



Proposed Tuhua District Plan Section 32 Report

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Department of Internal Affairs

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Department of Internal Affairs
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Dear Sir

Proposed Tuhua District Plan

Yours sincerely
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1 Introduction

The Resource Management Act 1991 (RMA) requires all Local Authorities in New Zealand to prepare a District Plan as outlined in Section 73 of the Act and as identified in the Preamble to the Plan.

Tuhua is not included within the territorial boundaries of any mainland Local Authority and it falls to the Minister of Local Government to act as the Local Authority. The Minister must therefore prepare a District Plan for the island in accordance with the requirements of the RMA.

The current Plan is proposed following consultation with residents, Iwi, Hapu, statutory and requiring authorities and other stakeholders in response to the direction of the Environment Court and the Minister's statutory duties.

During this process the following Resource Management Issues have been identified and addressed in the Plan:

- Island Character and Amenity;
- Natural Resources and Environment;
- Physical Resources;
- Tangata Whenua Values;
- Natural Hazards; and
- Emergency Management.

These issues, the objectives to be achieved in addressing the issue, options for policy direction/methods to respond to the issues, evaluation of main alternatives including the appropriateness of objectives in achieving the purpose of the Act are addressed in this report.

The assessment also addresses the efficiency and effectiveness and appropriateness in addressing the objective of policies, rules and other methods and their benefits and costs.

In preparing this Plan the residents and stakeholders of Tuhua have established a *Vision* for the island. This has also guided the preparation of the Plan but is not part of the Plan.

Kia puarwai nga hua oranga, hei taonga tuku iho mo nga uri whakaheke o te Whanau a Tauwhao

For the owners and future generations of Tuhua to provide for their social and economic wellbeing while also protecting and enhancing the unspoiled natural resources of the island.

Ultimately Tuhua will represent peace, tranquillity, uniqueness, isolation, an ocean jewel owned by us, Tangata Whenua

2 Section 32 RMA and Risk of Not Acting

2.1 Section 32

The Territorial Authority must ensure that prior to adopting an objective, policy, rule or other method in the District Plan, that the proposed provisions meet the requirements of the RMA through an assessment of matters outlined in Section 32 of the Act before notifying the Tuhua District Plan and prepare a report, which is publicly available from the date of notification. This report addresses the relevant matters set out in section 32.

The relevant parts of section 32 RMA state:

32. *Consideration of alternatives, benefits, and costs*

(1) *In achieving the purpose of the Act, before a proposed plan, proposed policy statement, change, or variation is publicly notified, a national policy statement or New Zealand coastal policy statement is notified under section 48, or a regulation is made, an evaluation must be carried out by –*

.....

(c) *the local authority, for a policy statement or a plan (except for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of Schedule 1); or....*

(2) *A further evaluation must also be made by –*

(a) *a local authority before making a decision under clause 10 or clause 29(4) of the Schedule 1; and.....*

(3) *An evaluation must examine –*

(a) *the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*

(b) *whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives.*

(4) *For the purpose of this examination, an evaluation must take into account –*

(a) *the benefits and costs of policies, rules, or other methods; and*

(b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*

(5) *The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.*

(6) *The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.*

The purpose of the RMA as stated in section 5(1) is "to promote sustainable management of natural and physical resources".

2.2 Risk of Not Acting

Tuhua is wholly privately owned. There are no public reserves or public utilities on the island. Information on the existing environment has been obtained from the Tuhua Trust Board, from consultation and from existing written material, in particular the research undertaken by Shadrach Rolleston.

The aspirations and *Vision* for the future of Tuhua have been identified from consultation. The information obtained is considered to be sufficient to prepare this Proposed District Plan for public submission. Further information is expected to become available during the public submission process that will add value to the Proposed Plan.

The Territorial Authority is required to prepare a District Plan under the Resource Management Act and not acting, subject to there being sufficient information about the subject matter of the policies, rules and other methods, is not an option.

3 Assessment of Objectives, Policies and Other Methods

3.1 Introduction

The following assessment considers the appropriateness of the proposed objectives and the benefits/costs, effectiveness, efficiency and appropriateness of the policies and other methods in achieving the relevant objectives. An evaluation of the rules proposed follows in Section 4.

3.2 Environmental Topic 1: Island Character and Amenity

3.2.1 Issue and Objective

Issue 1.1: Tuhua has a limited developable land area; new development can produce negative environmental impacts affecting the outstanding natural character and amenity of the island.

This issue recognises that there is some land on Tuhua that is suitable for new development. However there is a risk that new development could occur that may have adverse effects on the outstanding character and amenity of the island. The owners of the island wish to maintain and enhance the outstanding natural character and amenity that may be susceptible to the effects of development.

The objective to be achieved in addressing this issue is:

Objective 1.1.1: The present character and amenity of the island is maintained and enhanced.

It is considered that the proposed objective is the most appropriate way to achieve the purpose of the RMA for the following reason:

- The objective establishes that the existing environment determines the desired character and amenity of the island. This sets a clear benchmark of sustainability by which activities on the island can be regulated and monitored.

3.2.2 Overview of Benefits and Costs of All Island Character and Amenity Policies

Benefits

- Using the existing situation sets a clear benchmark against which the amenity values of Tuhua are to be determined in the future
- Achieves the desired environmental outcome to avoid adverse effects on lawfully established activities and therefore maintain a certain type of development on the island
- Setting a limit on development (including bulk and location requirements) meets the owners' desire for low-density development.

- Other methods such as providing information to visitors of Tuhua on the history and current land use of the island may increase awareness and understanding of the need to protect the island’s character and amenity.

Costs

- Potentially does not provide for limitless growth, which could have economic benefits.
- Potential costs in terms of allowing established activities to continue where they might have adverse effects on the environment or be subject to risk.
- May result in regulation on the nature and scale of development that may be perceived to be too restrictive in the future.
- The District Plan rules to provide for use and development by identifying two environmental activity areas may be overly restrictive should the owners wish to provide for development outside the Opo Development Area in the future.
- Design guidance material for new buildings provided for in a non-regulatory manner may be difficult to implement and monitor, which may result in the desired environmental outcome not being achieved effectively.

3.2.3 Evaluation of Each Policy

<i>Policy 1.1.1.1</i>	<p><i>Ensure that the nature of use and development is compatible with the established natural character and amenity on the island. The established natural character and amenity includes:</i></p> <ul style="list-style-type: none"> ■ <i>Minimal number of buildings, limited to zoned Opo Development Area;</i> ■ <i>The majority of the island in extensive native vegetation and regenerating undergrowth;</i> ■ <i>Lodge style development</i> ■ <i>Marae based community activity</i>
Summary of benefits	■ Sets clear guidelines against which the amenity values of Tuhua are to be determined in the future
Summary of costs	■ Does not provide for limitless growth, which may have economic benefits.
Effectiveness	■ Effective as it defines a level of sustainable management acceptable to the island’s residents and stakeholders.
Efficiency	■ Efficient because it can be implemented through plan rules.
Appropriateness	■ Appropriate because it achieves the outcomes sought by the owners.

Policy 1.1.1.2: <i>Ensure that the location of activities on Tuhua does not compromise the ongoing sustainability of the natural environment and the operation of other established and potentially permitted activities.</i>	
Summary of benefits	<ul style="list-style-type: none"> ■ Achieves the desired environmental outcome to avoid adverse effects on the natural environment and lawfully established activities and therefore maintain a certain type of development on the island.
Summary of costs	<ul style="list-style-type: none"> ■ Potential costs in terms of allowing established activities to continue where they might have adverse effects on the environment or be subject to risk.
Effectiveness	<ul style="list-style-type: none"> ■ Effective because removing established activities could have more than minor adverse effects on the environment.
Efficiency	<ul style="list-style-type: none"> ■ Efficient because it will have the effect of ensuring the ongoing operation of established activities that may have economic benefit.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of avoiding or mitigating adverse effects on existing activities such as Tuhua’s caretaker’s facilities which are necessary to its ongoing operation.

Policy 1.1.1.3: <i>Ensure that the scale and intensity of use and development, including the maximum sustainable number of dwellings (or dwelling equivalents) and residents, is compatible with the existing environment on the island.</i> <i>The sustainable limits of Tuhua are considered to be 10 permanent dwellings or dwelling equivalents and 100 visitor accommodation beds.</i>	
Summary of benefits	<ul style="list-style-type: none"> ■ It meets the owners’ desire for low-density development.
Summary of costs	<ul style="list-style-type: none"> ■ This will result in regulation on the nature and scale of development and that may be perceived to be too restrictive/inequitable in the future.
Effectiveness	<ul style="list-style-type: none"> ■ Effective because it provides for development within acceptable limits of physical, cultural, social and economic use and development.
Efficiency	<ul style="list-style-type: none"> ■ Efficient because it provides certainty for the future development of Tuhua, which will prevent expansion of the built form in a manner that the island could not physically support.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate because it provides for development within an anticipated holiday/occasional lifestyle as expressed in consultation.

