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## 17. COASTAL ZONE

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### 17.1 ZONE INTRODUCTION

17.1.1 The Coastal Zone incorporates the coastal fringe along the eastern Bay of Plenty coastline. The district has the longest coastline of all local authorities in the Bay of Plenty region and the smallest population per hectare of land area. As a result pressures to develop the Opotiki coastline have not been as great as in other districts. However these pressures may start to be experienced throughout the life of this Plan and they must be provided for.

17.1.2 There have been a number of activities and developments that have had effect on the coast line of the district. A number of these activities have resulted in the natural character and landscape values of some coastal areas being diminished. However there are other areas where development has occurred, and has been achieved with minimal disruption to the surrounding environment. The natural character of a large proportion of the coast has been preserved. The coast is an important natural resource that must be managed carefully. The effects of land use activities need to be managed in such a way that ensures that the high quality of the coastal environment is preserved.

The coastline of the Opotiki district retains a larger proportion of indigenous ecosystems in its landscape than most other segments of the New Zealand coastline. The preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use and development, is a matter of national importance

17.1.3 When managing the effects of activities within the coastal area there is other environmental legislation that must also be recognised and incorporated. This includes the Regional Coastal Environment Plan and the New Zealand Coastal Policy Statement (NZCPS). These documents together with the objectives, policies, and rules of the District Plan will ensure that the effects of activities within the Coastal Zone maintain the quality of the district's coastal environment. The District Plan can not be inconsistent with these policies.

17.1.4 The NZCPS was prepared by the Minister of Conservation pursuant to the Resource Management Act 1991. The purpose of the NZCPS is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand and the District Plan can not be inconsistent with these policies. The guiding principles for the NZCPS are taken from Sections 5, 6, 7, and 8 of the RMA. Those concerns that the NZCPS addresses, and that are reflected in this section of the Plan, are:

- National priorities for the preservation of the natural character of the coastal environment
- Protection of the characteristics of the coastal environment of special value to tangata whenua

- Activities involving the inappropriate subdivision, use, or development of areas of the coastal environment
- Crown's interest in land of the Crown in the coastal marine area
- Implementation of New Zealand's international obligations affecting the coastal environment

**17.1.5** Other habitats of note within the Coastal Zone include remnant pohutukawa forests, indigenous coastal forests, lowland coastal wetlands, freshwater wetlands, dune ecosystems, conservation areas, and scenic reserve areas. Within these habitats there is an abundance of wildlife, consisting of both indigenous and exotic species. The physical characteristics of the coast vary markedly, including sandy beaches, small freshwater wetlands, hard rock coast, steep rocky shores, and coastal terraces.

**17.1.6** Hochstetters frog, a rare species, is present in coastal catchments east of Opotiki township. There are also two varieties of forest gecko that are found at their geographical limits within coastal area of the district. Other fauna within the coastal area include indigenous freshwater fish, both the giant and short-jawed kokopu, whitebait, and eel fisheries.

**17.1.7** The coastal areas of the district are susceptible to natural hazards being coastal erosion including landslides and rockfalls, and coastal inundation including storm surge, sea level rise, and tsunamis. Through the Act, the Regional Policy Statement, the Regional Coastal Environment Plan, and the New Zealand Coastal Policy Statement, the Council has some responsibility for the management of natural hazards within the coastal area. It is obvious that any mechanism implemented may not avoid some of these hazards, however the Plan will ensure that land within the coastal area will be used in a manner that will, where possible, avoid or mitigate the effects of natural hazards. The New Zealand Coastal Policy Statement provides that new subdivision, use, and development shall be located so that the need for protection works are avoided, this will be considered when managing the effects of activities on the district's coastal environment. The Plan will also manage activities to ensure that the effects of activities will not accentuate the potential adverse effects of hazards.

**17.1.8** Characteristics that contribute to the character of the Zone include:

- Natural character of the coastline and its natural character
- Accessibility to the district's coastal resource
- Excellent views of the district's coastal landscapes
- Areas of land in farming, forestry, and recreational use
- Large areas of open space for public use
- Low population densities
- Low noise levels, and low levels of glare and lightspill
- Areas of indigenous vegetation, including pohutukawa
- Areas of outstanding natural features and landscapes
- Areas with high ecological, scientific, historical, and cultural value

- Minimal intrusion from signage
- Minimal intrusion from retail and commercial activities
- Variety of building design that does not detract from the coastal landscape
- Rural and semi-rural residential activities

