, high/very high natural character that are protected by the provisions in the plan. SCHED10 and SCHED11 contain the schedules of</p>	<p>The proposed provisions are considered to be the most appropriate approach to achieve the objectives of the coastal environment chapter. 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 objectives and provisions, having regard to their effectiveness and efficiency relative to other means in achieving the purpose of the RMA. This evaluation demonstrates that the proposed objectives and provisions are the most appropriate option because they provide for the identification, recognition and protection of areas of outstanding, high and very high natural character, including specific identification using WRPS criteria, direction and certainty on appropriate and inappropriate activities in relation to the identified values. Limited permitted activity rules allow for activities that are generally appropriate and/or</p>

Section 32 Report – Areas of high/very high & outstanding natural character

outstanding, high/very high natural character and these areas are also mapped on the planning maps. This approach is efficient as it protects areas of outstanding, high and very high natural character from inappropriate subdivision, use and development. The approach is pragmatic and fit for purpose. Activities requiring resource consent are limited to those that are considered “inappropriate” and decision-makers are able to make an informed decision based on detailed policy guidance, and on the identified values of the areas. The limited number of permitted activities reflect best practice and provide clarity to plan users about when resource consent would be required. This approach is restrictive for landowners, however only a very small percentage of these areas is likely to be farmed and these areas have existing use rights. This approach addresses current issues, by providing a balance between protecting lawfully established activities and protecting the identified values of areas of outstanding, high and very high natural character.

Effectiveness

The proposed provisions are considered to be effective as they directly address the resource management issues and the outcomes sought through the objectives. The approach of identifying areas of outstanding, high and very high natural character through mapping and scheduling, by applying consistent assessment criteria and the Waikato Regional Natural Character of the Coastal Environment Study, reflects best practice and is a clear and consistent approach. The provisions provide the strongest regulation for these coastal landscapes as they are deemed to be the most significant. The provisions recognise the need to protect areas of outstanding, high and very high natural character in accordance with regional and national direction.

contribute to the values of areas of outstanding, high and very high natural character, however provisions are restrictive. Resource consents are required to manage the effects of activities that may be inappropriate or have adverse impacts on the values of areas of outstanding, high and very high natural character. The policy framework provides specific recognition of the cultural values and association mana whenua have with their ancestral lands and taonga, and their kaitiaki role. Overall, it is considered that the proposed objectives and provisions are the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies gained from their adoption.