3.2.4 Evaluation of Other Methods

Other Method 1: <i>To provide information to visitors to Tuhua on the history and current land use of the island.</i>	
Summary of benefits	<ul style="list-style-type: none"> ■ Will educate visitors to the island regarding its significant history and land use which aims to have the result of visitors respecting sensitive land use/s.
Summary of costs	<ul style="list-style-type: none"> ■ May be difficult to implement.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it is a low cost method of informing and educating visitors on the history and values of Tuhua
Efficiency	<ul style="list-style-type: none"> ■ Efficient as it is a simple mechanism for educating visitors to the sensitive nature of the island’s natural environment.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as it is timely.

Other Method 2: <i>To provide design guidance material for new buildings incorporating elements of scale, form, materials etc that are compatible with the character of Tuhua.</i>	
Summary of benefits	<ul style="list-style-type: none"> ■ Sets a standard for new buildings that is consistent with the character and amenity of the island.
Summary of costs	<ul style="list-style-type: none"> ■ Non-regulatory method may not be complied with, resulting in some structures that are not consistent with the character of the island.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it is a method by which those responsible for construction can ensure that the structures are consistent with the development vision for the island.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as it lessens the potential for development that is out of character and that could result in adverse visual/amenity effects.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as it is timely, providing guidance at design stage.

3.3 Environmental Topic 2: Natural Resources and Environment

3.3.1 Issues and Objectives

The particular issues identified that relates to natural resources and environment is:

Issue 2.1: *Use and development on Tuhua can adversely affect the quality of the environment on the island, including air and water, enjoyed by the community.*

The land, freshwater and soil resources available on Tuhua are finite resources, limited in area and quantity and sensitive to change. These resources can be adversely affected by use and development.

Issue 2.2 *The introduction of pest and nuisance plants and animals to Tuhua can adversely affect the natural environment of the island.*

Currently the nature of development on Tuhua is such that there is a simplistic approach to the use of, and effect on, natural resources and the environment. It is recognised that the natural resources and environment of Tuhua exist in a delicate sustainable balance. Continued and increased disposal of untreated wastewater, for example, may increase the risk of infectious disease for visitors to the island. If use and development occurs in the future in a manner that compromises the unique natural resources, there is potential for those very features that define the island’s appeal to be lost. Use and development can only take place in a manner that ensures that the island’s natural resources are not adversely affected. This means that use and development will need to take place in a controlled manner.

The objectives to be achieved in addressing issue 2.1 are:

Objective 2.1.1: *To protect and preserve Tuhua, as an island environment, with important natural values and resources, significant indigenous flora and fauna habitats and ecosystems, from the adverse effects of use and development.*

Objective 2.1.2 *To avoid or minimise the adverse effects the disposal of wastewater, stormwater and solid waste and the collection or taking of water may have on natural resources and the environment.*

The objective to be achieved in addressing issue 2.2 is:

Objective 2.1.3: To protect and preserve Tuhua’s pest-free status

It is considered that the proposed objectives are the most appropriate way to achieve the purpose of the RMA for the following reasons:

- The objectives provide for the protection and preservation of the natural values and indigenous vegetation and resources of Tuhua and in this way achieve sustainable management. If these resources were not protected and preserved, the District Plan would have the effect of negating the purpose of the RMA.
- The objectives recognise that the island has an outstanding natural environment. The owners of the island wish to protect the natural resources of the island from the adverse effects of use and development for future generations.
- Significant investment has been made by the Tuhua Trust Board and the owners to rid the island of pest plant and animals. This has allowed for the protection and re-juvenation of the island’s native environment. This is considered to be an outstanding feature of the island, and a core aspect of the Vision for the island in to the future. Preserving the island’s pest-free status will be consistent with Section 5 of the RMA.

3.3.2 Overview of Benefits and Costs of All Natural Resources and Environment Policies

Benefits

- Maintain and enhance the natural resources on Tuhua for future generations.
- Maintain the quality of the environment

Costs

- Increased costs associated with achieving compliance.
- May restrict the nature of development and land use on Tuhua.

3.3.3 Evaluation of Each Policy

<i>Policy 2.1.1.1: Manage use and development to maintain and enhance the biodiversity of Tuhua.</i>	
Summary of benefits	■ Provides for the maintenance and enhancement of the biodiversity of the island including the significant flora and fauna habitats and ecosystems, in a sustainable manner.
Summary of costs	■ In order to achieve sustainable development and maintain or enhance biodiversity there may need to be limits on the location and/or type of development that can take place.
Effectiveness	■ Effective in identifying the need to maintain and enhance the biodiversity of Tuhua.
Efficiency	■ Efficient as a management guide to the anticipated environmental outcome.
Appropriateness	■ Appropriate as it provides a clear guide to the management of use and development on Tuhua.

Policy 2.1.2.1: <i>To ensure that domestic and other wastewater is treated and disposed of in a way that does not compromise the natural environment and the health and safety of the island community.</i>	
Summary of benefits	<ul style="list-style-type: none"> ■ Direct benefit in terms of maintaining and enhancing the natural resources of the island and the health and well-being of the community in a manner consistent with the purpose of the RMA.
Summary of costs	<ul style="list-style-type: none"> ■ It could result in restrictions on the character and scale of activities that establish and/or operate on the island.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as a means of regulating activities in a manner that maintains and enhances Tuhua’s biodiversity.
Efficiency	<ul style="list-style-type: none"> ■ Efficient because it provides for long term protection of the environment and the health of residents and visitors to the island.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as it provides clear guidelines for the establishment of activities on the island

Policy 2.1.2.2 <i>To ensure that stormwater is collected and disposed of in a way that avoids, remedies or mitigates actual and potential adverse effects on the environment, including the potential for groundwater or marine contamination.</i>	
Summary of benefits	<ul style="list-style-type: none"> ■ The benefits of this policy are that natural resources on the island such as water supply, which is primarily stormwater based, and the disposal of stormwater runoff, are protected. The result of this policy and associated rules is that the health and wellbeing of the island community is protected.
Summary of costs	<ul style="list-style-type: none"> ■ The need to provide improved stormwater disposal from developed areas may impose a cost on owners.
Effectiveness	<ul style="list-style-type: none"> ■ Effective because it establishes a degree of control over the establishment of activities that have the potential to increase stormwater runoff.
Efficiency	<ul style="list-style-type: none"> ■ Efficient because it would provide for a consistent approach to stormwater treatment and disposal.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate because it considers the long-term effects of development on Tuhua and seeks to manage them within the island’s maximum carrying capacity.

Policy 2.1.2.3: <i>To ensure that water is collected and supplied in a way that does not compromise the health and safety of the user.</i>	
Summary of benefits	<ul style="list-style-type: none"> ■ The benefits of this policy are that natural water resources on the island are protected, which ultimately protects the health and wellbeing of the island community.
Summary of costs	<ul style="list-style-type: none"> ■ The need to provide improved water supply for future development may impose a cost on the owners.
Effectiveness	<ul style="list-style-type: none"> ■ Effective because it establishes a degree of control over the establishment of activities that create a demand for potable water.
Efficiency	<ul style="list-style-type: none"> ■ Efficient because it would provide for a consistent approach to potable water supply.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate because it considers the long-term effects of development on Tuhua and seeks to manage them within the island’s maximum carrying capacity

Policy 2.1.2.4: <i>To ensure that the collection and/or taking of water by any particular user does not compromise the ability of other lawful users of the resource to provide for their own use and development.</i>	
Summary of benefits	<ul style="list-style-type: none"> ■ The health and safety of the community is protected in a manner consistent with the purpose of the RMA.
Summary of costs	<ul style="list-style-type: none"> ■ There may be a financial cost to the community in ensuring that the supply of water is safe.
Effectiveness	<ul style="list-style-type: none"> ■ Effective because it provides for a minimum standard of water supply to ensure the health and safety of the island’s residents and visitors.
Efficiency	<ul style="list-style-type: none"> ■ Efficient because it sets clear guidelines for the taking of water for use and development.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of avoiding risk to the community from a contaminated water supply.

