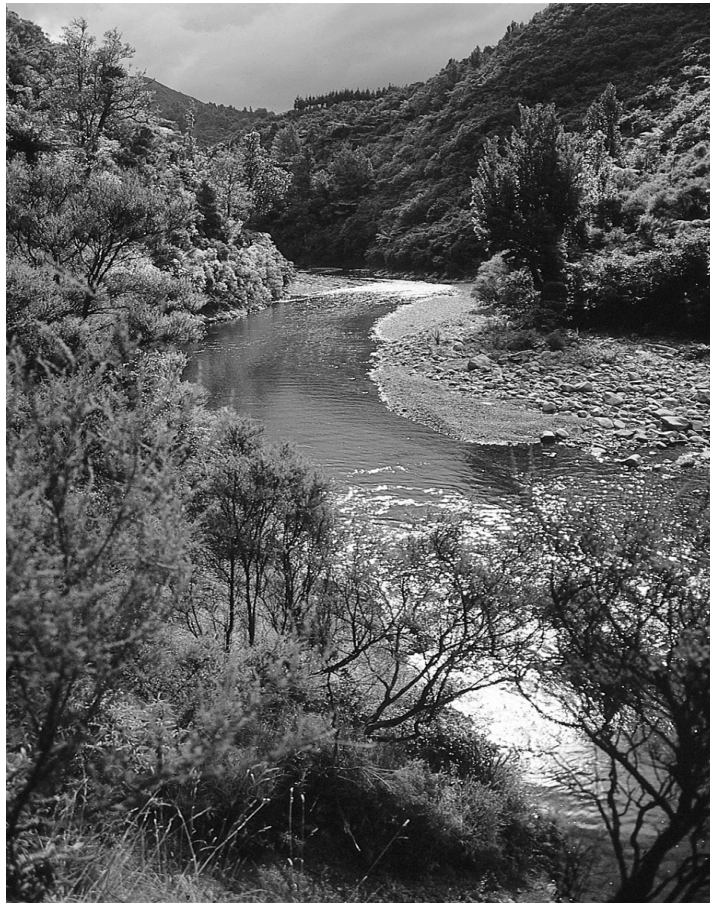

OPERATIVE OPOTIKI DISTRICT PLAN

SEPTEMBER 2005

The first part of the District Plan is the introductory section, laying the framework for the District Plan. This section introduces the Opotiki district and the resources of the district.

The purpose of the District Plan and the plan's guiding principles are included in this section to enable readers to obtain an understanding of the philosophy of the plan - where the plan is coming from. A combination of the purpose of the plan and the guiding principles is the resource management vision for the district. This District Plan will be the vehicle for achieving the district's resource management vision.

Included also is a discussion on the terms used in the Plan. The District Plan process is outlined, which provides users of the Plan with an insight into the phases of development for the District Plan. At the end of the section the structure of the District Plan and a guide to using the plan have been included. These will assist in the use of the Plan, making the Plan easier to use and implement.



1.0

ABOUT THE OPOTIKI DISTRICT

In order to appreciate the objectives and policies of the District Plan a familiarisation with the district is needed. The following gives an introduction to the natural and physical resources of the Opotiki district.

1.1 LAND

1.1.1 The Opotiki district covers an area of 3, 098 km². The district extends from Ohiwa Harbour in the West to Potaka, Cape Runaway, in the East. The district has approximately 160km of coastline providing an abundance of opportunities for recreation and passive enjoyment. The land supports a number of activities, these are influenced by the land types of the district. The district's land types include coastal terraces, alluvial plains, rolling hill country, and rugged hill country.

1.1.2 The coastal areas, areas of high conservation value, and the rugged inland forests provide the district with outstanding natural values, and an immense wealth of biodiversity.

1.1.3 The alluvial plains and rolling pasture lands of the district are extensively used for agriculture and horticulture. Dairying, an activity on the increase, is located on the fertile river plains, with beef and sheep production on steeper hinterlands. Horticulture is another land use of the district. Kiwifruit contributes to the horticultural base of the district, with the production of other fruit and vegetables ever increasing.

1.1.4 The rugged hill area of the district is covered in forest, both indigenous and exotic. Exotic forestry covers 18, 711 hectares of the district, this is approximately 6 % of the total land area. In addition to the exotic forest the district has 75% of indigenous forest, much of this is located in rugged hinterland areas. These areas comprise a portion of the Urutawa Conservation Area, the Raukumara Conservation Park, and the Waioeka Scenic Reserve.

