

Chapter 19

Coastal Environment Overlay



19. COASTAL ENVIRONMENT OVERLAY

ADVICE NOTE:

This chapter applies to the *Coastal Environment* which is that part of the district which lies between the *Coastal Environment* line and MHWS. It comprises parts of the Coastal Zone, Ōhiwa Harbour Zone and Rural Zone. Where there is a conflict between provisions in this Chapter and provisions elsewhere in this Plan, the provisions in this Chapter prevail (except in relation to Policy 17.2.2.4, which prevails in relation to the management of the *National Grid* infrastructure within the *Coastal Environment*).

19.1 RESOURCE MANAGEMENT ISSUES

1. There are many stakeholders involved in the management of the District's coast resource and this management needs to be undertaken in an integrated manner to ensure management by all parties reduce inconsistencies and reduce duplication.
2. Increasing numbers of visitors will increase pressure on the quality and integrity of the Ōpōtiki *Coastal Environment*. However, providing for public access to and along the coastal marine area is a matter of national importance and must be provided for.
3. Sporadic and inappropriate subdivision, use and development pressure can detract from the *natural character* and indigenous biodiversity values of the *Coastal Environment*.
4. Within the *Coastal Environment* there are many historical, cultural and archaeological areas of importance that can be destroyed or modified by vegetation disturbance and *earthworks* activities.
5. Coastal areas are of importance to tangata whenua for spiritual, historical or cultural purposes and these need to be provided for.
6. Some land within the *Coastal Environment* is used or is able to be used for farming and horticulture activities and the zone provisions need to provide for such uses alongside recreational and residential uses of the zone and preservation of the natural character of the *Coastal Environment*.

ADVICE NOTE

There are established coastal settlement zoned areas which provide for consolidation in accordance with the New Zealand Coastal Policy Statement.

19.2 OBJECTIVES AND POLICIES

19.2.1 OBJECTIVE

Preserve and restore the natural character of the Ōpōtiki Coastal Environment and protect it from inappropriate subdivision, use and development.

POLICIES

- 19.2.1.1 Ensure subdivision, use and development avoids adverse effects on the values and attributes of the areas of outstanding natural character in the *Coastal Environment* including those identified in Appendix I and Appendix J of the Bay of Plenty Regional Policy Statement.
- 19.2.1.2 Ensure subdivision, use and development avoids significant adverse effects and avoids, remedies or mitigates other adverse effects on the attributes of areas of natural character in the *Coastal Environment*.
- 19.2.1.3 Require setbacks for structures and *buildings* from *MHWS* to protect natural character.
- 19.2.1.4 Encourage consolidation of new residential development within existing coastal settlements to avoid inappropriate and sprawling subdivision, use and development and to preserve *natural character*.
- 19.2.1.5 Manage subdivision, use and development to ensure that it is planned and appropriate and preserves the *natural character* of the *Coastal Environment*.
- 19.2.1.6 Avoid adverse effects of *earthworks* and *indigenous vegetation* clearance on the areas of outstanding *natural character* of the *Coastal Environment*.

19.2.2 OBJECTIVE

Protect natural features and natural landscapes from the adverse effects of inappropriate subdivision, use and development.

POLICIES

- 19.2.2.1 Avoid adverse effects of inappropriate subdivision, use and development, including *buildings*, structures and *earthworks* and *indigenous vegetation* clearance on the values of outstanding *natural features and landscapes* in the *Coastal Environment*.
- 19.2.2.2 Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of inappropriate subdivision, use and development, including *buildings*, structures and *earthworks*

and *indigenous vegetation* clearance, on the values of natural features and landscapes in the *Coastal Environment*.

19.2.2.3 Require setbacks for structures and *buildings* from *MHWS* to protect the landscape values of the *Coastal Environment*.

19.2.3 OBJECTIVE

Recognise the special relationship tangata whenua have with their ancestral lands and their role as kaitiaki.

POLICIES

19.2.3.1 To recognise and provide for the cultural, spiritual and archaeological values of tangata whenua and the desire of tangata whenua to live on and develop their ancestral lands.

19.2.3.2 To recognise the special relationship of Maori with their ancestral land by enabling use and development of land, including *Papakāinga* and associated support facilities.

19.2.3.4 OBJECTIVE

Recognise and provide for infrastructure, including electricity transmission, in the Coastal Environment to enable the social, economic and cultural well-being of people and communities.

POLICIES

19.2.4.1 Enable the location of infrastructure recognising where there is a *functional* need.

19.2.4.2 Ensure that public access is provided for in appropriate locations.

19.2.4.3 Ensure the adverse effects of infrastructure on the *Coastal Environment* are managed in accordance with Policies 17.2.2.2, 17.2.2.3 and 17.2.2.4.

19.2.5 OBJECTIVE

Protect indigenous biological diversity in the Coastal Environment.

POLICIES

19.2.5.1 Avoid adverse effects of activities on indigenous biological diversity that is identified under Policy 11(a) of the New Zealand Coastal Policy Statement.

