

## Section 3:

# SIGNIFICANT RESOURCE MANAGEMENT ISSUES & ROLE OF THE DISTRICT PLAN

### **3.1 PROCESS OF ANALYSIS**

- (1) The purpose of this section of the District Plan is to provide a background summary of the:
  - (a) Significant resource management issues in the District;
  - (b) Role that the District Plan has in managing and controlling the effects of activities in order that the objectives and policies can be achieved;
  - (c) Reason for using rules in the District Plan as a method of implementation and other complementary methods; and
  - (d) Environmental results that are sought to be achieved.
- (2) A fuller description of the above background summary can be found in the accompanying document titled “Hauraki District Plan Review – Assessment of Alternatives, Methods, Benefits and Costs (Section 32 Analysis)”. This document also lists all the discussion papers, research documents, and position papers that were prepared.
- (3) As the starting point in preparing this District Plan, Council undertook a process of identifying the significant resource management issues of relevance to the District. This process generally followed the format set out below:
  - (a) Information gathering and research, then preparation of a Position Paper on an issue. The Position Paper is generally set out in the following format:
    - (i) Background to the Issue
    - (ii) Operative District Plan Approach and Provisions
    - (iii) How Well Has the Operative District Plan Worked
    - (iv) Significant Resource Management Issues
    - (v) Community Outcomes from the LTCCP
    - (vi) Issues Raised and Outcome of Consultation
    - (vii) Analysis of Policy Direction Options and Recommendations
    - (viii) Draft District Plan Provisions
  - (b) Workshops held to discuss the Position Papers with the District Plan Committee to determine a policy direction.
  - (c) Preparation of sections of the Draft District Plan to give effect to the recommended policy direction. Discussion with the District Plan Committee to confirm the Draft District Plan framework of objectives, policies and methods.
  - (d) Incorporation of policy direction and planning framework into the Draft District Plan.
  - (e) Release of the Position Paper at the same time as the Draft District Plan, to identified people or organisations with an interest in the issue, as well as release to the public in general.
  - (f) Comments and submissions on the Draft District Plan received.
  - (g) Workshop held to consider comments made to the Draft District Plan.
  - (h) Incorporation of comments into and public notification of the Proposed District Plan.

- (4) This process enabled Council to identify the natural and physical resources of the District, an indication of the manner in which those resources should be managed in a sustainable way and what people and communities see as being needed to be provided to allow for their social, economic and cultural wellbeing and for their health and safety.
- (5) Set out in Sections 3.2 – 3.8, is a summary of the significant resource management issues that were identified, the role that the district plan has in managing and/or controlling the effects arising from those issues (including other alternatives), the principal reasons for adopting the methods in the district plan and the environmental results that those methods are designed to achieve.

## **3.2 CLIMATE CHANGE**

### **3.2.1 INTRODUCTION**

- (1) The Resource Management (Energy and Climate Change) Amendment Act 2004 introduced the requirement to pay particular regard to climate change into the RMA (refer Section 7(i) RMA).
- (2) The main effects of climate change include temperature, rainfall and extreme weather conditions, and storm surges, tides and sea level rise. These effects areas and the anticipated effects on the Hauraki District are discussed below.

### **3.2.2 TEMPERATURE**

- (1) It is anticipated that the predicted increases in temperature rising from 0 to 4.1 degrees Celsius over the next 72 years based on 1990 figures may have the following effects on the Hauraki District:
  - (a) Favourable tourist climate/season and increased opportunities to diversify crop variations.
  - (b) Potential for an increased frequency of droughts.
  - (c) Extreme weather conditions such as heavy rainfall causing flooding.
  - (d) Potential for enhanced erosion, increased fire risk, a reduction in water availability for irrigation, and changes in evapo-transpiration.
  - (e) Potential need for increased shelter in public urban areas, and for rural dairy farming.
  - (f) Biodiversity changes and increased infestation of potentially invasive species.
  - (g) Water volumes becoming more variable due to higher temperature in summer and less rain in winter, creating a reduction in water quality.