1.2 SOILS

1.2.1 The soils of the district can be classified into six distinct groups:

- Dunes
- Coastal
- Estuaries
- Alluvial plains
- Valley floors and pans
- Terraces and hills

- 1.2.2 The most productive and versatile soils are the older alluvial soils and those on flat to rolling terraces covered by rhyolitic tephra.
- 1.2.3 The landscape of the district is covered with thick rhyolitic tephra layers where the upper layers form the parent materials of some soils. The tephra is derived from a number of sources including the Mount Tarawera eruption, but more so from the Lake Taupo eruption where pumice deposition was widespread. Taupo pumice occurs on the terraces and hill country as a yellowish brown to pale yellow soil in the topsoils.
- 1.2.4 Whakatane tephra is a rhyolitic tephra of approximately one metre thick on flat to easy rolling terrace areas. Alluvium, derived from greywacke and tephra, is the parent soil material on some of the district's river flood plains - Waioeka River, Otara River, Waiotahi River, and the Waiaua River. During floods erosion sediments from these catchments are transported by the river and laid down on the floodplains.
- 1.2.5 Wind blown sands occur in a narrow area along the coast, further inland small amounts of dune sands occur in the upper strata of soils. Peat and peaty layers are located in broad valleys where stagnant waters created swamps.



1.3 WATER

1.3.1 Water is a plentiful resource within the Opotiki district. The district has a number of rivers - Waiotahi, Waioeka, Otara, Takaputahi, Waiaua, Torere, Hawaii, Motu, Haparapara, Waikakariki, Kereu, Raukokore, and Whangaparaoa. There are also a large number of streams within the district that are valued. The Motu and Waioeka Rivers are valued for their pristine qualities and high scenic values. The Waiotahi and Waioeka Rivers are regionally important trout fisheries.

1.3.2 The Opotiki district has an annual average rainfall of 1,390mm per year. Falls range from an average of 85mm in January to an average of 130mm in July. Shallow bores tapping into water table aquifers provide some of the water used for residential, agricultural, and horticultural purposes.

1.4 COAST

1.4.1 The Opotiki district has approximately 160km of coastline. The coast is of a high quality, with only localised incidence of residential development. The coast has a number of harbours, the most significant being the Ohiwa Harbour. There are a number of bays, estuaries, and wetland areas associated with the coast. Most of the district's coastline is characterised by sandy beaches or rocky outcrops.

1.4.2 The coast supports a number of important flora and fauna habitats, and a number of significant landscapes. Pohutukawa along the Opotiki coastline adds to the natural character of the coast, and to the character of the district. The coast provides many recreational activities and is used by residents and visitors to the district.



1.5 DISTRICT DEMOGRAPHICS

1.5.1 The Long Term Council Community Plan (LTCCP) adopted by Council in 2004 sets the forward planning for the district. The demographic information in the LTCCP was based on information obtained from Statistics New Zealand in 2003, which estimated the population of the district to be 9,530. The LTCCP projects a high population growth on the basis of new industries being attracted to the district.

1.5.2 Summary of demographic trends taken from the LTCCP:

- The Opotiki district has 0.2 % of New Zealand's total population.
- The proportion of school going children living in the district is 28.6% of the total district population.
- 12.3% of the district population is over 65.
- 57% of the population belong to the Maori ethnic group.
- 43% of people aged 15 years and over have no formal qualifications.
- 22% of the population aged 15 years and over have a tertiary qualification
- In the district couples with children make up 38% of all families.
- The majority of people in paid employment aged 15 years and over work in agricultural, fishing and forestry occupations (29%).
- The number of working age people receiving a benefit amounts to 18% of the total district population.

1.6 AIR

1.6.1 The quality of the district's air resource is very high, resulting from small urban areas, a small number of people, and a limited number of industries within the district. The cleanliness of the air contributes to the environmental quality of the Opotiki district.

1.7 ECOLOGY

1.7.1 Within the district there are many areas of high ecological value. There has been some reduction in the quantity and quality of indigenous vegetation and habitats through historic and current land use activities. Biodiversity has been depleted, but there are landowners attempting to redress the reduction of biodiversity resources. On the flats and lowlands the main sources of biodiversity exist predominantly as isolated stands, many of these are unprotected and are vulnerable to grazing, and also to plant and animal pests.