- 19.2.5.2 Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on indigenous biological diversity that is identified by Policy 11(b) of the New Zealand Coastal Policy Statement that is not protected under Policy 19.2.5.1.
- 19.2.5.3 To restrict vehicle access to the coast, rivers and their margins in accordance with NZCPS Policy 20(1)(a) and (b) while ensuring that vehicle access to the coast, rivers and their margins is provided for life saving, management and emergency purposes.
- 19.2.5.4 Encourage opportunities for restoration of indigenous habitats and ecosystems, including through resource consent conditions.

19.3 ACTIVITY STATUS

Resource consent is required for Restricted Discretionary, Discretionary and Non-complying activities. Resource consent is not required for Permitted activities provided all relevant standards are met. Additional controls apply in the relevant Zone chapter and other chapters. Rules relating to activities in an Outstanding *Natural Feature and Landscape* listed in Appendices 13.9.1 or 13.9.2 as well as to *indigenous vegetation disturbance* and *earthworks* in the *Coastal Environment* are located in Chapter 13.

19.3.1 PERMITTED ACTIVITIES

- 19.3.1.1 Subject to compliance with the relevant Standards, unless otherwise stated, the following activities may occur without resource consent from *Council*.
1. *Artificial crop protection structures*
 2. Activities otherwise permitted in the relevant Zone that comply with the standards in 19.5.
 3. Existing *plantation forestry*.

19.3.2 RESTRICTED DISCRETIONARY ACTIVITIES

- 19.3.2.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent and impose conditions only in relation to the matters over which it has restricted its discretion in 19.4. The activities must comply with the relevant Zone Standards unless otherwise stated.
1. *Artificial crop protection structures* that do not comply with 19.5.4.

19.3.3 DISCRETIONARY ACTIVITIES

- 19.3.3.1 The activities listed below may only be established after resource consent has been granted by

Council. The *Council* may refuse resource consent or grant consent subject to conditions. The relevant standards will be used as a guideline when assessing the application.

1. *Buildings* within 50m from *MHWS*
2. The erection of *buildings* and structures on *ridgelines* where the highest point of the *building* is within 5m vertical distance from natural ground level on the *ridgeline*.
3. *Buildings* that do not comply with 19.5.1 Height, 19.5.2 Building Setback from Mean High Water Springs and 19.5.3 Reflectivity.
4. New *plantation forestry*.

19.3.4 NON-COMPLYING ACTIVITIES

19.3.4.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse resource consent or grant consent subject to conditions. The relevant standards will be used as a guideline when assessing the application.

1. Any activity not specifically stated as a Permitted, Restricted Discretionary or Discretionary Activity or an activity which does not comply with the Standards, unless otherwise stated.

19.4 RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS OVER WHICH DISCRETION IS RESTRICTED

19.4.1 Council has restricted its discretion over the following matters:

19.4.1.1 Artificial crop protection structures not meeting 19.5.4

1. The degree of non-compliance with the matters in the standard that are not able to be met.
2. The location of the structure and its visibility from a road, the Coastal Marine Area and any public place
3. The extent to which the adverse effects on the *natural character* and values of the environment can be avoided or minimised including through the use of natural shelter, shelterbelts or other landscaping.

19.5 PERFORMANCE STANDARDS

These performance standards apply in addition to the relevant zone standards and provisions in other chapters may apply.

19.5.1 HEIGHT

19.5.1.1 The maximum *height* for all buildings and structures shall be 7m.

19.5.1.2 Non-compliance with this standard shall be considered as a Discretionary Activity.

19.5.2 BUILDING SETBACK FROM MEAN HIGH WATER SPRINGS

19.5.2.1 All *buildings* except for public toilets established in accordance with a Reserve Management Plan or *emergency service* facilities shall be located at least 50m from MHWS.

19.5.2.2 Non-compliance with this standard shall be considered as a Discretionary Activity.

19.5.3 REFLECTIVITY

19.5.3.1 The exterior surfaces (including the roof) of any *building* shall have reflectivity values of between 0% and 37%.

19.5.3.2 Non-compliance with this standard shall be considered as a Discretionary Activity.

19.5.4 ARTIFICIAL CROP PROTECTION STRUCTURES

1. Dark green or black cloth shall be used on all vertical faces.
2. Green or black cloth shall be used horizontally where the slope is over 10°.
3. The structures shall be setback at least 50m of *MHWS*.
4. No maximum site coverage shall apply.
5. The structures shall be setback 5 metres from the *road* boundary unless screened with natural shelter.
6. Where a continuous cover of white cloth is used horizontally, natural shelter shall be provided to separate blocks so that the maximum continuous cover in any one block is 5 hectares.
7. *Artificial crop protection structures* that do not comply with these standards shall be considered as a Restricted Discretionary Activity.

19.5.5 INDIGENOUS VEGETATION DISTURBANCE

19.5.5.1 *Indigenous vegetation disturbance* is regulated through Chapter 13: the rules and assessment criteria in Chapter 13 apply.

19.6 EXPECTED ENVIRONMENTAL OUTCOMES

Environmental outcomes anticipated from the implementation of the objectives and policies are:

- A. The outstanding *natural features and landscapes* of the *Coastal Environment* are protected from inappropriate subdivision, use and development.
- B. The *natural character* of the *Coastal Environment* is preserved and restored where opportunities arise.
- C. Indigenous vegetation and habitats of indigenous fauna are protected and there is an increase in the protection of sites of ecological importance within the *Coastal Environment*.