Policy 2.1.2.5: <i>To ensure that the disposal of solid waste avoids adverse effects on the environment.</i>	
Summary of benefits	<ul style="list-style-type: none"> ■ The adequate disposal of solid waste will ensure that the integrity of the environment and other resources on the island is maintained. Adverse visual, contaminant and pest nuisances are avoided.
Summary of costs	<ul style="list-style-type: none"> ■ There may be a cost to the owners for adequate solid waste disposal.
Effectiveness	<ul style="list-style-type: none"> ■ Effective because it recognises the need for solid waste disposal and its potential effects on the environment. Provides for the implementation of methods for appropriate solid waste disposal.
Efficiency	<ul style="list-style-type: none"> ■ Efficient because it avoids the costs associated with wider externalities resulting from solid waste disposal.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of regulating solid waste disposal to ensure the quality of the environment is not compromised.

Policy 2.1.2.6: <i>Earthworks shall avoid, remedy or mitigate adverse effects on the natural environment from erosion and degradation of the capacity of soil to support life.</i>	
Summary of benefits	<ul style="list-style-type: none"> ■ The maintenance of the life-sustaining capacity of the soils on Tuhua ■ Avoidance of adverse effects of earthworks on areas beyond the development site such as sedimentation of kai moana sources and erosion of steep areas, cliffs and the shoreline around Tuhua.
Summary of costs	<ul style="list-style-type: none"> ■ Potential increased costs in managing earthworks during development
Effectiveness	<ul style="list-style-type: none"> ■ Effective in preventing the adverse effects of earthworks on the sensitive environment of Tuhua
Efficiency	<ul style="list-style-type: none"> ■ Efficient as it addresses the sustainable management of use and development on the island
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as the policy provides guidance for associated that manage small-scale earthworks that are not addressed by the Bay of Plenty Regional Council.

Policy 2.1.3.1: <i>To ensure that pest and nuisance plants and animals are not introduced to the island.</i>	
Summary of benefits	■ Will contribute to protection of indigenous species on Tuhua, and the island’s pest-free status.
Summary of costs	■ Implementation of this policy could mean increased compliance and monitoring costs in terms of transportation of goods and people to and from Tuhua.
Effectiveness	■ Effective in achieving the desired environmental outcome to protect and preserve natural resources. The effect of this policy is to limit the threats to Tuhua’s significant indigenous species.
Efficiency	■ Efficient because it will protect the indigenous species from the threat of pest or nuisance plants and/or animals which will have direct economic and environmental benefits.
Appropriateness	■ Appropriate as a mechanism to reduce risk to indigenous resources on Tuhua in the long term.

3.3.4 Evaluation of Other Methods

Other Method 1: <i>To manage pest and nuisance plants and animals in accordance with the Tuhua Restoration Plan and Bay of Plenty Regional Council’s pest management policy.</i>	
Summary of benefits	■ Will protect the island’s pest free status and the quality of the natural environment that is consistent with the regional standards.
Summary of costs	■ Is not enforceable in the same manner as a rule.
Effectiveness	■ Effective as a guide for future pest management.
Efficiency	■ Efficient as it uses previously established and agreed standards for pest control.
Appropriateness	■ Appropriate as it is consistent with higher level policy.

Other Method 2: <i>To provide information to visitors to Tuhua on the potential adverse effects introduced pest and nuisance plants and animals may have on the existing environment.</i>	
Summary of benefits	■ Will educate visitors to the island regarding its significant history and land use which aims to have the result of visitors respecting sensitive land use/s.
Summary of costs	■ May be difficult to staff and implement.
Effectiveness	■ Effective as it is a low cost method of raising awareness regarding the island’s pest free status and the need to maintain that.
Efficiency	■ Efficient as it is a simple mechanism for educating visitors to the sensitive nature of the island’s natural environment.
Appropriateness	■ Appropriate as it is consistent with higher level policy.

Other Method 3: <i>To require that the taking of groundwater does not compromise the future sustainable use of that resource in terms of long-term draw-down of groundwater levels and the recovery of the aquifer in accordance with Regional Plans.</i>	
Summary of benefits	<ul style="list-style-type: none"> ■ The Regional Council holds data relating to the sustainable use of the groundwater supply that can be used to assess the sustainability of use and development on the island
Summary of costs	<ul style="list-style-type: none"> ■ Compliance with Regional Plans may require a duplication of consent requirements
Effectiveness	<ul style="list-style-type: none"> ■ Effective as the rules relating to taking groundwater are already a function of the Regional Council
Efficiency	<ul style="list-style-type: none"> ■ Efficient as the rules relating to taking groundwater are already established by the Regional Council
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as the management of groundwater use is a Regional Council responsibility

Other Method 4: <i>To require that all land use and development that results in the discharge of wastewater treats that discharge to a standard that meets the requirements of the Bay of Plenty Regional Council.</i>	
Summary of benefits	<ul style="list-style-type: none"> ■ The Regional Council sets standards for the discharge of wastewater that must be adhered to
Summary of costs	<ul style="list-style-type: none"> ■ Compliance with Regional Plans may require a duplication of consent requirements
Effectiveness	<ul style="list-style-type: none"> ■ Effective as the rules relating to discharging wastewater are already a function of the Regional Council
Efficiency	<ul style="list-style-type: none"> ■ Efficient as the rules relating to discharging wastewater are already established by the Regional Council
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as the management of the discharge of wastewater is a Regional Council responsibility

3.4 Environmental Topic 3: Physical Resources

3.4.1 Issues and Objectives

Issue 3.1 Increased use and development can potentially adversely affect physical resources necessary to support the island community.

Issue 3.2 Increased use and development can potentially adversely affect transportation infrastructure to and on Tuhua.

Issue 3.3 Communication links to Tuhua must be maintained to ensure the health and safety of the residents and visitors.

Issue 3.4 Some substances used in rural communities are hazardous to people and the environment.

While the physical resources on Tuhua are limited at present, there are some resources that currently support the island community and the potential for further use and development of physical resources in the future. Existing resources include the caretaker’s cottage and the various buildings in the Opo Development Zone, and the infrastructure in place to source water supply. Increased use and development on the island has the potential to adversely affect the existing physical resources that are necessary to support visitors and the ongoing maintenance of the island environment.

The transportation infrastructure on Tuhua is a vital and necessary link to the mainland. The District Plan shall contain mechanisms to ensure that this vital transportation infrastructure is not compromised. The transportation infrastructure includes the boat launching locations and areas suitable for helicopter access. This infrastructure will be maintained and managed in the future in order to protect the health and safety of residents and visitors.

The existing communication infrastructure on Tuhua is not extensive. The telecommunication links and other methods of communication are vital to the health and safety of residents and visitors, particularly during emergencies. The District Plan shall contain mechanisms to make sure that the communication links do not become tenuous in the future.

In undertaking existing and future development it is likely that substances hazardous to people and the environment will be present such as diesel, other fuels or pest management chemicals.

The objective to be achieved in addressing issue 3.1 is:

Objective 3.1.1: To ensure that the use of physical resources and the rate of use of those resources enables the current generations to provide for their current needs without compromising the ability of future generations to meet their needs.

The objective to be achieved in addressing issue 3.2 is:

Objective 3.2.1: Transportation infrastructure on and around Tuhua is maintained and enhanced to provide for the health and safety of the community.

The objective to be achieved in addressing issue 3.3 is:

Objective 3.3.1: Communication services to and on Tuhua are maintained and enhanced to provide a reliable service to the community.

The objective to be achieved in addressing issue 3.4 is:

Objective 3.4.1: The storage and use of hazardous substances on Tuhua avoids, remedies or mitigates adverse effects on the community and environment.

It is considered that the proposed objectives are the most appropriate way to achieve the purpose of the RMA for the following reasons:

- The objectives directly achieve the purpose of the RMA by enabling sustainable management. They consider the finite characteristics of certain resources and provide for the use of those resources by future generations. The objective clearly links back to the purpose of the RMA.
- Tuhua is relatively isolated from the mainland. For the health and safety of the community the vital transportation infrastructure will need to be maintained and enhanced. This is directly consistent with the purpose of the Act.
- The fragile communication infrastructure on Tuhua will need to be maintained and enhanced in the future to ensure the health and safety of the owners and visitors to the island. This is particularly important in the event of an emergency, because of Tuhua's

isolation from the mainland. Prompt response times are necessary to achieve the purpose of the Act.

- The storage and use of hazardous substances will need to be managed to limit the potential for adverse effects on the environment.

3.4.2 Overview of Benefits and Costs of All Physical Resources Policies

Benefits

- Provides for the establishment of necessary physical infrastructure that supports the activities of owners and visitors to the island.
- Will contribute to ensuring the health and safety of the community and also provide for the social and economic wellbeing of the community by providing access.
- Will contribute to ensuring the health and safety of the community and also provide for the social and economic wellbeing of the community by providing reliable communication infrastructure.

Costs

- May be difficult to define what suitable physical facilities are.
- Regulation of transportation infrastructure could result in adverse effects on the environment due to inappropriate use. Costs involved with compliance.
- Regulation of communication infrastructure could result in adverse effects on the environment due to inappropriate use. Costs involved with compliance.