### 3.2.3 RAINFALL AND EXTREME WEATHER CONDITIONS

- (1) A warmer atmosphere can hold more moisture and provides the opportunity for heavier and increased rainfall. Based on the research that has been undertaken to date it is thought that the Hauraki District is likely to experience more rain annually in the future. This combined with the predicted temperature increases, it is anticipated that this rainfall is likely to be in the form of extreme weather conditions.
- (2) It is anticipated that the predicted changes in rainfall and extreme weather conditions may have the following effects on the Hauraki District:
  - (a) Reduced security of supply for water and irrigation, leading to a higher degree of possible water contamination.
  - (b) Increased inflow and infiltration on wastewater treatment, with dry weather increasing problems with blockages and overflows.
  - (c) Increased flows in rivers, with more intense precipitation causing flooding, especially to low lying areas.
  - (d) The lower river levels would increase nutrient loading and lead to increased eutrophication producing lower water quality.
  - (e) Ground water changes would become more frequent and there would be less water for irrigation.
  - (f) Potential hazard to transport networks cause by extreme weather events.

### 3.2.4 STORM SURGES, TIDES AND SEA LEVEL

- (1) It is anticipated that climate change will not create new hazards along coastal areas, but is likely to increase their impacts.
- (2) Based on the results formulated by the fourth IPCC assessment, NIWA has suggested that the expected sea level rise around New Zealand is likely to be similar to global sea level expectations. Therefore, for the purpose of screening and risk assessment, Ministry for the Environment has encouraged Local Authorities to factor in an increase of 0.2m by 2050 and 0.5m by 2100 (relative to 1990 levels).
- (3) It is anticipated that the predicted changes in storm surges, tides and sea level may have the following effects on the Hauraki District:
  - (a) The Hauraki Plains area is potentially at high risk from storm surges and Tsunami events due to the channelling effect not only by the Firth of Thames but by the rivers running into it and their channelling components (if the run-off effect does not mitigate this).
  - (b) Whiritoa is also at risk of Tsunami, and currently has an emergency management plan in place for such events.
  - (c) Sea level rise may result in saltwater intrusion in coastal zones, and potential flooding to coastal developments.

### 3.2.5 ROLE OF THE DISTRICT PLAN

- (1) The District Plan has a role in:
  - (a) Recognising and providing for the actual and potential risks associated with climate change;
  - (b) Providing an appropriate framework for avoiding, remedying or mitigating those risks;
  - (c) Balancing the conflict between land use activities and the potential risks associated with climate change; and
  - (d) Integrating the provisions of the District Plan with other Plans under the Resource Management Act 1991 (eg regional plans, coastal plans) and the provisions of other legislation.
- (2) This role is carried out in the District Plan by:
  - (a) Establishing the appropriate framework to restrict population growth in areas likely to be affected by climate change, particularly on the Hauraki Plains; and
  - (b) Establishing appropriate performance standards to control the proximity of future development areas likely to be affected by climate change.

## 3.3 NATURAL HAZARDS

### 3.3.1 INTRODUCTION

- (1) The natural hazards of existing or potential threat to the Hauraki District have been identified as follows:
  - (a) River and stream flooding
  - (b) Coastal erosion and flooding
  - (c) Severe storm
  - (d) Earthquakes
  - (e) Tsunami
  - (f) Volcanic eruptions, and
  - (g) Debris flows

### 3.3.2 RIVER AND STREAM FLOODING

- (1) River and stream flooding is the most common natural threat to the Hauraki District, with most rivers and streams posing a potential hazard. The Waihou, Piako, and Ohinemuri River Systems have been identified as being the highest risk of creating a flood hazard. Vulnerability to flood events is primarily due to the following factors:

- (a) The geographic location of the Hauraki District makes it susceptible to storms of tropical origin;
- (b) The orographic effect of the Kaimai and Coromandel ranges which “attract” high intensity rainfall events on a regular basis;
- (c) Many of the catchments that drain the ranges are steep and short, creating flood events that are generally of short duration;
- (d) Majority of the Hauraki Plains is very low-lying and subject to high groundwater tables, therefore flooding results from flows that exceed the protection scheme design standards;
- (e) Rising sea levels and climate change (i.e. increased rainfall) have the potential to greatly exacerbate flooding effects in the district; and
- (f) Existing development in the District is situated in close proximity to the banks of rivers.