## 17.2 RESOURCE MANAGEMENT STRATEGY

### 17.2.1 *Resource management issues*

1. Activities undertaken within and adjacent to the coastal environment of the district can adversely affect the natural character of the coastal environment, through the modification or destruction of habitats and vegetation, natural features, landscapes, and by the drainage of coastal wetlands.
2. There is a need for protection and management of those remaining indigenous vegetation areas and indigenous fauna habitats within the Zone.
3. Vegetation clearing activities within the Coastal Zone can affect freshwater and coastal water quality, and can accentuate siltation and sedimentation effects.
4. The location of structures within the Coastal Zone can detract from most outstanding natural features and landscapes, especially where these are coastal margins and coastal ridgelines.
5. The location of residential activities within the Zone need to be managed to ensure that adverse effects on the amenity values, the quality of the environment, and the natural and physical resources of the district are managed.
6. The characteristics of residential properties need to be maintained so that the residential nature of the site and adjoining sites is maintained. These include managing effects such as the height of buildings, storage areas, parking, loading, signage, noise, glare, and separation distances.
7. The land surrounding the Ohiwa Harbour is under the jurisdiction of Opotiki and Whakatane Council's, as well as Environment Bay of Plenty. It is also an area of significant cultural value to iwi. Appropriate management of the resource needs to recognise and have regard to the role of all these parties.
8. 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.
9. Increasing numbers of visitors and recreationists will lead to increased pressures on the natural and physical resources of the district, and the quality and integrity of the Opotiki coastline.
10. Activities associated with subdivision and development has the potential to adversely affect important habitats and vegetation through modification, drainage, disruption, and destruction of the vegetation or components of the coastal habitats.
11. In some areas of the Coastal Zone public access to and along the coastal foreshore is limited.

12. The location of hazardous substances use, storage, or disposal facilities within the Zone have the potential to seriously adversely affect the coastal areas of the district in times of containment rupture, accidental spillage, or in times of natural hazard occurrence where the facility is located on an area susceptible to flooding or erosion.
13. Sporadic and inappropriate subdivision, use and development pressure can depreciate the natural character of the coast.
14. Within the coastal environment there are many historical and archaeological areas of importance that can be destroyed or modified from earthworks activities
15. Coastal areas are of importance to tangata whenua for spiritual, historical, or cultural purposes, and these need to be provided for.
16. Sites within the Zone need to be of sufficient size, so that where on-site effluent treatment is required there will be no adverse effects on the site, adjoining sites, and particularly on the coastal ecosystem.
17. Signs can affect the visual environment, and can accentuate roadside clutter. Signs can adversely affect safety and can obstruct clear visibility of traffic signs.

### 17.2.2 *Objectives and policies*

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| <b>Objective</b> | <b>1. The retention, preservation and protection of the distinctive natural character of the Opotiki coastal environment for the enjoyment of the community and visitors to the district.</b>   |
| <b>Policies</b>  | <p>1.1 Require setback for structures and buildings from the coast to ensure maintenance of the coastal ecosystem and the natural character of the coastline, and to enable esplanade reserves, or esplanade strips to be set aside for the future.</p> <p>1.2 Ensure that the subdivision and use of land within the district's coastal areas avoids as far as practicable adverse effects on the coastal ecosystem, water bodies, riparian areas, indigenous vegetation, indigenous habitats, natural character and on areas of historical or cultural value.</p> |
| <b>Objective</b> | <b>2. Improvement in the public access opportunities to and along the coast which do not depreciate the quality of the coastal environment.</b>   |
| <b>Policies</b>  | 2.1 Require esplanade reserves or esplanade strips to be set aside along the coast and inland water bodies within the Zone at the time of subdivision, or as conditions of resource consent for land use application. The esplanade areas will be used for conservation purposes, water quality enhancement, habitat protection, or for public access except as otherwise provided for in Te Ture Whenua Maori Land Act 1993.   |