3.4.3 Evaluation of Each Policy

<i>Policy 3.1.1.1: To enable the establishment of facilities that support lawfully established activities on the island.</i>	
Summary of benefits	■ Provides for the establishment of necessary physical infrastructure that supports the activities of owners and visitors to the island.
Summary of costs	■ May be difficult to define what facilities are required.
Effectiveness	■ Effective as a means of regulating the scale and nature of activities as activities on the island.
Efficiency	■ Efficient because it associates physical activities with the establishment of activities specified as being appropriate for the island.
Appropriateness	■ Appropriate because it provides for the use and development of the island as identified in the rules of the Plan

Policy 3.1.1.2: <i>To avoid, remedy or mitigate the adverse effects of construction on the environment.</i>	
Summary of benefits	<ul style="list-style-type: none"> ■ Provides for the establishment of necessary physical infrastructure on the island in a sustainable manner.
Summary of costs	<ul style="list-style-type: none"> ■ Requires resources to determine compliance with the permitted activity standards and to assess consent applications.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as a means of sustainably managing the effects of construction activities.
Efficiency	<ul style="list-style-type: none"> ■ Efficient because it provides certainty for the developers of structures on the island through the associated rules.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate because it provides for the sustainable management of development in accordance with the Purpose of the Resource Management Act.

Policy 3.2.1.1: <i>To protect existing transportation infrastructure to and on Tuhua, constructed and maintained to a standard that will ensure the health and safety of the community.</i>	
Summary of benefits	<ul style="list-style-type: none"> ■ Will ensure the health and safety of the community and also provide for the social and economic wellbeing of the community by providing access.
Summary of costs	<ul style="list-style-type: none"> ■ Potential costs involved in building infrastructure to the appropriate standards.
Effectiveness	<ul style="list-style-type: none"> ■ Effective in ensuring that any adverse effects on the environment resulting from transportation infrastructure are minimised.
Efficiency	<ul style="list-style-type: none"> ■ Efficient because it will set a consistent standard of transportation infrastructure.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of providing for access to and from the island while protecting the island’s natural and physical resources.

Policy 3.3.1.1: <i>To ensure communication services to and on Tuhua are constructed and maintained to a standard that will ensure reliability and provide for the health and safety of the community.</i>	
Summary of benefits	<ul style="list-style-type: none"> ■ Will contribute to ensuring the health and safety of the community and also provide for the social and economic wellbeing of the community by providing reliable communication infrastructure.
Summary of costs	<ul style="list-style-type: none"> ■ Potential costs involved in building infrastructure to the appropriate standards. ■ Potential for adverse effects on the environment resulting from inappropriate location of infrastructure
Effectiveness	<ul style="list-style-type: none"> ■ Effective in ensuring that any adverse effects on communication infrastructure resulting from activities on the island or inappropriate provision of communication infrastructure are minimised.
Efficiency	<ul style="list-style-type: none"> ■ Efficient because it will set a consistent standard of communication infrastructure.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a mechanism to provide for communication infrastructure on the island while protecting the island’s natural and physical resources.

Policy 3.4.1.1: <i>To ensure hazardous substances are stored and used with regard to relevant standards and user guidelines.</i>	
Summary of benefits	<ul style="list-style-type: none"> Will provide for the health and safety of the community and the maintenance of the natural environment by containing hazardous substances and limiting the potential for contamination.
Summary of costs	<ul style="list-style-type: none"> Limits the volume of hazardous substances stored on the island that may result in increased trips or shortages in the event of bad weather conditions.
Effectiveness	<ul style="list-style-type: none"> Effective as the policy and associated rules recognise the need for potentially hazardous substances in providing for the sustainable management of the island and its community.
Efficiency	<ul style="list-style-type: none"> Efficient as it provides certainty through the associated rules as to the quantities of substances to be stored on the island
Appropriateness	<ul style="list-style-type: none"> Appropriate as a means of providing for the health and safety of the island's residents and visitors.

3.4.4 Evaluation of Other Methods

Other Method 1: <i>To store and use hazardous substances in accordance with appropriate standards and user guidelines.</i>	
Summary of benefits	<ul style="list-style-type: none"> Recognises that there are existing standards and industry guidelines that have been accepted throughout the wider community
Summary of costs	<ul style="list-style-type: none"> Relies on users reading and acting on the standards and guidelines
Effectiveness	<ul style="list-style-type: none"> Effective as the standards and guidelines have already been accepted by the wider community.
Efficiency	<ul style="list-style-type: none"> Efficient as compliance with the standards and guidelines does not require further input from the territorial authority or resource consent.
Appropriateness	<ul style="list-style-type: none"> Appropriate as the standards and guidelines have been prepared specific to the substances being considered.

3.5 Environmental Topic 4: Tangata Whenua Values

3.5.1 Issue and Objective

Issue 4.1: *Use and development of Tuhua can adversely affect the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, waahi tapu and other taonga and resources associated with the island.*

Tangata whenua of Tuhua are Te Whanau a Tauwhao ki Tuhua.

Tuhua has high cultural and ecological significance to the current owners Te Whanau o Tauwhao ki Tuhua. Tuhua is Maori owned and administered by the Tuhua Trust Board, who represent the beneficial owners and descendants of Te Whanau a Tauwhao.

The Tangata Whenua of Tuhua view their relationship to natural and physical resources as kaitiaki, or natural and moral guardians to preserve resources for current and future generations. This issue and associated objective expresses this relationship.

The objective to be achieved in addressing this issue is:

Objective 4.1.1: To maintain and enhance the relationship of tangata whenua with their ancestral land, water, waahi tapu and other taonga and resources associated with Tuhua.

- Tuhua is owned by Tangata Whenua. This objective is appropriate as it ensures that the ongoing relationship of Te Whanau a Tauwhao with Tuhua is maintained and enhanced.

3.5.2 Overview of Benefits and Costs of All Tangata Whenua Values Policies

The Territorial Authority has assessed the particular costs and benefits of the proposed policies and other methods.

Benefits

- Will contribute to the ongoing involvement of tangata whenua in decision-making regarding land use on the island and is therefore consistent with the purpose of the Act.
- Will protect resources important to tangata whenua and is therefore consistent with Section 6(e) of the Act.

Costs

- Could result in time delays associated with consulting tangata whenua and owners.
- Could restrict the nature, scale and intensity of use and development.

3.5.3 Evaluation of Each Policy

Policy 4.1.1.1: <i>To ensure that where use and development affects land, resources or other taonga important to tangata whenua, they are consulted.</i>	
Summary of benefits	■ Will contribute to the ongoing involvement of tangata whenua in decision-making regarding land use on the island and is therefore consistent with the purpose of the Act.
Summary of costs	■ Could result in time delays and added costs associated with consulting tangata whenua and owners.
Effectiveness	■ Effective as a means of providing for tangata whenua decision-making and the ongoing role of tangata whenua as kaitiaki for natural, physical, and spiritual resources on Tuhua.
Efficiency	■ Efficient as it requires consultation where important resources are adversely affected prior to any application for resource consent.
Appropriateness	■ Appropriate as it is timely and consistent with the purpose of the Act.

Policy 4.1.1.2: <i>To ensure that when considering any application involving use and development affecting land, resources or other taonga the Minister, or the Minister’s agents, consults with the relevant tangata whenua parties.</i>	
Summary of benefits	■ Will contribute to the ongoing involvement of the Territorial Authority in decision-making regarding land use on the island and is therefore consistent with the purpose of the Act.
Summary of costs	■ Could result in time delays and added costs associated with consultation.
Effectiveness	■ Effective as a means of providing for tangata whenua decision-making and the ongoing role of tangata whenua as kaitiaki for natural, physical, and spiritual resources on Tuhua.
Efficiency	■ Efficient as it requires consultation where important resources are adversely affected prior to any application for resource consent.
Appropriateness	■ Appropriate as it is timely and consistent with the purpose of the Act.

Policy 4.1.1.3: <i>To ensure that use and development avoids, remedies or mitigates adverse effects on land, resources or other taonga important to tangata whenua.</i>	
Summary of benefits	■ Will protect resources important to tangata whenua and is therefore consistent with Section 6(e) of the Act.
Summary of costs	■ Could restrict the nature, scale and intensity of use and development.
Effectiveness	■ Effective as a means of ensuring that adverse effects on resources important to tangata whenua are minimised.
Efficiency	■ Efficient as a means of avoiding, remedying and mitigating development that has the potential to compromise important resources in that this can be achieved where sites are known.
Appropriateness	■ Appropriate as it is consistent with the purpose of the Act.