### 3.3.3 COASTAL EROSION AND FLOODING HAZARDS

- (1) The beach areas of the Coromandel Peninsula have been heavily developed over the past 40 years, with development occurring very close to the beachfront in many places. The potential for these properties to be adversely affected by coastal erosion and flooding hazards has been accelerated by the following:
  - (a) In some instances, property has been located with the natural beach erosion and accretion zone;
  - (b) Sand dunes, which offer natural protection from erosion, have often been removed improve views; and
  - (c) Native sand binding plants, that help beach and dune recovery following storms, have also been removed in some instances.
- (2) The effects of coastal erosion and flooding hazards are expected to increase as a result of the projected sea level rise over the next 100 years. The areas within the Hauraki District that are most at risk from coastal erosion and flooding, include Whiritoa on the east coast of the Coromandel Peninsula, and the northern part of the Hauraki Plains, which is bounded by the Firth of Thames. The effects on the northern part of the Hauraki Plains may be exacerbated by riverine flooding, and may have substantial effects in towns such as Ngatea.

### 3.3.4 SEVERE STORM HAZARDS

- (1) The western side of the Kaimai and Coromandel ranges has historically been renowned for the cyclonic winds their topography engenders. As the Hauraki Plains are located on the western side of the Kaimai and Coromandel Ranges, the plains are vulnerable to frequent high wind events due to the orographic influence of the ranges during easterly storm events.

### 3.3.5 EARTHQUAKE HAZARDS

- (1) The most known earthquake threat to the Hauraki District is the Kerepehi Fault. The Kerepehi Fault is an active fault running through the Hauraki Plains, between Kerepehi and Okoroire. Surface traces of this fault extend for more than 50 kilometres.
- (2) It is considered that a large magnitude movement on this fault would be capable of producing a significant earthquake hazard, affecting Thames, Matamata, Morrinsville, Te Aroha, and Paeroa. All of these towns are within 10 kilometres of the fault.

### 3.3.6 TSUNAMI HAZARDS

- (1) Tsunamis warnings vary substantially depending on whether they have been generated by a local or distant event. If the Tsunami is a result of local event, such as the eruption of Mayor Island or White Island, there would be little warning, perhaps 1 to 2 hours.
- (2) The north and east of the Coromandel Peninsula and the Firth of Thames are both at risk from tsunami. For example, if an earthquake were to occur on the Kerepehi Fault it is likely that reasonably large tsunamis would be generated, affecting both the east and west coasts of the Coromandel Peninsula.

### 3.3.7 VOLCANIC HAZARDS

- (1) Mayor Island, a caldera volcano situated approximately 25km offshore from Whiritoa on the east coast of the Coromandel Peninsula, is the most significant volcanic threat to the Hauraki District. Mayor Island has produced many explosive and effusive eruptions during its history.
- (2) Ashfall from other sources, such as the Taupo and Okataina Volcanic Zones, is also possible. Eruptions from both of these centres in the past have caused widespread devastation to northern New Zealand.

### 3.3.8 DEBRIS FLOW HAZARDS

- (1) Very little is known about the current risk of debris flows across New Zealand, let alone in the Hauraki District. Debris-flows pose a hazard that is effectively unmanageable; during an intense rainstorm a small creek can generate several-metre-high surges of mixed boulders, sediment and trees that can leave the channel and travel anywhere on an alluvial fan.
- (2) In a typical catchment, this process might occur only once in a century or two, depending on the occurrence of sufficiently intense rain and the availability of sufficient available sediment.
- (3) Environment Waikato has been approached by the University of Canterbury to carry out a debris flow risk assessment of the Coromandel and Kaimai Ranges using digital terrain modelling via a GIS platform. The aim is to delineate areas most vulnerable to debris-flow occurrence.