1.7.2 The western boundary of the district bisects the Ohiwa Harbour. The harbour is an inter-tidal shallow estuary protected by two large, but fragile sandspits, the Ohope spit and the Ohiwa spit. The western boundary of the district bisects the Ohiwa Harbour. The harbour is an inter-tidal shallow estuary protected by two large, but fragile sandspits, the Ohope spit and the Ohiwa spit. Ohiwa Harbour is of international ecological significance, and also has high recreational and cultural values.

1.7.3 Within the district there is an abundance of bird species, including some endangered species. The freshwater bodies of the district are known habitats for indigenous fish species, the giant and short jawed kokopu, and also have important trout fishery habitats.

1.8 HERITAGE

1.8.1 The Opotiki district has a rich cultural and historic heritage. There are many places of spiritual, cultural, traditional, and historic importance to the community throughout the district which arise from the strong Maori presence and more recent European settlement. Until the 1920's there were many small ports in the district with associated commercial operations.

1.8.2 The district has an identifiable heritage precinct along Church Street, between Elliot Street and Kelly Street. This area houses many buildings of heritage value to the Opotiki township, and the district.

1.9 IWI OF THE DISTRICT

1.9.1 The Iwi of the district have played a major role in the history of Opotiki. Presently Maori constitute 57% of the district's population. The Maori of the district are represented by three Iwi groups, comprising numerous hapu. The three Iwi groups are Whakatohea, Ngaitai, and Te Whanau a Apanui.

Iwi continue to be active participants in the economic, social, and environmental spheres of the district.



1.10 OPOTIKI

1.10.1 The Opotiki township is the main urban area in the district. The township is situated at the confluence of the Waioeka and Otara Rivers, and is transected by State Highway 2 and State Highway 35. State Highway 2 follows the Waioeka Gorge through to Gisborne; State Highway 35, the Pacific Coast Highway, takes travellers around the East Coast and on to Gisborne.

1.10.2 Opotiki township has a strong community focus where the majority of the commercial, retail, health, and educational services for the district are situated. With the Opotiki District Council located in Opotiki it is also the administrative centre for the district.

1.10.3 Opotiki township is supported by Te Kaha which provides some services for coastal residents. In addition to Opotiki and Te Kaha the district has a number of small communities and settlements located along the coast and within the Waioeka Gorge, each of these providing a focus for their surrounding communities.



2.0 RESOURCE MANAGEMENT VISION

- 2.1 A combination of the District Plan purpose and the guiding principles have enabled the development of a resource management vision for the district. This vision underlies the District Plan and resource management decisions made by Council.

"To provide quality environmental outcomes for the benefit of present and future generations, where enterprise and growth that maintains, or enhances, the district's environmental values is facilitated."

3.0 PURPOSE OF THE DISTRICT PLAN

- 3.1 This District Plan has been prepared to fulfil Council's obligations pursuant to the Resource Management Act 1991(The Act). The purpose of the Act is to promote the sustainable management of natural and physical resources. In the Act sustainable management means :

Section 5. Purpose

Managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enable people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while -

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Resource Management Act 1991

- 3.2 The Act requires the Council to have a District Plan to give effect to the purpose of the Act. The Plan explains how Council will manage and control the effects of land use activities, and subdivision, within the district. This will enable the maintenance and enhancement of the high environmental quality enjoyed in the district.

4.0 DISTRICT PLAN PRINCIPLES

4.1 In preparing the District Plan, the Council employed the following guiding principles :

- Simplicity encourages understanding and compliance.
- Consistent with the purpose and principles of the Act, the Plan should reflect the needs of the Opotiki community.
- Care must be taken where the long term effects of activities are not easily foreseen.
- A mix of methods will be used to implement the purpose of the Act. Education to advocate the principles will be used before rules and regulation wherever this is possible.
- Once established, good environmental standards will be maintained.
- The cost of administering the Plan is affordable by Council and within the ability of the community to pay.
- The present quality of the district's environment must be maintained and where possible enhanced.

5.0 MEANINGS OF TERMS USED

5.1 Each of the sections of the District Plan are set out in a standard manner. The sections start with an introduction, follow with the resource management strategy including issues, objectives, policies and methods, an explanation, and finish with the anticipated environmental outcomes for that section.