Policy 4.1.1.4: <i>To maintain and enhance the relationship Te Whanau a Tauwhao ki Tuhua has with the land, its character and amenity and the consequential lifestyle on Tuhua.</i>	
Summary of benefits	■ Will protect resources important to tangata whenua and is therefore consistent with Section 6(e) of the Act.
Summary of costs	■ Could restrict the nature, scale and intensity of use and development.
Effectiveness	■ Effective as a means of ensuring that adverse effects on resources important to tangata whenua are minimised.
Efficiency	■ Efficient as a means of avoiding, remedying and mitigating development that has the potential to compromise important resources in that this can be achieved where sites are known.
Appropriateness	■ Appropriate as it is directly consistent with the purpose of the Act.

Policy 4.1.1.5: <i>To avoid, remedy or mitigate the adverse effects of use and development on the cultural and traditional relationship of Maori with water.</i>	
Summary of benefits	■ Provides for the ongoing relationship of the hapu/owners with the island and is consistent with Section 6(e).
Summary of costs	■ Potential for delays associated with establishing the cultural and traditional relationship of Maori with water.
Effectiveness	■ Effective as a way of providing for island amenity and character that is valued by the owners/hapu.
Efficiency	■ Efficient as a way of defining the desired island character, amenity and consequential lifestyle.
Appropriateness	■ Appropriate as it is consistent with the purpose of the Act and the Tuhua Trust Deed.

3.5.4 Evaluation of Other Methods

Other Method 1: <i>To establish a protocol for consultation with the Minister or the Minister's agents for any application for resource consent.</i>	
Summary of benefits	■ Provides certainty in the relationship between tangata whenua and the Territorial Authority
Summary of costs	■ Potential for added costs and time to undertaking use and development on the island
Effectiveness	■ Effective as a means of meeting the Territorial Authorities obligations to consult under the Local Government Act
Efficiency	■ Efficient as the protocol will provide clear advice as to when, where and how consultation will take place.
Appropriateness	■ Appropriate as a means of undertaking consultation between the Territorial Authority and the owners of Tuhua

Other Method 2: <i>To maintain a register pursuant to S.42 of the Resource Management Act 1991 (RMA) of sites and other taonga significant to tangata whenua and to recognise the rights of tangata whenua not to identify sites of significance. Identification of sites recorded pursuant to Section 42 RMA to be made public only on the instruction of tangata whenua kaitiaki.</i>	
Summary of benefits	■ Provides for the protection of significant cultural sites and also provides for additional protection by recognising rights of tangata whenua not to identify particular sites.
Summary of costs	■ Where sites are identified development may occur as close as possible to the boundaries of those sites, potentially compromising their integrity.
Effectiveness	■ Effective as it is a transparent approach that provides for certainty for the owners and the opportunity to avoid effects on culturally significant sites during the process of development, in a manner consistent with Section 5.
Efficiency	■ Efficient as it is a simple mechanism for managing the effects of land use on cultural values before they occur, particularly where approvals from the New Zealand Historic Places Trust (under the Historic Places Act 1993) may be required.
Appropriateness	■ Appropriate as it is consistent with Section 6 and 8 of the RMA.

Other Method 3: Recognise the role of the New Zealand Historic Places Trust as the appropriate authority for the management of archaeological sites under the Historic Places Act 1991.	
Summary of benefits	■ Provides an additional management tool for protection of archaeological sites on Tuhua.
Summary of costs	■ On occasion the methodology/approach of the NZHPT may not always be consistent with that of tangata whenua/kaitiaki.
Effectiveness	■ Effective as it sets out clear guidelines in relation to the modification/destruction of archaeological sites in a manner that complements the RMA processes.
Efficiency	■ Efficient as it has previously established guidelines and requirements that are applicable to the Tuhua situation.
Appropriateness	■ Appropriate as it provides another mechanism to avoid, remedy or mitigate adverse effects in accordance with the requirements of the Historic Places Act.

Other Method 4: Recognise marae as appropriate venues for consultation with tangata whenua.	
Summary of benefits	■ Provides for a culturally appropriate setting for tangata whenua consultation.
Summary of costs	■ Requires provision of suitable venue which may not always be available.
Effectiveness	■ Effective as it is consistent with Section 8.
Efficiency	■ Efficient as it sets out clear protocols for consultation through the District Plan as opposed to incrementally.
Appropriateness	■ Appropriate as it recognises the kaitiaki role of tangata whenua and the significance of the landownership of Tuhua.

Other Method 5: Provide information, as may be made available in agreement with tangata whenua, to landowners and potential users and developers on the sites of significance on their land and ways that those sites may be managed for the benefit of future generations.	
Summary of benefits	■ Provides for protection of sites and up-front education to developers and potential users of the significance of those sites.
Summary of costs	■ There may be a financial cost involved with compiling such information.
Effectiveness	■ Effective as it is consistent with Section 5.
Efficiency	■ Efficient as it is appropriate that information is provided by those who understand it best.
Appropriateness	■ Appropriate as it recognises the kaitiaki role of tangata whenua and the benefits of protecting significant sites for future generations in a manner consistent with the purpose of the Act.

Other Method 6: To recognise the provisions of the Te Ture Whenua Maori Act.	
Summary of benefits	■ It provides for the land management and ownership aspirations of tangata whenua.
Summary of costs	■ It is a statutory obligation, no cost could be identified.
Effectiveness	■ Effective because there are established legal mechanisms to provide guidance.
Efficiency	■ Efficient because it maintains consistency with other enactments that
Appropriateness	■ Appropriate because it is a statutory obligation.

3.6 Environmental Topic 5: Natural Hazards

3.6.1 Issue

Issue 5.1: Use and development in areas at risk from hazard events, such as erosion, landslip or inundation around the coast, exposes people and natural and physical resources to unacceptable risk, which may lead to an accelerated loss of natural resources.

Tuhua is at risk from natural hazards, particularly coastal erosion. Natural hazards can potentially result in loss of natural resources and can also risk the health and safety of residents and visitors to the island where land use is not appropriately managed. The District Plan will need to contain mechanisms to reduce that risk.

The objectives to be achieved in addressing this issue are:

Objective 5.1.1: To avoid, remedy or mitigate the potential for adverse effects on land-use and development arising from erosion, landslip and flood hazards in coastal areas.

- This objective is appropriate because it provides for land use activities in a safe and sustainable manner. The objective to be achieved is that there are suitable controls in place to avoid the adverse effects of natural hazards on those land use activities that are anticipated.

3.6.2 Overview of Benefits and Costs of All Natural Hazards Policies

Benefits

- Risk to future development on Tuhua is mitigated or avoided.
- It is recognised that the same restrictions will not apply to all structures.

Costs

- There is a restriction on the location and type of structures on Tuhua.

3.6.3 Evaluation of Each Policy

<i>Policy 5.1.1.1: To ensure that all buildings and structures required to be built within areas known to be at risk from erosion, flood and landslip hazard are designed and constructed to standards appropriate to their intended use.</i>	
Summary of benefits	<ul style="list-style-type: none"> ■ Will make sure that risk to future development on Tuhua from natural hazards is avoided or mitigated ■ Recognises that the same restrictions will not apply to all structures.
Summary of costs	<ul style="list-style-type: none"> ■ Means that there is a restriction on the nature, location and type of some structures on Tuhua.
Effectiveness	<ul style="list-style-type: none"> ■ Effective because it will provide for the health and safety of residents and visitors to the island and protect natural resources.
Efficiency	<ul style="list-style-type: none"> ■ Efficient because it provides for the avoidance of adverse effects and is not reactive in nature.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate because it is consistent with the purpose of the Act.

3.6.4 Evaluation of Other Methods

Other Method 1: The Bay of Plenty Regional Council provides information on coastal hazards.	
Summary of benefits	■ Recognises that the Regional Council holds information on coastal hazards.
Summary of costs	■ Further investigation may be required to investigate specific sites or areas
Effectiveness	■ Effective as the Regional Council holds this information.
Efficiency	■ Efficient as only one authority is involved without duplicating
Appropriateness	■ Appropriate as the Regional Council is the appropriate authority to undertake assessments of natural hazards

3.7 Environmental Topic 6: Emergency Management

3.7.1 Issue and Objective

Issue 6.1: *There are limited emergency response resources on Tuhua and the isolation of the island increases the risk to the health and safety of residents during emergency events because of the time needed to deliver emergency services from the mainland.*

Emergency events are those that require an extraordinary response from either island residents or mainland organisations to provide for or protect the health and safety of people and property.

Tuhua is an isolated island, remote from many of the services that others on the mainland may take for granted such as fire, ambulance and civil defence response services. It is therefore recognised as an issue that during emergency events whether they are storm events or more personal disasters such as house fires the community must rely on the response tools available on the island. The District Plan needs to provide mechanisms for the island to respond as best as possible in those circumstances.