### 3.3.9 ROLE OF THE DISTRICT PLAN

- (1) The District Plan has a role in:
  - (a) Recognising and providing for the actual and potential risks associated with natural hazards;
  - (b) Providing an appropriate framework for avoiding, remedying or mitigating those risks;
  - (c) Balancing the conflict between land use activities and the potential risks associated with natural hazards; and
  - (d) Integrating the provisions of the District Plan with other Plans under the Resource Management Act 1991 (eg regional plans, coastal plans) and the provisions of other legislation.
- (2) This role is carried out in the District Plan by:
  - (a) Establishing the appropriate framework to restrict population growth in known natural hazard areas; and
  - (b) Establishing appropriate performance standards to control the proximity of future development to rivers and streams, and other marginal areas.

## 3.4 URBAN DESIGN

### 3.4.1 INTRODUCTION

- (1) The urban design issues for the Hauraki District have been identified as including:
  - (a) Residential Infill
  - (b) New Subdivision
  - (c) Quality Development
  - (d) Residential Zone
  - (e) Town Centres
  - (f) Heritage
  - (g) Connections & Linkages
  - (h) Coastal Development, and
  - (i) Flood Risk and Climate Change.
- (2) The Hauraki District contains several towns and smaller unserved urban areas. The urban design issues for each of these towns and areas vary and have been summarised in the following paragraphs.

### 3.4.2 WAIHI

- (1) The urban design issues for Waihi have been identified as follows:
- (a) Managing future growth in the town centre to maintain existing level of character and quality;
  - (b) Defining and managing urban boundaries in the developing north-east and south-west edges of the town;
  - (c) Providing for future industrial development;
  - (d) Providing for tourism, and the gateway aspect of Waihi to the Bay of Plenty and vice versa;
  - (e) Managing additional residential capacity i.e. infill vs Greenfield development; and
  - (f) Maintaining residential amenity and providing for future growth; and
  - (g) Providing connections (e.g. vehicular, pedestrian & cycle & open space) between existing, development and new urban areas.

### 3.4.3 PAEROA

- (1) The urban design issues for Paeroa have been identified as follows:
- (a) Integration and management of State Highway traffic with the retail function and streetscape treatment of the main street;
  - (b) Maintaining residential amenity and character with further development (infill and Greenfield developments);
  - (c) The location of industrial uses and the interface between industrial and commercial activities along the main street (northern end), and the redundant rail line;
  - (d) Defining the town entrances;
  - (e) Improving the integration of the flood ponding areas with the urban fabric of the town; and
  - (f) Improving the identity of the natural landscape features e.g. Ohinemuir River, Coromandel and Kaimai Ranges, and Karangahake Gorge.

### 3.4.4 NGATEA

- (1) The urban design issues for Ngatea have been identified as follows:
- (a) Defining and managing urban boundaries in the developing south-west and north-eastern edges of town;
  - (b) Providing for future industrial expansion and development, and the implications for nearby residential neighbourhoods;
  - (c) Improving the amenity and quality of gateway experiences along State Highway 2;

- (d) Improving the connections between existing development and new residential areas; and
- (e) Ensuring quality development, particularly in relation to public realm elements e.g. footpaths, lighting, street furniture and planting.

### 3.4.5 KEREPEHI

- (1) The urban design issues for Kerepehi have been identified as follows:
  - (a) Improving the towns interface with State Highway 2;
  - (b) Addressing the implications for residential amenity as a result of the growth of industrial uses, and the identity of the town as an industrial precinct;
  - (c) Providing for the living/working relationship with Ngatea. Considering the desirability of increasing residential land supply or 'servicing' from Ngatea;
  - (d) The aging housing stock and the flood risk in low lying areas; and
  - (e) The use and maintenance of the Kerepehi Domain.

### 3.4.6 TURUA

- (1) The urban design issues for Turua have been identified as follows:
  - (a) Possible elevation of road status for Hauraki Road to State Highway to reflect the high number of vehicles that travel along it;
  - (b) Growth and expansion to the east of the town, particularly along Waihou Street, presents a flood risk;
  - (c) Treatment and maintenance of the riverfront edge along Waihou Street (incorporating the jetty);
  - (d) The speed of traffic and vehicle priority along the main street, Hauraki Road; and
  - (e) Residential growth not considered appropriate due to potential flood issues.