Objective	<p><b>3. Cohesive and planned subdivision and development within the coastal environment where effects on the natural character are avoided, or are confined to areas where the natural character is able to absorb the effects of the development better than other areas of the coast.</b></p>
Policies	<p><b>3.1</b> Require building setback from MHWS as a means of avoiding, remedying, or mitigating the adverse effects of potential coastal hazard risks.</p> <p><b>3.2</b> Council to undertake a programme of identification of indigenous vegetation and habitats of importance within the Coastal Zone.</p> <p><b>3.3</b> Ensure that any site within the Zone is of a sufficient size to avoid or mitigate any potential effects of the on-site disposal of effluent, and to ensure that there are no adverse effects on the coastal environment.</p> <p><b>3.4</b> Control the location and design of buildings and structures where they may adjoin a site of historical worth or an outstanding natural feature or landscape.</p> <p><b>3.5</b> Manage subdivision, use and development within the Coastal Zone to ensure that it is planned and appropriate, and so that it preserves the natural character of the Zone.</p> <p><b>3.6</b> To manage the effects of the subdivision and use of land within the Coastal Zone to avoid as far as practicable adverse effects on the coastal environment.</p> <p><b>3.7</b> Encourage subdivision, use and development within the coastal environment to be cohesive and planned, where the effects of sprawling subdivision on the natural character of the coast will be avoided, remedied or mitigated.</p> <p><b>3.8</b> Investigate the use of economic instruments as a method to encourage the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and wetlands.</p> <p><b>3.9</b> Avoid adverse effects on features scheduled in the Operative Regional Coastal Environment Plan.</p>
Objective	<p><b>4. Manage the effects of activities within the Coastal Zone so that the natural character and amenity values are preserved.</b></p>
Policies	<p><b>4.1</b> Ensure that appropriate measures are included as a condition of consent to avoid the adverse effects of activities as far as practicable. Where it is not practicable adverse effects will be remedied or mitigated through the use of conditions of consent, where these may include requirements for landscaping, screening, and separation distances from the coast or from adjoining water bodies.</p> <p><b>4.2</b> Management of the effects of residential activities so that they will not detract from the character of adjoining properties or the coastal environment. Where this shall include managing adverse noise, glare, signage, and other on-site effects.</p> <p><b>4.3</b> Maintenance of residential activity sites so that they will not detract from the amenity values of adjoining properties or the coast.</p>

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- 4.4 Manage the effects of activities within the Coastal Zone where the activity uses or stores hazardous substances, to ensure that the adverse effects on the coastal environment are avoided or mitigated.
- 4.5 Continued consultation with the Iwi and Hapu of the district to ensure that their interests in the coastal environment are considered when assessing resource consent applications.
- Objective 5. Integrated management of the coastal resource as an important resource of the district, and an important component of the district environment.**
- Policies 5.1** Continued inter-agency liaison in the management of the district's coast resource, and to involve Environment Bay of Plenty, Whakatane District Council, and the Department of Conservation where liaison with these agencies will assist in ensuring a positive environmental outcome.

### 17.2.3 *Methods of implementation*

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The objectives and policies of this section will be implemented by the following methods.

1. Rules
2. Other methods

## 17.3 RULES

The following rules provide for permitted activities, controlled activities, discretionary activities and non-complying activities within the Coastal Zone.

### 17.3.1 *Permitted activities*

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Subject to compliance with the Zone Standards in Section 17.4, the following activities may be established in the Coastal Zone without a land use consent.

1. Farming.
2. Goat farming is permitted other than in the following four areas (refer to the Goat Management Areas in the Planning maps "Significant Features and Ecological Districts"):
  - i. To the west of the Waioeka and Opata Rivers
  - ii. All land in the district between the Motu and Raukokore Rivers
  - iii. Enclave west of the northern entrance to the Waioeka Gorge
  - iv. Omaukora Stream catchment.

And the Council shall limit its discretion to matters (a) to (c) specified below:

- (a) The area and location of the activity in relation to (b) and (c) below
- (b) Potential effect on the values associated with natural character, indigenous biodiversity, amenity and landscape, including vegetation type and density
- (c) The ability to confine goats upon the site.

*(Section 3 Landscapes and Habitats Zone)*

***Council will review the operation of this rule within five years of this plan becoming operative. This will include an assessment of land use and conservation values in the Waiotahi Valley area.***

- 3. Buildings at least 50m from MHWS and not within an identified coastal hazard area, as follows:
  - i. One dwelling per site.
  - ii. Two dwellings on any site 1 hectare or more in area.
  - iii. Three dwellings on any site 4 hectares or more in area,
  - iv. Buildings accessory to any permitted activity,
  - v. Additions to existing dwellings.
- 4. Marae.
- 5. Urupa and private cemeteries.
- 6. Prospecting.
- 7. Visitor accommodation up to 4 persons per night, within buildings provided for in this Zone.
- 8. Activities on reserves as provided for in the Reserves Act 1977 or an approved Reserve Management Plan.
- 9. Maintenance work carried out by Bay of Plenty Regional Council on established drainage and flood control scheme works.
- 10. Conservation planting and management, weed and pest removal, replanting and rehabilitation of indigenous vegetation.
- 11. Temporary buildings and activities required for a building or construction project of not more than 12 months duration.
- 12. Signs, as stated in **17.4.6 SG1**.
- 13. Activities stated in **3.3.1** Section 3 Landscapes and Habitats.
- 14. Activities stated in **4.3.1** Section 4 Heritage.
- 15. Activities stated in **6.3.1** Section 6 Surface of Water Activities.
- 16. Activities stated in **7.3.1** Section 7 Natural Hazards.
- 17. Activities stated in **8.3.1** Section 8 Hazardous Substances.
- 18. Activities stated in **9.3.1** Section 9 Network Utilities.
- 19. Temporary military training exercises
- 20. Any activity that is not listed in the Plan and which complies with the zone standards shall be deemed a permitted activity and does not require a resource consent.
- 21. Removal of residential dwellings that comply with the Building Act 2004 requirements, and Council's engineering standards.