The objective to be achieved in addressing this issue is:

Objective 6.1.1: *To avoid, remedy or mitigate the potential for adverse effects arising from emergency events.*

- The objective is appropriate because it anticipates emergency events and provides for mechanisms to avoid, remedy or mitigate the adverse effects of those events before they arise. It is consistent with the purpose of the Act to avoid, remedy or mitigate adverse effects on the environment.

3.7.2 Overview of Benefits and Costs of All Emergency Management Policies

Benefits

- Will make sure that the health and safety of residents and visitors to the island, as well as the natural resources, are protected in the event of a fire hazard, which is consistent with Part II.
- Will provide for emergency response that may not be anticipated before the event but that is suitable for a variety of circumstances.

- Will provide for the health and safety of residents in the event of an emergency where their safety may have otherwise been compromised.

Costs

- May involve financial cost.
- Water supply may not be certain which would compromise the effectiveness of the policy.
- Risk that the emergency response stations may not be established to the required standard.
- The safe haven could be established in a manner that is not consistent with the vision for the island in terms of character and amenity. Also potential financial cost with establishing it.

3.7.3 Evaluation of Each Policy

Policy 6.1.1.1: <i>To enable the maintenance of existing, and establishment of new, lifeline infrastructure – the landing places and the telecommunications infrastructure – in a way that ensures they are adaptive, responsive and quick to recover from emergency events.</i>	
Summary of benefits	■ Will make sure that the health and safety of residents and visitors to the island will be protected.
Summary of costs	■ May involve financial cost.
Effectiveness	■ Effective because it will provide for the health and safety of residents and visitors to the island prior to an emergency event.
Efficiency	■ Efficient because it provides for the avoidance of adverse effects and is not reactive in nature.
Appropriateness	■ Appropriate because it is consistent with the purpose of the Act.

Policy 6.1.1.2: <i>To ensure the provision of a fire-fighting water supply and delivery system appropriate to the use and development of activities on Tuhua.</i>	
Summary of benefits	■ Will make sure that the health and safety of residents and visitors to the island, as well as the natural resources, are protected in the event of a fire hazard, which is consistent with Part II.
Summary of costs	■ Water supply may not be certain which would compromise the effectiveness of the policy.
Effectiveness	■ Effective because it will provide for an effective response in the event of a fire hazard.
Efficiency	■ Efficient because it will consider the fire fighting requirements of an activity before it is established.
Appropriateness	■ Appropriate because it can be implemented.

Policy 6.1.1.3: <i>To establish emergency response stations on the island including a rural fire fighting capacity and first aid response kit.</i>	
Summary of benefits	■ Will provide for emergency response that may not be suitably anticipated prior to the event but that is suitable for a variety of circumstances.
Summary of costs	■ Risk that the stations may not be established to the required standard.
Effectiveness	■ Effective it provides the opportunity for residents to respond to emergencies and provides for land use activities on the island that are at a reduced risk.
Efficiency	■ Efficient because it anticipates and provides for a quick response in a variety of circumstances.
Appropriateness	■ Appropriate because it is timely.

Policy 6.1.1.4: <i>To provide for an emergency refuge, or safe haven, for community use in the event of an emergency that results in people being deprived of shelter.</i>	
Summary of benefits	■ Will provide for the health and safety of residents in the event of an emergency where their safety may have otherwise been compromised.
Summary of costs	■ The safe haven could be established in a manner that is not consistent with the vision for the island in terms of character and amenity. Also potential financial cost with establishing it.
Effectiveness	■ Effective because it will provide for land use activities and the associated activities of people on the island that may not otherwise be desired without protection mechanisms in place.
Efficiency	■ Efficient because it avoids the need for potentially inadequate emergency responses which could result in adverse effects on the environment and/or risking the health and safety of residents and visitors to the island.
Appropriateness	■ Appropriate because it is consistent with Part II.

3.7.4 Evaluation of Other Methods

Other Method 1: <i>To provide training in emergency management including rural fire fighting and first aid to island residents.</i>	
Summary of benefits	■ Ensures that appropriately trained people are available on the island
Summary of costs	■ Financial and time costs in providing training to identified people
Effectiveness	■ Effective in providing trained people for emergency management
Efficiency	■ Efficient means of ensuring that residents are trained
Appropriateness	■ Appropriate that residents are trained because of the distance and time

Other Method 2: <i>To provide emergency response equipment in a secure structure for use on the island.</i>	
Summary of benefits	■ Enables prompt response to emergencies on the island without having to wait for a response from Tauranga
Summary of costs	■ Financial cost of providing equipment and structures
Effectiveness	■ Effective as equipment is available when required
Efficiency	■ Efficient as time is saved in providing a response to an emergency event
Appropriateness	■ Appropriate as a means of improving resilience on the island.

Other Method 3: To assess and upgrade as required safe havens on the island.	
Summary of benefits	■ Providing a safe haven on the island benefits residents and visitors during emergency events by ensuring their safety
Summary of costs	■ Financial cost of assessing and/or providing a safe haven
Effectiveness	■ Effective as a means of providing shelter during emergency events
Efficiency	■ Efficient as only one identified safe haven is necessary although other buildings may form the same purpose.
Appropriateness	■ Appropriate as a means of improving resilience on the island

Other Method 4: To assess and upgrade as required identified landing places	
Summary of benefits	■ Identifying safe landing places from the sea or air around the island suitable for a range of weather conditions will help planning emergency responses
Summary of costs	■ Financial cost of providing alternative landing places
Effectiveness	■ Effective as this ensures that a response can be made in a range of weather conditions
Efficiency	■ Efficient as only a limited number of landing places need be provided following careful assessment and planning
Appropriateness	■ Appropriate as a means of improving resilience on the island.

Other Method 5: To provide for the telecommunications receiving facility by way of an easement registered on the underlying certificate of title.	
Summary of benefits	■ Ensures the long-term security of the telecommunications receiving facility
Summary of costs	■ Financial cost of survey and registration of the easement
Effectiveness	■ Effective as a means of legally protecting the location of the facility
Efficiency	■ Efficient as a means of providing for future upgrades to the receiving facility rather than requiring a designation for the site.
Appropriateness	■ Appropriate as a legal instrument on the title as the land remains in the ownership of the tangata whenua.

4 Assessment of Rules

4.1 Rule 3.2 Permitted Activities

4.1.1 Explanation

Tuhua is divided into two land-use areas (see Planning Map). The majority of the island is the Tuhua Conservation Area while around South-east Bay (Opo) is the Opo Development area. There are five categories of permitted activities:

1. Activities that are permitted across the whole of the island
2. Activities that are permitted in the Opo Development Area
3. Activities that are permitted in the Conservation Area
4. Permitted Network Utilities
5. Permitted temporary activities

Activities that are expected to occur on the island are included as permitted activities, subject to standards and terms that address the potential effects of those activities, so that the need for residents and landowners to apply to the Territorial Authority for consent is limited to those activities that are likely to cause effects and accordingly need to be assessed.

4.1.2 Evaluation

<i>Rule 3.2.1 Permitted Activities – Tuhua, Island Wide</i>	
Summary of benefits	<ul style="list-style-type: none"> ■ Activities permitted across the whole of the island are location dependent or activity dependent. For example activities such as water storage reservoirs require a high point to ensure that sufficient pressure is provided to the user, navigation signs need to be clearly visible from off-shore. Such activities may not be compatible with the conservation area because they require vegetation to be cleared but they are necessary for the health, safety and well-being of resident’s, visitors and for activities on the surrounding sea. ■ Some activities may also provide for the economic well-being of land-owners by providing for landing areas or tracks around the island that serve the eco-tourist industry.
Summary of costs	<ul style="list-style-type: none"> ■ Some activities in the Conservation Area will require vegetation clearance and earthworks. These can be mitigated by complying with the standards and terms for permitted activities and also the Tuhua Restoration Plan.
Effectiveness	<ul style="list-style-type: none"> ■ Effective because the permitted activity list provides certainty as to what is allowed across the whole of the island
Efficiency	<ul style="list-style-type: none"> ■ Efficient because repetition of activities between land-use areas is not necessary
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate because the activities identified provide for the sustainable management of the island and its environment.

Rule 3.2.2 Permitted Activities – Opo Development Area	
Summary of benefits	<ul style="list-style-type: none"> ■ Permitted activities within the Opo Development Area provide for the use and development of the area and the economic well-being of the land-owners without endangering the environment of the Conservation Area.
Summary of costs	<ul style="list-style-type: none"> ■ The area available for development is limited ■ Activities not listed may in the future be considered to be appropriate in this area
Effectiveness	<ul style="list-style-type: none"> ■ Effective because the permitted activity list provides certainty as to what is allowed across the whole of the island
Efficiency	<ul style="list-style-type: none"> ■ Efficient because repetition of activities between land-use areas is not necessary
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate because the activities identified provide for the sustainable management of the island and its environment in accordance with Plans provided for the development of this area.