### 3.4.7 WHIRITOA

- (1) The urban design issues for Whiritoa have been identified as follows:
  - (a) No more Greenfield development site within the physical boundaries of the town, therefore will need to manage the desire for infill development;
  - (b) Consideration of whether increased density may be desirable in certain locations to provide for infill development;
  - (c) Access onto State Highway 25;
  - (d) The feasibility and expectations of servicing and infrastructure as there is no reticulated water in the town;

- (e) Rising land prices;
- (f) Maintaining or encouraging a coastal identity; and
- (g) Maintain access to the coast and town and the provision of active open spaces.

### 3.4.8 WAIKINO

- (1) The urban design issues for Waikino have been identified as follows:
  - (a) Maintaining the charm and character of the existing development, landscape, streetscape and townscape;
  - (b) Consideration of whether a new density standard should be set, if the 2500m<sup>2</sup> minimum lot size is no longer relevant; and
  - (c) Maintaining the landscape quality of the town, as the views and slopes are very important.

### 3.4.9 WAITAKARURU

- (1) The urban design issues for Waitakaruru have been identified as follows:
  - (a) Dispersed nature of the commercial, retail and community functions; and
  - (b) Consideration of whether growth should be directed to certain locations due to sea level rise, flooding issues and consolidation of the town centre.

### 3.4.10 MACKAYTOWN AND KARANGAHAKE

- (1) The urban design issues for Mackaytown and Karangahake have been identified as follows:
  - (a) Maintaining the landscape quality, and discrete charm and character from inconsiderate subdivision and infill development;
  - (b) Ensuring new development or redevelopment occurs with respect to the natural landscape and vegetation of the Karangahake Gorge;
  - (c) Maintaining vegetative cover, and avoiding the creation of large inconsiderate visible expanses of impermeable surfaces; and
  - (d) Protecting the landscape from 'typical' residential development.

### 3.4.11 ROLE OF THE DISTRICT PLAN

- (1) The District Plan has a role in:
  - (a) Recognising the urban design issues facing each of the towns in the District;
  - (b) Providing an appropriate framework to ensure that the identified urban design issues are addressed;

- (c) Balancing the conflict between different land use pressures and the character and amenity of the particular town or area;
  - (d) Avoiding, remedying or mitigating the effects of urban development; and
  - (e) Integrating the provisions of the District Plan with other Plans under the Resource Management Act 1991 (eg regional plans, coastal plans) and the provisions of other legislation.
- (2) This role is carried out in the District Plan by:
- (a) Establishing appropriate zones in each of the towns in the District;
  - (b) Establishing appropriate performance standards for each of the zones to ensure that any actual or potential effects of urban development would be no more than minor; and
  - (c) Requiring activities that fail to comply with the relevant performance standards to be subject to the resource consent process.

## 3.5 PROTECTION OF PRODUCTIVE CAPACITY OF LAND

### 3.5.1 INTRODUCTION

- (1) Approximately 50% of the land area in Hauraki District is classified as being arable land and approximately 65% of the District's land area is in primary production (includes, grassland, horticulture, crops & forestry). As such, the use of land for productive purposes makes a significant contribution to the economy and society of the District.
- (2) Productive land is a resource which should be managed in order that it is available for future generations. There are a number of threats to maintaining the productive potential of the land and these include the following:
- (a) Failure of the flood protection schemes;
  - (b) Uncontrolled expansion of towns and low density residential developments;
  - (c) Fragmentation of the land into uneconomic sizes;
  - (d) Unsustainable or environmentally harmful farm management practices; and
  - (e) Loss of servicing infrastructure.

### 3.5.2 ROLE OF THE DISTRICT PLAN

- (1) The District Plan has a role to play in the matters listed above. For instance, in the area of maintaining the flood protection schemes, the District Plan has provided for:
- (a) Designation of the stopbank works and associated flood protection works; and
  - (b) Water and soil conservation activities as permitted activities in all zones.

- (2) The District Plan has a direct role in protecting the productive potential of land by controlling subdivision, providing for those activities that are compatible with the objectives of protecting the potential of the land for productive purposes and using the zoning technique to contain urban development.
- (3) The Rural zone has been used in the District Plan (which covers most of the rural land of the District). The extent and content of the zone are the principle techniques or methods used to achieve the environmental result of protecting the productive potential of the rural land resource for future generations.

