

Section 3:

SIGNIFICANT RESOURCE MANAGEMENT ISSUES & ROLE OF THE DISTRICT PLAN

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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 – 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 Hauraki Long Term Plan
 - (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) Incorporation of policy direction and planning framework into the Draft District Plan.
 - (d) 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.
 - (e) Release of the Draft District Plan as a consultation document. The release of the Draft District Plan coincided with, and was supported by, correspondence to the following:
 - (i) Statutory organisations;
 - (ii) Tangata whenua;
 - (iii) Identified people or organisations with an interest in general and specific issues;
 - (iv) Every landowner where there was proposed to be a significant change in the zoning or other District Plan provision applying to the property;

- (v) Every landowner where there was the continuation of and/or the introduction of a District Plan provision relating to significant areas of indigenous vegetation, a historic heritage feature, significant tree or outstanding natural feature and landscape;
 - (vi) Every owner in the District.
 - (f) Public notification in local newspapers advising the availability of the Draft District Plan as well as Open Days in towns throughout the District was also undertaken.
 - (g) Comments and submissions on the Draft District Plan received.
 - (h) Workshop held to consider comments made on the Draft District Plan.
 - (i) 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. This summary of significant resource management issues is expanded upon where necessary within Section 5.6.2 and all parts of Section 6, some parts of Section 7, and Section 9.1.2 under the heading “Resource Management Issues”.

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. 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 by 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 higher rainfall intensity in the future. Thus, 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.
 - (b) Increased inflow and infiltration into wastewater treatment plants, with dry weather leading to increased problems with blockages and overflows.

- (c) Increased flows in rivers, with more intense precipitation causing flooding, especially to low lying areas.
- (d) Lower water levels would result in reduced dilution of nutrient loading leading to increased eutrophication, and a reduced ability to assimilate water contaminants in general.
- (e) Ground water changes would become more frequent and there would be less water for irrigation.
- (f) Potential hazard to transport networks caused 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 Intergovernmental Panel on Climate Change (IPCC) assessment, the National Institute of Water and Atmospheric Research (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, the 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). These figures have been updated in the fifth IPCC assessment and it is noted that there are likely to be further changes as scientific information and analysis continues. As further IPCC assessments are released the national direction in relation to this issue is expected to be amended accordingly. Changes to the District Plan will be initiated as necessary to accommodate this.
- (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;
 - (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
 - (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 intense although of short duration;
 - (d) The 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 exacerbate flooding effects in the District;
 - (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, development has been located within the natural beach erosion and accretion zone.
 - (b) Sand dunes, which offer natural protection from erosion, have often been removed or modified to improve views.
 - (c) Native sand binding plants, that contribute to dune stability and help beach and dune recovery following storms, have also been removed or damaged by land use practices (eg public access, grazing) in some instances.
 - (d) Where structures such as seawalls are located within the dynamic coastal zone and change the natural sediment, current or wave processes, they can cause or exacerbate erosion in other areas.
 - (e) Changes taking place in upper catchments can alter, for example, sediment flows and can consequently exacerbate coastal erosion.
- (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 that 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) Tsunami warning times vary substantially depending on whether the tsunami has been generated by a local or distant event. If the tsunami is the result of a local event, such as the eruption of Mayor Island or White Island, there would be little warning, perhaps one to two 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 a reasonably large tsunami 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) Waikato Regional Council 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;

- (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;
 - (b) Establishing appropriate performance standards to control the proximity of future development to rivers and streams, and other marginal areas;
 - (c) Identifying known hazards and including appropriate provisions that address those hazards.

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 and Linkages
 - (h) Coastal Development
 - (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;
 - (f) Maintaining residential amenity and providing for future growth;
 - (g) Ensuring that adequate connections (e.g. vehicular, pedestrian and cycle, and open space) between existing development and new urban areas continue to be provided in a manner that does not compromise the efficient function of the state highway.

