
Section 32 Report for the Proposed Waitomo District Plan

Section 32 Report – Amenity Precinct

SUMMARY OF ISSUES	RESOURCE MANAGEMENT ACT 1991	NATIONAL DIRECTION	REGIONAL POLICY STATEMENTS	IWI MANAGEMENT PLANS CONT...
<p>The amenity precinct (Precinct 6) addresses the following issues:</p> <ul style="list-style-type: none"> The Waitomo Caves are one of New Zealand's most iconic and historic tourist attractions with a large number of tourists visiting. The corridor along State Highway 37 between Hangatiki and Waitomo Caves Village, and between Hangatiki along State Highway 3 is an important gateway. Ensuring signs are of a design and scale that is appropriate in the surrounding environment. Consolidating the Waitomo Caves Village core and making sure that new zoning focuses activities as far as possible into the central village area, so this area becomes busy and interesting. Ribbon development and visual clutter along the State Highway corridors affects the character of the District and visitor's perception / experiences. Loss of open spaces could destroy the landscape character of the Waitomo Caves Village. Managing the scale and location of tourism activities, so that they do not compromise rural character and amenity. 	<p>Section 5 RMA The provisions will enable the community to meet its social and economic well-being through limiting the sprawl of activities and structures focused on tourism. The provisions will manage adverse effects through limiting the scale and location of tourism activity.</p> <p>The provisions will be useful in sustaining the potential of natural and physical resources by enabling the continuation of rural activities in these areas.</p> <p>Section 6 RMA There are no section 6 matters that are the subject of this chapter.</p> <p>Section 7 RMA The key section 7 provision is 7(c) the maintenance and enhancement of amenity values.</p> <p>The Waitomo caves are a finite resource and development around them needs to respect and protect the characteristics. However, there is the potential for tourism development to spread along the key entrances to Waitomo and affect the amenity of the surrounding landscape.</p> <p>Section 8 RMA There are no section 8 matters that are relevant to this chapter.</p>	<p>There are six National Policy Statements (NPSs) currently in place:</p> <ul style="list-style-type: none"> New Zealand Coastal Policy Statement 2010 NPS for Electricity Transmission 2008 NPS for Renewable Electricity Generation 2011 NPS for Freshwater Management 2020 NPS on Urban Development 2020 NPS for Highly Productive Land 2022 <p>None of the NPSs are relevant.</p> <p>There are also 8 National Environmental Standards (NESs) currently in place:</p> <ul style="list-style-type: none"> NES for Air Quality 2004 NES for Sources of Human Drinking Water 2007 NES for Telecommunication Facilities 2016 NES for Electricity Transmission Activities 2009 NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 NES for Plantation Forestry 2017 NES for Freshwater 2020 NES for Storing Tyres Outdoors 2021 <p>None of the NESs are relevant to this chapter.</p> <p>Relevant case law considered There is no relevant case law for this chapter.</p>	<p>The Waikato Regional Policy Statement</p> <p>Objective 3.21 is the key objective which addresses amenity and seeks to maintain and enhance the qualities and characteristics of areas and features, valued for their contribution to amenity. This is achieved by policy 12.3 which requires areas of amenity to be identified and those values maintained or enhanced.</p> <p>The Manawatū-Whanganui One Plan</p> <p>There are no relevant provisions in this Plan that relate to this chapter.</p>	<p>The Waikato Tainui Environment Management Plan 2018 (WTEP)</p> <p>The most relevant provisions are: Objective 25.3.1 Development principles are applied to land use and development (urban and rural) and, in particular, development in new growth cells, that enhance the environment.</p> <p>Policy 25.3.1.1 To encourage development principles to be applied to land use and developments (urban and rural) and, in particular, development in new growth cells, that enhance the environment.</p> <p>Objective 25.3.2 Urban and rural development is well planned, and the environmental, cultural, spiritual, and social outcomes are positive</p> <p>Policy 25.3.2.1 To ensure that urban development is well planned, and the environmental, cultural, spiritual, and social outcomes are positive.</p> <p>Policy 25.3.2.2 To ensure that rural development is well planned, and the environmental, cultural, spiritual and social outcomes are positive.</p> <p>Objective 25.3.3 Land use and development has positive environmental and cultural effects.</p> <p>Policy 25.3.3.1 To ensure that land use and development, particularly new land use and development, has positive environmental and cultural effects.</p> <p>It is considered that the proposed provisions take into account the WTEP, as they ensure urban and rural areas are well planned and that new development contributes to the consolidation of tourism activities. The objectives and policies acknowledge the diversity and uniqueness of the amenity precinct and seek to retain the character and amenity. The objectives and policies will ensure visual amenity consistent with the surrounding environment.</p>
<p>OPERATIVE WAITOMO DISTRICT PLAN</p>			<p>IWI MANAGEMENT PLANS</p>	<p>OTHER RELEVANT PLANS OR LEGISLATION</p>
<p>The corridor along State Highway 37 between Hangatiki and Waitomo Caves Village, and between Hangatiki along State Highway 3 to the northern boundary of the district, was identified as part of an extensive landscape policy area in the Operative District Plan (ODP).</p> <p>The objectives for this overlay sought to ensure that development does not significantly affect the special quality of the natural environment. The other key objectives sought to ensure that visitor facilities are established in appropriate locations such that adverse effects on</p>			<p>We are required to take into account planning documents recognised by an iwi authority and lodged with the territorial authority. The most relevant provisions in the Maniapoto Iwi Environmental Plan (MEMP) to amenity include:</p> <p>Objective 18.3.1 Land management and land use enhance and protect the holistic functioning and interconnected relationships of the natural environment and are compatible with Maniapoto values and principles.</p> <p>Policy 18.3.1.1 Land management and land use is sustainable, and the mauri of land is protected and enhanced.</p>	<p>There is no relevant legislation.</p>