## **3.6 EXTRACTIVE INDUSTRY**

### **3.6.1 INTRODUCTION**

- (1) Minerals are included in the definition of natural and physical resources, although the non-renewable character of minerals is also recognised. The key resource management issue in this respect is to recognise and provide for mineral resource use and development, yet at the same time, ensure that the effects of mineral utilisation are managed in a way that provides an appropriate level of protection for the District's other resources, amenity values and ecosystems.
- (2) The District has a range of existing and potential extractive industries operating, based on minerals (gold, silver etc), metal for roading and foundations, sand extraction for industry and building and peat for garden supplies. The established extractive industries range in size from single operators to large open cast mines.
- (3) These extractive industries provide products that are important to the district, region and nation. The activities associated with mineral resource utilisation constitute an important component of the district's economic base, through employment generation and the use of local goods and services.
- (4) In the same manner as many other resources, minerals can only be utilised where they are found. Restriction of access to minerals as a consequence of other activities locating above or in close proximity to minerals is a potential negative effect that may need to be safeguarded against by appropriate resource management techniques.
- (5) The effects of prospecting and exploration activities are generally minor because the amount of work to be undertaken only involves limited sampling and information gathering. This limited activity is provided for in the zones, generally as permitted activities, outside specific identified features (waahi tapu, archaeological sites).
- (6) Mining and excavation, like many other land uses, has the potential to generate significant environmental effects. Some of these effects are generally positive (eg employment, income) while others have the potential to create adverse environmental conditions. These effects must be managed by the application of performance standards and with regard to the objectives and policies of the relevant portions of the District Plan.
- (7) Minor excavations and fill associated with some activities, roading, building or subdivision can be handled as part of the activity, designation, building consent or subdivision status or

consent process. As such, the District Plan has a role to play in controlling or managing the effects of those activities that cannot be adequately handled as part of another consent/approval processes.

- (8) In the urban zones, surface mining has been given a prohibited activity status. This is an option available under the Resource Management Act 1991 which prevents resource consent applications being made for the activity so prohibited. However the allocation of prohibited activity status does not mean that surface mining will be prevented from taking place in these zones if a privately initiated plan change is upheld. In effect, the Council has adopted a policy direction that any surface mining proposal in the urban zones is to be processed and assessed by means of a private request for a plan change.

### **3.6.2 ROLE OF THE DISTRICT PLAN**

- (1) The District Plan has a role in:
- (a) Recognising the existence and location of mineral resources;
  - (b) Providing an appropriate framework for the utilisation of those minerals;
  - (c) Balancing the conflict between access to minerals, and utilisation, development and protection of resources on the surface;
  - (d) Avoiding, remedying or mitigating the effects of extractive industry operations; and
  - (e) Integrating the provisions of the District Plan with other Plans under the Resource Management Act 1991 (eg regional plans, coastal plans) and the provisions of other legislation (eg Crown Minerals Act 1991).
- (2) This role is carried out in the District Plan by:
- (a) Establishing the appropriate activity status for exploration, prospecting and mining in the different parts of the district;
  - (b) Requiring mining activities to conform to the appropriate performance standards;
  - (c) Establishing two specific zones for operating mines established under the Mining Act 1971; and
  - (d) Providing a mechanism whereby the zoning of land which is the subject of approved surface mining operations can be changed to reflect that activity.

## **3.7 CONSERVATION AND HERITAGE**

### **3.7.1 INTRODUCTION**

- (1) The Act places responsibility on the District Council to either recognise, provide or have particular regard to matters of national importance and “other” matters, as set out in Sections 6 and 7 of the Act. These matters are primarily concerned with:

- (a) Preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins (s6(a) RMA);
  - (b) Protection of outstanding natural features and landscapes (s6(b) RMA);
  - (c) Protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (s6(c) RMA);
  - (d) Maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers (s6(d) RMA);
  - (e) Protection of historic heritage (s6(e) RMA);
  - (f) Protection of historic heritage (s6(f) RMA); and
  - (g) Intrinsic value of ecosystems (s7(d) RMA).
- (2) Within the District there are a number of matters identified above that are of significance and these are discussed below.