3.4.3 PAEROA

- (1) The urban design issues for Paeroa have been identified as follows:
- (a) Potential conflict between the community desire for the retail function and streetscape treatment of the main street to create an attractive and busy town centre, and the safe and efficient management of state highway traffic;
 - (b) Ensuring that residential amenity and character is maintained with further development (both 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 manner in which connections can be made between the two activities across the redundant rail line;
 - (d) Defining the town entrances as part of the promotion of Paeroa without compromising the safety and efficiency of the state highway;
 - (e) Improving the integration of the flood ponding areas with the urban fabric of the town;
 - (f) Improving the identity of the natural landscape features e.g. Ohinemuri 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 southern and north-western 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 without compromising the safety and efficiency of the state highway;
 - (d) Improving pedestrian, cycle and local road connections between existing development and new residential areas;
 - (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 amenity and quality of the town's interface at State Highway 2 from its current industrial character without compromising the safety and efficiency of the state highway;
 - (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;
- (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) Growth and expansion to the east of the town, particularly along Waihou Street, presents a flood risk;
 - (b) Treatment and maintenance of the riverfront edge along Waihou Street (incorporating the jetty);
 - (c) The speed of traffic and vehicle priority along the main street - Hauraki Road.

3.4.7 WHIRITOA

- (1) The urban design issues for Whiritoa have been identified as follows:
 - (a) No more Greenfield development sites 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) Restricted access onto State Highway 25 which forces the use of several main streets for the distribution of traffic within the town, with the potential to impact on the amenity and character of these streets;
 - (d) The feasibility and expectations of servicing and infrastructure as there is no reticulated water in the town;
 - (e) Rising land prices leading to the desire of some landowners to establish substantial dwellings and the consequential amenity value issues arising;
 - (f) Maintaining or encouraging a coastal identity;
 - (g) Maintaining 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 2500m² minimum lot size is no longer relevant;

- (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;
 - (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 protecting the 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 visible expanses of impermeable surfaces;
 - (d) Protecting the landscape from 'typical' residential development;
 - (e) Development as a tourist destination being undertaken with respect to the values set out in (a) – (d) and the conflict between the traffic function of the state highway corridor and tourist activities.

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) Recognising the functions of the road network through appropriate urban design methods for development along strategic roads.
 - (e) Avoiding, remedying or mitigating the effects of urban development on natural and physical resources;

- (f) 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;
 - (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 and 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;
 - (e) Loss of servicing infrastructure, particularly flood protection and irrigation schemes, and transport routes, resulting from the financial inability of central and local government and/or industry to maintain, replace or upgrade the 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;
 - (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, 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. This limited activity is provided for in the zones, generally as either permitted or controlled activities, where not affecting a specific identified feature (identified in Section 6).
- (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 (eg noise, vegetation clearance, water catchment changes). 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 other 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;
 - (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;
 - (d) Using the “Quarry Resource Area” to identify existing and new extractive industries (quarries) and the “Quarry Reverse Sensitivity Area” to address potential reverse sensitivity issues that may arise from lifestyle lot subdivision and subsequent development;
 - (e) 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 RMA places responsibility on the District Council to either recognise, provide for 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) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (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 Tikapa Moana and the Eastern Coast Te Tai Tamawahine. These have been defined in the Hauraki District Plan having regard to the New Zealand Coastal Policy Statement 2010 (NZCPS). Policy 1 of the NZCPS, requires that in determining the extent of the coastal environment a number of elements listed in Policy 1 (2) must be included. While those elements seaward of the land and hence outside the jurisdiction of the District Plan are readily discernable, those elements landward have had a level of assessment and professional judgement/interpretation to enable a definitive line to be determined. The Coastal Zone is a major subset of the coastal environment within the Hauraki District Plan. Other zones that are within the coastal environment include the Marae Development Zone at Mataora Bay; Township, Residential, Reserve (Active) and Low Density Residential Zones at Whiritoa; the Reserve (Passive) Zone along the eastern coastline and some Conservation (Indigenous Forest) Zone over land administered by the Department of Conservation in proximity to the eastern coast.
- (2) For the Firth of Thames, the importance of the area for wading birds (including large numbers of migratory birds) has been recognised in its status as a Conservation Area by the International Union for Conservation of Natural Resources (IUCN) based on the Ramsar Convention. The area supports several threatened bird species. In addition to its significant