Rule 3.2.3 Permitted Activities – Conservation Area	
<ul style="list-style-type: none"> ■ <i>Activities undertaken in accordance with the Tuhua Restoration Plan, or other approved restoration or conservation programme, or activity undertaken with the specific approval of the Tuhua Trust Board</i> 	
Summary of benefits	<ul style="list-style-type: none"> ■ The Tuhua Restoration Plan has been adopted by the Tuhua Trust Board and the land-owners as an appropriate means of using the Conservation Area. The permitted activity status of activities undertaken in accordance with the Restoration Plan provides for the work necessary to be carried out without further consent being required.
Summary of costs	<ul style="list-style-type: none"> ■ Activities not listed may in the future be considered to be appropriate in this area
Effectiveness	<ul style="list-style-type: none"> ■ Effective because the permitted activity list provides certainty as to what may and what may not be undertaken in the Conservation Area
Efficiency	<ul style="list-style-type: none"> ■ Efficient because it provides for activities previously agreed as being appropriate for this area
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate because the activities identified provide for the sustainable management of the Conservation Area in accordance with the agreed Restoration Plan

Rule 3.2.4 Permitted Activities – Network Utilities	
Summary of benefits	<ul style="list-style-type: none"> ■ Because of the private ownership of the island there are few network utilities provided. However, to ensure that the future development of the island is compatible with the existing environment activities that relate to the provision of electricity, communications, navigation and emergency management are listed. ■ Authorisation is required from the Tuhua Trust Board for development within the Conservation Area.
Summary of costs	<ul style="list-style-type: none"> ■ Future development may require alternative provision of network utilities in a way that is not provided for as a permitted activity. ■ Inappropriate development of network utilities may have an adverse effect on the sensitive natural environment.
Effectiveness	<ul style="list-style-type: none"> ■ Effective because the list provides for the foreseeable future development of the island
Efficiency	<ul style="list-style-type: none"> ■ Efficient because provision is made for the future development of network utilities.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate because the activities identified provide for the sustainable management of the island if network utilities are required. The network utilities listed are potentially necessary for the wellbeing of the island community.

<i>Rule 3.2.5 Permitted Temporary Activities</i>	
Summary of benefits	<ul style="list-style-type: none"> ■ The provision for temporary activities clearly provides for limited term uses that do not require permanent structures or presence on the island ■ Temporary defence activities are permitted in accordance with the requirements of the policies of the National Coastal Policy Statement and the Regional Policy Statement
Summary of costs	<ul style="list-style-type: none"> ■ Some temporary activities may not comply with the rules of the Plan
Effectiveness	<ul style="list-style-type: none"> ■ Effective because the list and definition of temporary activities provides certainty for the land-owners and potential users.
Efficiency	<ul style="list-style-type: none"> ■ Efficient because the list identifies in one place the limits placed on temporary activities
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate because the activities identified provide for the sustainable management of the island taking into account the temporary nature of the potential uses.

4.2 Standards and Terms for Permitted Activities

4.2.1 Explanation

The standards and terms for permitted activities provides for the implementation of the objectives and polices of each of the environmental topic areas for:

1. The island as a whole
2. The Opo Development Area
3. The Tuhua Conservation Area

The standards and terms provide for the reasonable development of the island and each of the defined areas, taking into account the existing environment, the *Vision* for the island, the form of development proposed for the island and acceptable national standards for the form of development proposed sensitive to the island environment.

4.2.2 Evaluation

Rule 3.3		Standards and Terms for Permitted Activities – Island Wide Rules	
3.3.1	Noise	3.3.5	Use and storage of hazardous substances
3.3.2	Signs	3.3.6	Heritage
3.3.3	Roading	3.3.7	Buildings in Areas Subject to Natural Hazards
3.3.4	Clearance of vegetation		
Summary of benefits	<ul style="list-style-type: none"> The standards and terms provide clear and acceptable limits on the use and development of all permitted activities, including network utilities and temporary activities, across the whole of the island 		
Summary of costs	<ul style="list-style-type: none"> Some activities may not comply with the standards and terms and require resource consent 		
Effectiveness	<ul style="list-style-type: none"> Effective because the rules clearly state the standards and terms for permitted activities. The limits set are based on accepted, and acceptable, national standards taking into account the local circumstances of Tuhua. 		
Efficiency	<ul style="list-style-type: none"> Efficient because the rules provide for controls on permitted activities without requiring resource consent 		
Appropriateness	<ul style="list-style-type: none"> Appropriate because the standards and terms are acceptable either in the local circumstances or on the basis of national standards. 		

Rule 3.4		Standards and Terms for Permitted Activities – Opo Development Area	
3.4.1	Intensity of Development - Density	3.4.5	Stormwater
3.4.2	Scale of Development - Height	3.4.6	Water supply
3.4.3	Island Character and Amenity – Natural Character	3.4.7	Solid waste
3.4.4	Wastewater Treatment and Disposal	3.4.8	Earthworks
		3.4.9	Remediation
Summary of benefits	<ul style="list-style-type: none"> The standards provide for the sustainable use, development and management of Tuhua. The limitation on the intensity of development of 10 permanent dwellings and 100 visitor beds recognises the unique natural environment of the island and limited developable area at Opo identified in the Tuhua Environmental Management Plan. While providing for the property rights of the land-owners the limit defines the amount of pressure that visitors to the island place on the environment at any one time. These limits are expected to meet the foreseeable demand for development on Tuhua. The standards and terms also recognise the impact that use and development may have on that environment and provides guidance on the location of utility services and standards for supply and treatment of water and disposal of wastes. The Regional Council manages large-scale earthworks through the Regional Land and Water Plan but the District Plan manages the effects of, and sets the parameters for, small-scale earthworks so that the unique environment of Tuhua is not adversely affected. The Regional Council also manages water takes and discharges to land, water and air. These matters must be considered separately in each particular circumstance of use and development. The standards and terms also set parameters for the remediation of the environment following use and development or inadvertent damage. 		
Summary of costs	<ul style="list-style-type: none"> Financial costs incurred in the use and development of the area because new activities must meet these standards and terms. Costs incurred for resource consent for non-complying activities or a Plan Change when the development limits are met. 		
Effectiveness	<ul style="list-style-type: none"> Effective because the rules clearly state the standards and terms for permitted activities 		

Rule 3.4		Standards and Terms for Permitted Activities – Opo Development Area	
3.4.1	<i>Intensity of Development - Density</i>	3.4.5	<i>Stormwater</i>
3.4.2	<i>Scale of Development - Height</i>	3.4.6	<i>Water supply</i>
3.4.3	<i>Island Character and Amenity – Natural Character</i>	3.4.7	<i>Solid waste</i>
3.4.4	<i>Wastewater Treatment and Disposal</i>	3.4.8	<i>Earthworks</i>
		3.4.9	<i>Remediation</i>
Efficiency	<ul style="list-style-type: none"> ■ Efficient because the rules provide for controls on permitted activities without requiring resource consent. The development limits may be reviewed at the time the District Plan is reviewed. 		
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate because the standards set recognised and accepted limits. 		

Rule 3.5		Standards and Terms for Permitted Activities – Conservation Area	
<i>Activities in the Tuhua Conservation Area undertaken with the written authorisation of the Tuhua Trust Board shall be permitted. The Standards and Terms for Permitted Activities – Island Wide Rules, shall apply, where relevant.</i>			
Summary of benefits	<ul style="list-style-type: none"> ■ The Conservation Area is identified in the Tuhua Restoration Plan as being a unique and extremely sensitive environment. The District Plan recognises this and provides rules intended to protect this environment by avoiding or limiting development while providing for the economic well-being of the land-owners through the potential eco-tourism development of Opo. Limited development including tracks, structures for navigation and emergency management and signs identifying the unique character of the island is provided for. ■ The standard identifies that the Tuhua Trust Board is the appropriate authority for undertaking work in the Conservation Area. ■ Where activities are undertaken the rules relating to activities across the whole of the island shall apply, where relevant, ensuring that there are limits on the potential for adverse environmental effects of development in the Conservation Area. 		
Summary of costs	<ul style="list-style-type: none"> ■ Development that is not authorised by the Tuhua Trust Board is not permitted. 		
Effectiveness	<ul style="list-style-type: none"> ■ Effective because the rules clearly state the standards and terms for permitted activities 		
Efficiency	<ul style="list-style-type: none"> ■ Efficient because the rules provide for controls on permitted activities without requiring resource consent 		
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate because the standards provide for the sustainable management of the unique, sensitive, environment in the Conservation Area. 		