### **3.7.2 COASTAL ENVIRONMENT**

- (1) There are two main coastal environments in the District, being the Firth of Thames and the Eastern Coast.
- (2) For the Firth of Thames, the importance of the area for wading birds has been recognised in its status as a Conservation Area by the International Union for Conservation of Natural Resources (IUCN) based on the RMASAR Convention. The area accordingly has value as a recreation resource for people involved in ornithology and other environmental activities. In addition, the area has value as a fish breeding ground for recreational and commercial fishing in the Firth of Thames. Threats to this environment come from the discharge of sediment and nutrients from the rivers, streams and farmland, and destruction of the environment from wandering stock. These are resource management issues of significance to the District.
- (3) The eastern coastline is a mixture of estuary, sand beaches and rocky coastline. The settlement of Whiritoa is the only residential area on this coast. Threats to this coast include severe coastal erosion, invasion of domestic goats into areas of indigenous vegetation, damage to the pohutukawa remnants by opossums, pressure for further beach settlements, dune destruction and drainage and modification of the estuary systems.
- (4) **Role of the District Plan**
  - (a) With respect to the Firth of Thames, the majority of the coastline is designated by either the Waikato Regional Council or the Hauraki District Council for soil conservation/river control/foreshore protection purposes. The boundary of the Coastal Marine Area is defined as being seaward of the toe of the stopbank. Accordingly, the area seaward of the toe of the stopbank is managed under the provisions of the Operative Waikato Regional Coastal Plan. Accordingly, the District Plan does not have a role to play in this area.
  - (b) The eastern coastline is covered by the Coastal Zone, which includes areas of significant indigenous vegetation. The provisions of this zone complement other methods available to protect the coastal environment, which includes ownership of the

coastal margin in reserves by the Hauraki District Council, covenants over areas of indigenous vegetation and voluntary fencing to exclude grazing stock.

### 3.7.3 LAKES, RIVERS, STREAM AND THEIR MARGINS

- (1) The maintenance and enhancement of public access to the margins of rivers, streams and lakes is an issue of some importance in the District, as is the conservation of the natural character of such margins. It must be noted that most of the major rivers and their margins have been substantially modified as a result of the river control works carried out to protect the adjoining farmland. In the case of the Ohinemuri and Waitahweta Rivers the margins have been altered mainly through the grazing of stock. The District Council has the function of managing the surface of water, maintaining and enhancing public access (to and along margins) through the provision of esplanade reserves and marginal strips, and of preserving the natural character of waterways and the riparian margins.
- (2) **Role of the District Plan**
  - (a) The Council's policy for the taking of Esplanade Reserves and Strips is one of the methods used to protect and conserve the natural character of those rivers and their margins. For the Ohinemuri and Waitawheta Rivers where they pass through the Karangahake Gorge, the Karangahake Gorge Zone provisions impose additional controls on the adverse effects of activities.

### 3.7.4 WETLANDS

- (1) The largest remaining wetland complex in the District is the Kopuatai Peat Dome which is bounded by the Piako River and the Esltow Canal. The peat dome is recognised as a wetland of international importance under the RAMSAR Convention and has recently become a Government Purpose Reserve (Wetland Management) under the control of the Department of Conservation. The wetland also performs an essential catchment management function. It is essential that these wetlands be retained in their natural or regenerating state.
- (2) **Role of the District Plan**
  - (a) The Peat Dome and adjoining reserves are included in the Conservation (Wetland) Zone which is a very restrictive zone designed to protect the flora and fauna, and to ensure the ability of the Peat Dome and adjoining wetland reserves can continue to assist in flood control. The area is also identified as an area of significant indigenous vegetation.

### 3.7.5 OUTSTANDING NATURAL FEATURES AND LANDSCAPES

- (1) Major features in the District such as the Coromandel and Kaimai-Mamaku Ranges, the coastal environment and wetlands are protected through a combination of ownership by the Crown, zoning and/or identification as an area of significant indigenous vegetation.

(2) A number of other features and landscapes are of district or regional importance and are worthy of protection that is not provided for elsewhere in the District Plan or through other methods.