Section 32 Report – Amenity Precinct

<p>traffic safety and on the environment are avoided, remedied or mitigated.</p> <p>The rules rely on the underlying zone for most activities, but there are additional limitations on:</p> <ul style="list-style-type: none"> Any building between 100 and 200m² gross floor area in the Rural zone Earthworks exceeding an area of 1,000m². Above ground telecommunications and electricity lines. Telecommunications and radio communications masts, antennas, satellite dishes and accessory structures. Industrial activities. Clearance of any area of indigenous vegetation in the rural zone. Signs within 50 metres of Waitomo Caves Road, from State Highway 3 to a point 1 kilometre east of the Waitomo Valley Road intersection. 			<p>Policy 18.3.1.3 Urban planning and development is conducted in accordance with best practice principles, and infrastructure services provide for the environmental, social, economic, and cultural needs of Maniapoto within the financial capacity of the community.</p> <p>It is considered that the proposed provisions have taken into account the MEMP, as they ensure urban development is consolidated within the most appropriate areas. The provisions seek to protect the character and amenity of the surrounding rural areas.</p>	
<p>SCALE & SIGNIFICANCE s32(1)(c)</p>				<p>STRATEGIC DIRECTION</p>
<p>The assessment is based on eight factors outlined in Ministry for the Environment’s guidance on section 32 reports. Each factor is scored in terms of its scale and significance (where 1 is low and 5 is high).</p> <p>Reason for Change: Problem / Issue: 3 Degree of Shift from Status Quo: 2 Who and How Many Affected, Geographic Scale of Effects: 1 Degree of Impact on or Interest from Maori: 1 Timing and Duration of Effects: 2 Type of Effect: 2 Degree of Risk or Uncertainty: 1</p> <p>Total (out of 40): 12</p>				<p>The following objective from the Strategic Directions chapter of the PDP are relevant to this topic:</p> <p>SD-05: Compatible activities with similar effects and functions are zoned together and new development is directed towards the appropriate zones to ensure that land use and subdivision:</p> <ol style="list-style-type: none"> Are consistent with the anticipated character and amenity values of the areas where they are located; and Efficiently use natural and physical resources in order to meet the community’s and the environment’s needs both now and in the future; and Recognise existing lawful activities and protect their ongoing operation from incompatible activities. <p>SD-07: Urban development is directed to appropriately zoned areas in and around the existing settlements and townships, and rural residential development is directed to the rural lifestyle zones.</p> <p>SD-028: Minimise urban expansion onto highly productive land unless there is a demonstrated shortage of development capacity to meet demand and alternative locations and options to provide for the required demand, including intensification of existing urban areas, are unfeasible.</p>
				<p>UNCERTAINTIES AND RISKS s32(2)(c)</p>
				<p>The degree of risk and uncertainty is low. The subject matter and effects are well understood.</p>