ecological values, the area has scientific, education, economic and recreation values. In addition, the area has value as a fish breeding ground, which supports both 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 draining to the Firth, 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 goats into areas of indigenous vegetation, damage to the pohutukawa remnants by possums, pressure for further beach settlements, new development within Whiritoa itself, dune destruction, drainage and sedimentation/modification of the estuary systems, and potential land use changes in the rural areas within and adjacent to the coastal environment.

(4) **ROLE OF THE DISTRICT PLAN**

- (a) With respect to the Firth of Thames, the majority of the stopbanks along the coastline are designated by either the Waikato Regional Council or the Hauraki District Council for soil conservation/river control/foreshore protection purposes. The landward boundary of the Coastal Marine Area is defined as being the line of mean high water springs, which is seaward of the toe of the stopbank. The area seaward of mean high water springs 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. The Coastal Zone applies landward of mean high water springs.
- (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 include ownership of the coastal margin in reserves by Hauraki District Council, covenants over areas of indigenous vegetation and voluntary fencing to exclude grazing stock.

3.7.3 LAKES, RIVERS, STREAMS 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 maintenance of cultural values of tangata whenua and 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 Waitawheta 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 access strips, and preserving the natural character of waterways and the riparian areas.

(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 Elstow Canal, and adjoined by the Flax Block Wildlife Management Reserve to the south west. 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. To the north west is the remnant of the Torehape peat dome which is also a Wetland Management Reserve. The wetlands also perform an essential catchment management function. In addition, the wetlands have high cultural value to Ngati Hako. It is essential that these wetlands be retained in their natural or regenerating state.
- (2) **ROLE OF THE DISTRICT PLAN**
 - (a) The Peat Domes 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 Domes and adjoining wetland reserves to continue to assist in flood control. The areas are also identified as significant natural areas.
 - (b) The Rural zone provisions complement the Waikato Regional Plan drainage rules, to ensure adjoining activities do not adversely affect the wetlands.

3.7.5 OUTSTANDING NATURAL FEATURES AND LANDSCAPES

- (1) Major features in the District such as the Coromandel (Moehau) and Kaimai-Mamaku Ranges, the coastal environment and wetlands are protected through a combination of ownership by the Crown, zoning and/or identification as a significant natural area.
- (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 within the Karangahake Gorge and Coastal Zones, additional assessment of some land use activities is required. Other features and landscapes are identified on the Planning Maps. Any activity that would alter, modify or detrimentally affect the feature or landscape requires 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 INDIGENOUS BIODIVERSITY AND SIGNIFICANT NATURAL AREAS ('SNAs')

- (1) There are areas of significant indigenous vegetation and habitats of indigenous fauna (ie SNAs) that do not have protection afforded to them through ownership by the Crown or territorial authorities or by specific zone. Council considers these SNAs are significant resources and it is important that they remain features of the landscape and are protected. As noted in (2)(c) below, other provisions in the District Plan seek to protect indigenous biodiversity outside SNAs.
- (2) **ROLE OF THE DISTRICT PLAN**
- (a) SNAs are identified on the Planning Maps, and the clearance of vegetation, the extraction or placement of fill, and 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 at both district and regional level such as rates relief, grants for materials etc. In addition, incentives through subdivision and development with accompanying covenanting or other protections are provided.
- (c) Indigenous biodiversity not captured within SNAs is addressed through other methods in the District Plan, including the Coastal Zone, Karangahake Gorge Zone, and the Outstanding Natural Landscape Area and District Amenity Landscape Area as they apply to subdivision and development.