5.2 The District Plan should be considered as a whole and there may be instances where the objectives and policies stated for one zone are applicable to another. This can occur where the effects of activities cross Zone boundaries, or where an activity occurs on the boundary of a Zone.

5.3 Section 75 and the Second Schedule of the Act state what a District Plan is to contain, thus providing a District Plan template. All of the matters stated in Section 75 must be in a District Plan. The following discusses those components of the District Plan.

5.3.1 Section Introduction or Zone Introduction

The Section Introduction or Zone Introduction introduces the topic upon which the objectives, policies, and methods of that section are based. The Zone Introduction details the character of the Zone and the zone components. The Section or Zone Introduction provides a 'snapshot' of the section topic.

5.3.2 Resource Management Strategy

The Resource Management Strategy is the strategy adopted to manage a particular topic. The strategy comprises the issues, objectives, policies, and methods including rules, that guide effective resource management decisions. The components of the Resource Management Strategy are discussed below.

5.3.3 Resource management issues

The resource management issues identified in the Plan focus on environmental management areas of concern. Resource management issues are derived from legislative responsibility and from issues raised throughout the District Plan consultation process. Resource management issues provide the basis for intervention in environmental management. They also provide the foundation for the objectives and policies of the District Plan.

5.3.4 Objectives

Objectives are the desired outcomes, or goals, that are to be achieved from the implementation of policies and methods of the District Plan. The objectives of the Plan are derived from the resource management issues.

5.3.5 Policies

Policies are the driving force to attain the objectives of the Plan. A policy is what is required to achieve the Plan's objectives. Policies are effects based and provide guidance for the community and resource consent applicants.

5.3.6 Methods

The policies of the Plan are implemented by the Methods. There are many methods able to be employed by Council, these range from least interventionist to more regulatory methods. The methods of the District Plan include Rules and Other methods.

5.3.7 Rules

Section 76 of the Act enables Council to have rules in the District Plan that prohibit, regulate, or allow activities. Rules give legislative effect to the objectives and policies of the Plan. Rules are enforceable and require compliance. The Rules of the District Plan provide for permitted, controlled, discretionary, and non-complying activities (See 2.2). They also state whether an activity requires a resource consent.

5.3.8 Assessment criteria

Assessment criteria are stated for each Zone. They are used to assess the effects of proposed controlled, discretionary, and non-complying activities on the environment. The lists are not exhaustive and the Council must also have regard to the matters stated in Section 104 and 105 of the Act. Assessment criteria are a guide to Council Officers, Councillors, and consent applicants as to the practical matters to be considered in assessing an application for a resource consent. The assessment criteria are used when formulating conditions which may be imposed on resource consents for controlled activities in respect of those matters over which Council has reserved control. Subdivision is a controlled or discretionary activity in each zone and a resource consent is always required.

5.3.9 Zone standards

Zone Standards are stated for each zone in the plan. They are standards for all activities. Where any activity does not comply with the Zone Standards it will require a resource consent and will be assessed according to the assessment criteria stated in the relevant zone.

5.3.10 Other methods

Other methods, methods other than rules, are stated for each section of the Plan. Other methods include education, collection of information, community initiatives, further research, and the use of methods derived from other legislation, such as the use of Reserve Management Plans. The other methods stated in the Plan are a combination of those methods that can be instituted by Council or the community.

5.3.11 Explanation

Each section of the Plan **Section 3** to **Section 19** has an explanation. The explanation discusses the reasons for adopting objectives, policies, and the methods of the Plan.

5.3.12 Anticipated environmental outcomes

The anticipated environmental outcomes stated in each section are the environmental results that the community can expect from the implementation of the objectives, policies, and methods of the District Plan. Each of these outcomes should be measurable and able to be monitored.

Explanation box

Throughout the Plan there are a number of explanation boxes. These boxes contain further information and explanatory notes that assist people in the use of the Plan.

6. THE DISTRICT PLAN PROCESS

6.1. The review of the District Plan pursuant to the Resource Management Act 1991 began with a consultation programme in late 1994. The Council District Plan Review Team met with Iwi and hapu groups, community groups, central government agencies, rural sector groups, interest groups, environmental groups, network utility groups, and local business people. Some of these meetings were formal hui held on Marae in the district, and were attended by the Mayor, Councillors, and Council Officers.

6.2. The following indicates the development of the District Plan, describing the stages that led to the Operative Opotiki District Plan.