(3) **Role of the District Plan**

(a) For some of these features and landscapes the Karangahake and Coastal Zones require additional assessment of activities. Other features and landscapes are identified on the Planning Maps. Any activity that would alter, modify or detrimentally affect the feature or landscape, require assessment and approval through the resource consent process.

(b) Methods outside the District Plan that would also assist with the protection of the features or landscapes (eg covenants, purchase, fencing) are not precluded from taking place. The District Plan provisions are complementary.

### 3.7.6 **AREAS OF SIGNIFICANT INDIGENOUS VEGETATION AND HABITATS OF INDIGENOUS FAUNA**

(1) There are areas of vegetation and habitats that do not have protection afforded to them through ownership by the Crown or territorial authorities or by zone. Council considers these areas of indigenous vegetation and habitat areas are significant resources and it is important they remain features of the landscape.

(2) **Role of the District Plan**

(a) Areas are identified on the Planning Maps and the clearance of vegetation, the extraction or placement of fill, the construction of buildings all require resource consent approval.

(b) Because this approach provides Council with a considerable measure of control over private property rights, the District Plan approach also needs to be supported by other methods such as rates relief, grants for materials etc. In addition, incentives through subdivision and development with accompanying covenanting or other protections are provided.

### 3.7.7 **SITES, BUILDINGS, PLACES OR AREAS OF HISTORIC, HERITAGE AND ARCHAEOLOGICAL VALUE**

(1) Cultural and historic sites/areas within the District need to be managed in a sustainable manner. While recognising that the Historic Places Trust has a significant role to play in the protection of historic heritage (particularly archaeological sites), the provisions of the District Plan are designed to protect those historic heritage features that although they are of local or regional significance, are not offered any protection as a registered site under the Historic Places Act 1993.

(2) **Role of the District Plan**

- (a) All sites etc are recorded on the Planning Maps and the destruction, damage, removal or modification requires Council's resource consent. The activity status varies depending on the significance of the feature and the level of effect on the feature.
- (b) The provisions in the District Plan are supported and complementary to other methods such as education, purchase, compensation and information.

## **3.8 TREATY OF WAITANGI (TE TIRITI O WAITANGI) RESPONSIBILITIES**

### **3.8.1 INTRODUCTION**

- (1) In the Resource Management Act 1991, as with other legislation, central Government has reflected the responsibilities and undertaking between the Crown and Maori people onto the regional and district councils. One of those responsibilities is to recognise and take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in resource management (as well as other) matters.
- (2) The District Plan is one of the key resource management documents for the District and thus has an important role in recognising and providing for the implementation of the Treaty of Waitangi. However, implementation of all Council's responsibilities, are to a large extent, outside the District Plan.

### **3.8.2 ROLE OF THE DISTRICT PLAN**

- (1) Both in terms of preparing and the actual provisions of this District Plan, Council has endeavoured to give effect to the following principles:
  - (a) That there must be active protection of the partnership between the two parties.
  - (b) That there be compromise by both parties under an obligation to act with reasonableness and good faith.
  - (c) That the bargain which allows the Crown (territorial authorities) to make laws (in this case the District Plan) for all people in Aotearoa, must be exchanged for the recognition and protection of rangitiratanga (ie the ability for Maori people to fully govern within those laws).
  - (d) That continual dialogue and consultation will be the main way in which to give effect to the three principles outlined above.
- (2) Given the continually evolving nature of the relationship between the two parties, no evaluation is or needs to be given as to whether the two parties have successfully given effect to those principles.
- (3) With respect to process matters, many of those are outside the District Plan, but relate to the way in which the District Plan is administered.
- (4) With respect to content matters, a number of provisions have been included in the District Plan, which are of particular significance to Maori people. Some of these are in the Marae

Development zone to recognise that the management and control of activities within the zone is the responsibility of the Maori people.

- (5) Smaller marae development is provided for as an activity in other zones as is appropriate to the objectives and policies of the zone.
- (6) The recognition and protection of ancestral lands, water, sites, waahi tapu and other taonga has been attempted through the use of a zone that recognises there are waahi tap and other sites within the zone, the identification of waahi tapu, and the requirement that activities that could have a detrimental effect on matters of interest to Maori require a resource consent, the process of which provides for consultation and involvement of the Tangata Whenua.