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 Heritage New Zealand Pouhere Taonga 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 Heritage New Zealand Pouhere Taonga Act 2014.
- (2) **ROLE OF THE DISTRICT PLAN**
- (a) All heritage sites etc are recorded on the Planning Maps, and depending on the significance of the feature and the level of effect on the feature, the destruction, damage, removal or modification will require resource consent from Council, or at the very least the provision of information to Council prior to the destruction, damage, removal or modification.
- (b) The provisions in the District Plan are supported by 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 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 tangata whenua values and Treaty of Waitangi responsibilities. However, implementation of all Council's responsibilities is, to a large extent, outside the District Plan (eg s33 RMA provides for the transfer of functions, duties and powers to another public authority, including an iwi authority).
- (3) The tangata whenua of the Hauraki District generally belong to one of the following iwi:
 - Ngati Hako
 - Ngati Maru
 - Ngati Paoa
 - Ngati Porou (tuku whenua, reside on gifted land)
 - Ngai Tai
 - Ngati Tara Tokonui
 - Ngati Tamatera
 - Ngati Whanaunga
- (4) The role of tangata whenua is an important one in the sustainable management of the physical and natural resources of the District, due to the unique relationship that tangata whenua have with their whenua (land), awa (waterways), moana (ocean), maunga (mountains), and taiao katoa (wider environment and people of the district).
- (5) The outcomes from the settlement of grievances arising from breaches of Te Tiriti (including the return and/or purchase of non-Maori land), coupled with ongoing capability and capacity building initiatives at individual, whanau, marae, hapu and iwi level, will further influence the part that tangata whenua play in the District's development.
- (6) The visions and values that tangata whenua hold encompass physical, psychological, emotional, spiritual and metaphysical relationships that may be unique to the tikanga (practices) and kawa (guiding principles) of each marae, hapu or iwi. The practice of kaitiakitanga¹ is one way in which tangata whenua give effect to this relationship through

¹ The definition of kaitiakitanga in the RMA has been subject to criticism in that it implies stewards looking after someone else's resources. However, the RMA kaitiakitanga & stewardship requirements not only describe the responsibilities of tangata whenua to maintain wellbeing of the natural & physical environment within the tribal rohe, but also applies to the responsibilities that all persons have, recognising that tangata whenua have special obligations ranging from the big environmental issues down to the basic ways in which tangata whenua treat the world around them.

actions such as restoring and protecting the health and wellbeing of waahi tapu, amongst other actions.

3.8.2 RESOURCE MANAGEMENT ISSUES OF SIGNIFICANCE TO TANGATA WHENUA

- (1) The resource management issues of significance to tangata whenua include:
- (a) The manner, and extent to which, the principles of Te Tiriti o Waitangi are taken into account;
 - (b) The way in which, and the extent to which tangata whenua can ensure that regard can be had to kaitiakitanga in the District Plan;
 - (c) The ongoing deterioration and loss of traditional sites, including waahi tapu and other taonga within the District, and the manner in which they should be protected;
 - (d) The need for, and extent to which, special provision should be made in the District Plan for Maori development, cultural use of natural and physical resources and Maori activities and practices including marae and papakainga.