Section 32 Report – Amenity Precinct

OBJECTIVE(S) s32(1)(a)
<p>Relevance - The objective directly addresses the issues identified above. The proposed objective enables Council to undertake its functions under section 31, in particular section 31(1)(a) “the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district”, section 31(1)(b)(i) ‘the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of avoiding or mitigating natural hazards’ and s31(1)(e) “the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes”. The proposed objective gives effect to higher level documents. It achieves the purpose and principles of the RMA. The proposed objective also gives effect to the relevant higher order policy documents.</p> <p>Usefulness – The objective will guide decision making by providing clear guidance regarding the appropriateness of activities and the expected management of potential adverse environmental effects within the precinct.</p> <p>Reasonableness – The objective will not impose unreasonable costs on the community but will provide certainty and help maintain environmental qualities and values which has social and environmental benefits.</p> <p>Achievability – The proposed objective is achievable and are consistent with the community outcomes expressed in the Waitomo Caves Village Town Concept Plan.</p> <p>Is the objective the most appropriate way to achieve the Purpose of the Act? The proposed objective is considered to meet the tests of relevance, usefulness, reasonableness and achievability. The objective is the most appropriate way to achieve the purpose of the RMA because it:</p> <ul style="list-style-type: none"> • provides clear guidance on the anticipated management of the area surrounding the core of the Waitomo Caves Village; • provides greater certainty to decision makers and plan users regarding the desired end state; • appropriately reflects Council’s obligations under s31 of the RMA; • reflects the directions in sections 7(c) of the RMA; • gives effect to higher level documents, namely the RPS by seeking to maintain and enhance the qualities and characteristics of areas and features, valued for their contribution to amenity; and • aligns with the Strategic Objectives in terms of focusing urban activities into urban centres.

PROVISIONS s32(1)(b)	
EFFICIENCY & EFFECTIVENESS s32(1)(b)(ii), 32(2)(a)(i), s32(2)(a)(ii)	ALTERNATIVES s32(1)(b)(i)
<p>Benefits Anticipated</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> • Maintains the rural character along the amenity precinct corridors. • Results in safer roads with less visual clutter and vehicle accesses. • Will not reduce the water quality of the upper Waipa river catchment <p><u>Economic</u></p> <ul style="list-style-type: none"> • Focuses economic activity into the Waitomo Caves Village. • Encourages tourism activity and spend into the Waitomo Caves Village. <p><u>Social</u></p> <ul style="list-style-type: none"> • Preserves the rural character of the entrance to Waitomo Caves Village. • Encourages activity in the central Waitomo Caves Village area. • Assists in creating a connected and walkable village. <p><u>Cultural</u></p> <ul style="list-style-type: none"> • Maintains the rural character surrounding the Waitomo Caves Village and will enhance the rich cultural history of the Waitomo Caves Village. <p>Costs Anticipated</p> <p><u>Environmental</u> There are no environmental costs anticipated.</p> <p><u>Economic</u></p> <ul style="list-style-type: none"> • May limit tourism opportunities along the corridors. • May potentially restrict the expansion of the Waitomo Caves Village, as the provisions seek to consolidate commercial and tourism activities to the core of the Waitomo Caves Village. <p><u>Social</u></p> <ul style="list-style-type: none"> • There are no social costs anticipated. <p><u>Cultural</u></p> <ul style="list-style-type: none"> • There are no cultural costs anticipated. <p>Economic growth opportunities The provisions are unlikely to result in significant economic growth. However, are likely to contribute to consolidated spending by tourists and business owners within the Waitomo Caves Village.</p> <p>Employment opportunities The provisions are unlikely to result in employment opportunities.</p>	<p>For the purpose of this evaluation, the Council has considered the following potential options:</p> <ol style="list-style-type: none"> 1. The proposed provisions; and 2. The status quo. <p>The ODP provisions are not considered to be efficient or effective in achieving the objective.</p> <p>In order to identify other reasonably practicable options, the Council has undertaken the following:</p> <ul style="list-style-type: none"> - Reviewed other relevant district plan provisions for provisions relating to amenity; - Collated feedback from discussions with iwi; - Workshops with elected members; and - Feedback from Council regulatory staff.

Section 32 Report – Amenity Precinct

QUANTIFICATION OF BENEFITS & COSTS <i>s32(2)(b)</i>	
Section 32(2)(b) requires that, where practicable, the benefits and costs of a proposal are to be quantified. Given the assessment of the scale and significance of the proposed provisions, specific quantification of the benefits and costs in this report is considered neither necessary, beneficial nor practicable in relation to this topic.	
EFFICIENCY & EFFECTIVENESS <i>s32(1)(b)(ii)</i>	REASONS FOR PROVISIONS <i>s32(1)(b)(iii)</i>
<p>Section 32(1)(b)(ii) requires assessing the efficiency and effectiveness of the provisions in achieving the objective:</p> <p><u>Efficiency</u> The policies will be efficient in achieving the objective of retaining rural character and amenity surrounding the Waitomo Caves Village, and do not impart substantive costs on the community.</p> <p><u>Effectiveness</u> The policies and rules will be effective in achieving the objectives. There is a clear link between the policies and the objectives.</p>	<p>Section 32(1)(b)(iii) requires a summary of the reasons for deciding on the provisions: The review of the provisions of the ODP has identified that retaining the existing provisions does not provide an appropriate resource management approach into the future as the existing provisions cover a significant area of land are not focussed on the key issues. The review of available options has concluded that the preferred approach is to amend the provisions to enable continued and improved management of rural amenity and character surrounding the Waitomo Caves Village.</p>