STAGE 1 Consultation and issues identification	<ul style="list-style-type: none"> • Consultation with numerous parties to identify resource management issues. • Discussion Papers produced to present the issues for discussion. • Composite of the issues presented to elected members for discussion and debate • Discussions identified the significant resource management issues for the District Plan.
STAGE 2 Definition of zones	<ul style="list-style-type: none"> • Indication that the management of issues could be managed in a district wide and area specific manner. • Proposed zones were presented for Council consideration, the zone boundaries were discussed and debated to ensure that they were an accurate representation of identifiable areas.
STAGE 3 Plan format and structure	<ul style="list-style-type: none"> • A proposed structure of the plan was presented to elected members. • The structure was analysed to see if it was practical, easy to use, and if it would be easy to understand. • Format agreed upon.
STAGE 4 Establish resource management strategies	<ul style="list-style-type: none"> • The establishment of objectives, policies, rules, and other methods for the district and zones of the district. • The objectives, policies, rules, and other methods for the Plan were discussed and debated until decisions were made as to their appropriateness in achieving the purpose of the RMA.
STAGE 5 Draft Plans released and further consultation	<ul style="list-style-type: none"> • Fine tuning stages of the Plan. Revisitation of the previous stages to ensure the most appropriate means are being implemented. • Defining the District Plan Structure • Evaluation and analysis of comments received on drafts and picking up on the submissions where they indicate better and more appropriate methods of managing issues.
STAGE 6 Proposed District Plan	<ul style="list-style-type: none"> • Release of the Section 32 Analysis, which sets out a thorough analysis of the consultation process. • Council decisions on submissions made to the Draft Plan. • Release of the Proposed District Plan.
STAGE 7 Finalisation of the District Plan	<ul style="list-style-type: none"> • Discussions and resolution of issues with 13 submitters who lodged references to the Environment Court on the Proposed District Plan. • Amendments to the Proposed District Plan and Planning Maps.

6.3. The Operative District Plan is the product of extended public consultation and negotiation with individual submitters who lodged references to the Environment Court on the Proposed District Plan. It is important to

remember that the District Plan is a living document and will change to meet the needs of the community as and when required.

7. DISTRICT PLAN STRUCTURE

7.1. In keeping with the guiding principles of the District Plan the structure of the Plan is kept as simple as possible.

The District Plan consists of three parts:

PART I	Introductory Section
PART II	District Plan Text
PART III	District Plan Maps

7.2. Part II of the District Plan contains the main text of the Plan. The sections of Part II are of two types:

- **District wide (Sections 1 - 11 and Section 20 & 21)**

Those that are applicable across the entire district.

- **Zone specific (Sections 12 - 19)**

Those sections of the Plan that are applicable to identifiable areas of the district.

Section 1	Resource management strategy
Section 2	Plan administration
Section 3	Landscapes and habitats
Section 4	Heritage
Section 5	Esplanade reserves
Section 6	Surface of water activities
Section 7	Natural hazards
Section 8	Hazardous substances
Section 9	Network utilities
Section 10	Subdivision
Section 11	Financial contributions
Section 12	Town Centre Zone
Section 13	Residential Zone
Section 14	Mixed Activity Zone
Section 15	Industrial Zone
Section 16	Rural Zone
Section 17	Coastal Zone
Section 18	Coastal Settlement Zone
Section 19	Ohiwa Harbour Zone
Section 20	Monitoring
Section 21	Definitions

8.0 HOW TO USE THE DISTRICT PLAN

8.1 To find out if there are any specific requirements for a particular property or activity, these steps should be followed :

1. Consult the planning maps to locate the property.
2. Identify the Zone which applies to the property.
3. Turn to the particular Zone section of the District Plan to identify the objectives, policies and methods to manage the effects from the proposed activity.
4. The activity may be identified as a permitted, controlled, discretionary, or a non-complying activity. These terms are explained in Section 2.2 of the Plan. Controlled, Discretionary and Non-complying activities require resource consents.
5. Zone standards are specified in the sections of the Plan. If these standards can not be met for any activity, a resource consent will be required.
6. Consult the district wide sections of the Plan, **Sections 1 to 11** and **Sections 20 and 21** for the objectives, policies and methods that apply to activities undertaken anywhere in the district.

8.2 Most of the words in the Plan have their common meaning. However, some words have a special meaning, these are defined in **Section 21**.