3.8.3 ROLE OF THE DISTRICT PLAN

- (1) Both in terms of the preparation of and the actual provisions of this District Plan, Council has endeavoured to address the resource management issues of relevance to tangata whenua and to give effect to the following principles. The first three derive from the Treaty of Waitangi (Te Tiriti o Waitangi). The fourth principle has been derived from resource management case law and practice:
- (a) That there must be active protection of the partnership between the two parties.
 - (b) That there is an obligation to act with reasonableness and good faith, with both parties being prepared to compromise.
 - (c) That the constitutional document Treaty of Waitangi (Te Tiriti o Waitangi) allows the Crown (territorial authorities) to make laws (in this case the District Plan) for all people in Aotearoa (Article 2), must be exchanged for the recognition and protection of rangatiratanga (Article 1) (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 Council and tangata whenua in relation to resource management issues, and that this relationship will always be changing, it is desirable to periodically evaluate the effectiveness of the relationship as to whether the two parties have fully and successfully given effect to those principles at any specific time.
- (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 tangata whenua. The Marae Development Zone is one provision that recognises the management and control of activities within the zone is the responsibility of the tangata whenua.
- (5) Smaller marae development is provided for as an activity in other zones where this is consistent with the objectives and policies of the zone.
- (6) Recognition and protection of the relationship Maori have with ancestral lands, water, sites, waahi tapu and other taonga has been attempted through:
- (a) use of a zone that recognises there are waahi tapu and other sites within the zone;
 - (b) identification of waahi tapu and other sites of cultural and heritage significance to Maori;
 - (c) the requirement that activities that could have a detrimental effect on matters of significance to Maori require a resource consent, the process of which provides the opportunity for consultation and involvement of the tangata whenua.
- (7) The provisions of the Hauraki Iwi Environmental Plan (2004) have been used to guide the development of the Hauraki District Plan, as it is a relevant planning document recognised by the Hauraki Maori Trust Board (an iwi authority). Council is aware that several of the Marutuahu iwi authorities have stated that they do not recognise the Hauraki Iwi Environmental Plan. Council supports the development of the Hauraki Iwi Environmental Plan or other iwi environmental plans, whether they are at a specific marae level or at a broader geographic or issue level.
- (8) A number of provisions in the District Plan have sought to reflect, and/or provide an opportunity for tangata whenua to express, tikanga Maori² and matauranga Maori³. Provisions where tangata whenua values have specifically influenced the District Plan preparation and content include the following:
- Marae Development Zone (Section 5.9);
 - Historic Heritage Features (Section 6.1);
 - Outstanding Natural Landscape Area and District Amenity Landscape Area (Rural Zone Section 5.1);
 - Coastal Zone (Section 5.4);
 - Conservation (Indigenous Forest) & (Wetland) Zones (Sections 5.2 & 5.3);
 - Activity status that provides the opportunity for Maori to be involved in the resource consent process;
 - Identification of urupa;
 - Rules restricting the clearance of indigenous vegetation and the amount of earthworks.

² Tikanga includes Maori beliefs, values and correct practices and behaviour or conduct.

³ Matauranga encompasses Maori knowledge, ways of knowing and of conceptualizing their world.

- (9) Council recognises that the manner in which the District Plan is implemented, monitored and reviewed will change over time as tangata whenua continue to give expression to their visions and values, and ways in which to carry out sustainable management of natural and physical resources evolve (eg co-management of resources and treaty settlements).

3.9 ENERGY

3.9.1 INTRODUCTION

- (1) The broad sustainable management purpose of the Resource Management Act 1991 is given direction with respect to energy in s7(ba) – [*...the efficiency of the end use of energy*]. Energy needs are increasing and a number of recent legislative and government policy changes relate to energy and the need to increase renewable energy generation and achieve more efficient use of energy.

3.9.2 ROLE OF THE DISTRICT PLAN

- (1) One of the major users of energy within the District is that related to transport. The District Plan has sought to protect major transport routes from the adverse effects of land use to ensure their efficient and safe function. The location of areas for urban development have been considered in relation to their effective connection to existing urban areas and for some, structure plans have been included to direct development to achieve that objective.
- (2) The District Plan enables domestic scale energy generation facilities for on-site use (eg. wind turbine, solar heating panels etc) and provides for wind farms as a discretionary activity in the Rural zone and non complying activity in other zones that have high landscape amenity values (eg Coastal Zone) (refer to Section 7.4).
- (3) Energy efficiencies through subdivision and development design are encouraged using a number of methods (eg. Structure Plan indicative layouts for new urban Greenfield areas, minimum residential lot size that enables flexible dwelling design and orientation, subdivision consent assessment criteria that enable consideration of energy efficiencies through the layout, shape and orientation of allotments, yard setbacks and daylight controls, and provision and location of outdoor living areas associated with residential development).