4.3 Discretionary Activities

4.3.1 Explanation

Any permitted activity that does not comply with the permitted activity conditions listed in Rules 3.3, 3.4 and 3.5, is deemed to be contrary to the objectives and policies of the Plan relating to Island Character and Amenity (Environmental Topic 1). Such an activity must be considered as a full discretionary activity to allow an assessment to be made of the effects of the activity as a whole, not solely in relation to the areas of non-compliance or the matters to which discretion may be restricted. As a consequence there are no Controlled or Restricted Discretionary Activities in the Plan.

4.3.2 Evaluation

Rule 3.6.1 Discretionary Activities	
(a) Any permitted land-use activity that does not comply with the rules of the Plan for permitted activities shall be a discretionary activity.	
(b) Any subdivision or partition of land shall be a discretionary activity.	
Summary of benefits	<ul style="list-style-type: none"> Clearly identifies when an application for resource consent for a discretionary activity is required.
Summary of costs	<ul style="list-style-type: none"> Consent may be required for activities that do not comply with the rules of the Plan for permitted activities by only a small amount.
Effectiveness	<ul style="list-style-type: none"> Effective as the rule provides certainty as to what is a discretionary activity
Efficiency	<ul style="list-style-type: none"> Efficient as the need for an assessment enables consideration to be given to the potential effects on the unique environment of Tuhua.
Appropriateness	<ul style="list-style-type: none"> Appropriate because the island environment is sensitive to change and the discretionary status of activities that do not comply with the permitted activity rules allows a full assessment of the effects of those activities. The Territorial Authority may grant consent, grant consent with conditions or decline an application for a discretionary activity. Consideration must be given to a wide range of potential and/or actual adverse effects of proposed activities as well as the objectives and policies of the District Plan. It is considered that providing any matters of discretion in the circumstances of this Plan and the sensitive environment of Tuhua has the potential to limit the consideration or weight that may be necessary to effects that are not listed. For clarity all potential and/or actual effects, including cumulative effects, must be assessed for any application for a discretionary activity.

4.4 Non-Complying Activities

4.4.1 Explanation

Any activity that is not listed as a permitted, or prohibited activity, or provided for as a discretionary activity, shall be a non-complying activity.

The establishment of dwelling unit(s) or dwelling unit equivalent(s) such that the total number of dwelling units on Tuhua exceeds 10 or that the total number of visitor beds on Tuhua exceeds 100, shall be a non-complying activity.

An application for a non-complying activity may be granted, granted with conditions or declined by the Territorial Authority. Consideration of a resource consent application for a non-complying activity shall have regard to the rules, objectives and policies of the Plan.

4.4.2 Evaluation

<p>Rule 3.7 Non-Complying Activities</p> <p>(a) Any activity that is not listed as a permitted, or prohibited activity, or provided for as a discretionary activity, shall be a non-complying activity.</p> <p>(b) The establishment of dwelling unit(s) or dwelling unit equivalent(s) such that the total number of dwelling units on Tuhua exceeds 10 or that the total number of visitor beds on Tuhua exceeds 100, within the Opo Development Area, shall be a non-complying activity.</p> <p>An application for a non-complying activity may be granted, granted with conditions or declined by the Minister. Consideration of a resource consent application for a non-complying activity shall have regard to the rules, objectives and policies of the Plan.</p>	
Summary of benefits	<ul style="list-style-type: none"> Clearly identifies that activities that are not included in the Plan are considered to be contrary to the objectives and policies of the Plan and are therefore non-complying
Summary of costs	<ul style="list-style-type: none"> Activities suited to the use and development of Tuhua may be identified in the future that are not listed as permitted or provided for as a discretionary activity and may require consent as a non-complying activity.
Effectiveness	<ul style="list-style-type: none"> Effective as the rule provides certainty as to what is a non-complying activity
Efficiency	<ul style="list-style-type: none"> Efficient as the need for an assessment enables consideration to be given to the potential effects on the unique environment of Tuhua.
Appropriateness	<ul style="list-style-type: none"> Appropriate because the island environment is sensitive to change and the non-complying status of activities that are not listed as permitted or provided for as discretionary activity allows full consideration of the proposal.

4.5 Prohibited Activities

4.5.1 Explanation

The whole of Tuhua is private property and it is appropriate that activities that are likely to threaten the unique, sensitive, character, amenity, ecology and biodiversity of the island and the private ownership rights of the land-owners are prohibited.

4.5.2 Evaluation

<p>Rule 3.8 Prohibited Activities</p> <p>(a) <i>The erection of any building or structure within the Conservation Area other than those buildings or structures required to be located in this area for the purpose of supporting access to/from the island, navigation or public safety or provided for as a permitted or discretionary activity.</i></p> <p>(b) <i>The establishment or construction of structures, or development of sites, in the Conservation Area, associated with carrying out a commercial activity.</i></p> <p>(c) <i>Landing by any persons on Tuhua that is not authorised by the Tuhua Trust Board</i></p> <p>(d) <i>Introduction of pest or nuisance plant or animal species.</i></p> <p>(e) <i>Landing of any domestic animals or pets anywhere on the island.</i></p>	
Summary of benefits	<ul style="list-style-type: none"> ■ Protects the Conservation Area from commercial structures and activities other than those provided for and authorised by the Tuhua Trust Board ■ Provides some protection of the island from people who are not authorised to be on Tuhua, who may adversely affect the sensitive natural environment ■ Protects the island from the introduction of plant or animal pests or domestic animals or pests that may adversely affect the sensitive natural environment of the island including kiwi and other bird-life. ■ “Landing” is defined so that any emergency landing is provided for. ■ The rule does not prevent people from mooring off-shore for shelter and swimming in the bays around the island.
Summary of costs	<ul style="list-style-type: none"> ■ May result in some activity identified in the future as being appropriate in the Conservation Area as prohibited ■ Cost of enforcing the prohibitions, particularly on landing on an island with a limited number of residents. “Unlawful” landings may be expected to occur.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as the prohibited activity status does not allow these activities to be carried out or consent applied for thus protecting the sensitive natural environment from the potential adverse effects stemming from the prohibited activities
Efficiency	<ul style="list-style-type: none"> ■ Efficient as the prohibited status of activities protects the unique environment of Tuhua, especially in the Conservation Area.
Justification	<ul style="list-style-type: none"> ■ The Conservation Area is expected to be a significant eco-tourist attraction and commercial activities may be attracted to the area that adversely affect the sensitive environment. Such activities must be subject to the scrutiny of the Tuhua Trust Board, which has responsibility for the management of Tuhua. Only those activities that have been authorised by the Trust Board are allowed. Activities that are not authorised by the Trust Board may be justifiably prohibited. ■ The unique private ownership of the whole of Tuhua justifies the prohibition of public access without authorisation. ■ The sensitive environment of the island justifies the prohibition on the landing or introduction of pest or nuisance plants or animals and domestic animals or pets to protect the existing and future biodiversity, including introduced kiwi.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate because the island environment is sensitive to change and the prohibited status of those activities listed provides for the sustainable management of that environment.

5 Conclusion

This evaluation identifies the significant resource management issues that affect Tuhua and proposes objectives, policies, rules and other methods that may be used to ensure that the purpose of the Resource Management Act is achieved.

The evaluation identifies that the objectives proposed are appropriate in achieving the purpose of the Act of sustainably managing the unique environment on Tuhua and that, in having regard to their efficiency and effectiveness, the policies rules and other methods proposed will achieve the objectives.

The evaluation also shows that the benefits of the proposed policies, rules and other methods outweigh the costs imposed by their adoption, bearing in mind that the benefits and costs include intangible values such as cultural, spiritual and natural values embodied in the environment and history of Tuhua.

Appendix 1: Summary of Consultation

Consultation Undertaken	Date
Newsletter No. 1	11/2004
Rural Fire Service (Murray Simpson)	30/11/04
Telecom (Incite Planning consultants)	20/12/2004
Meeting Chair Tuhua Trust Board	19/01/2005
Meeting with Tuhua Trust Board	05/02/2005
Newsletter No. 2	03/2005
Presentation to Tuhua Trust AGM	30/04/2005
Meeting (Grant Kamau, Magda Williams, Hinewai Taingahue, Luke Ake, Shadrach Rolleston)	12/08/2005
Commission of Tuhua Trust Board Cultural Adviser	08/2005
Newsletter No. 3	10/2005
Meeting Chair Tuhua Trust Board, Department of Conservation	16/11/2005
Ongoing response to correspondence, e-mails and telephone enquiries	
Free phone facility	

- Appendix 1
**Summary of
Consultation**