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22. The relocation of a building or dwelling, where the following criteria are able to be met:
- (i) Zone standards of the District Plan.
  - (ii) The building or dwelling was constructed after 1970.
  - (iii) Reinstatement works shall be undertaken within six months of the relocation or occupation (whichever is the sooner).

### 17.3.2 *Controlled activities*

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The following activities may be established after a land use consent has been granted by Council. Activities must comply with the Zone Standards stated in Section 17.4.

1. Community and outdoor recreation activities where any buildings and structures are less than 100m<sup>2</sup> in area.
2. Rural selling places.
3. Home occupations, provide that where the site access is to a State Highway, the written consent of Transit New Zealand will be required, and will need to be submitted with any application
4. Temporary activities not listed as a permitted activity, provided that where the site access is to a State highway, the written comments of Transit New Zealand will be required, and will need to be submitted as part of any application.
5. Public conveniences.
6. Papakainga, where the maximum number of sites shall be 50, and where each site is to have an area of 800m<sup>2</sup> exclusive of access.  
Provided that  
Sites may be smaller 800m<sup>2</sup> where:
  - i. Zone Standards 17.4.1 SR1; 17.4.2 YA1, YA2, and YA3; and 17.4.10 OD1, are complied with.
  - ii. On-site investigations are undertaken by a Registered Engineer to show that the site complies with the On-site Effluent Treatment Regional Plan.
  - iii. The investigations undertaken by a Registered Engineer conclude that a reduction in lot size will not have any adverse effects on the environment.
  - iv. Where the minimum residential site area shall be 400m<sup>2</sup>.
7. Signs, as stated in 17.4.6 SG1.
8. Subdivision as stated in 17.5.1.
9. Activities stated in 4.3.2 Section 4 Heritage.
10. Activities stated in 6.3.2 Section 6 Surface of Water Activities.
11. Activities stated in 7.3.2 Section 7 Natural Hazards.
12. Activities stated in 8.3.2 Section 8 Hazardous substances.
13. Relocation of a building or dwelling that either:
  - (a) Does not comply with the specified time period for reinstatement work as stated in rule 17.3.1.22(iii); or

- (b) Does not comply with the age restriction stated in rule 17.3.1.22(ii), provided that the application for consent includes a report from a suitably qualified person, being a qualified architect or structural engineer with adequate experience, which report concludes that the building or dwelling is sanitary and has structural integrity.
14. Activities stated in 3.3.2 Section 3 Landscapes and Habitats.

The Council has reserved control over the following matters.

**17.3.2.1** Design and appearance

- i. The design and appearance of any buildings or structures associated with the activity and how it relates to the amenity values of the surrounding areas, with emphasis on mechanisms used to mitigate any adverse effects of the buildings and structures. This may include the use of screening or materials that would lessen any reflectivity or glare from the buildings.
- ii. The visual effect of the activity in relation to its location, site boundaries, and topography.
- iii. The size and location of buildings with regard to the activities on the site and the effects on coastal amenity values, and the amenity values on neighbouring properties.
- iv. The manner in which the site is to be landscaped and how effectively it will screen the activities or enhance the amenity values of the area, and how the landscaping will maintain the character of the coastal environment.
- v. The location and appearance of signage associated with the activity.

**17.3.2.2** Effects on adjoining properties

- i. The size and location of buildings with regard to the activities on the site and the effects on coastal amenity values, and the amenity values on neighbouring properties.
- ii. Any measures to be implemented to mitigate the effects from the activity, such as visual effects, odour, noise, and lightspill.

**17.3.2.3** Effects on the natural character, natural values, and amenity values of the coastal environment

- i. The degree to which the activity may modify or degrade the natural character, and amenity values of the coastal landscapes and ecosystems.
- ii. The effects of the activity on public access to the coast, and the opportunities available from the activity for improving public access to and along the coast.
- iii. The effect of the design and layout of the activity in relation to coastal land, buildings, features and water bodies which have historical, archaeological, and cultural significance to the people of the district, including those which have special value to Maori. Maori values will be determined in accordance with local iwi or hapu.

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**17.3.2.4** *Effects of earthworks on the coastal environment*

- i. The effects of any earthworks on the surrounding environment, including any alteration to the contours of the site, siltation and sedimentation effects, and any effects on the stability of the coastal dune system.

**17.3.2.5** *Vehicle access and manoeuvrability*

- i. The design and location of vehicular access, on-site manoeuvrability, and whether vehicles can leave and enter the site safely.
- ii. The effect of the activity on the safety and efficiency of the State Highway network.
- iii. The need for carparking, service lanes, and loading and unloading activities associated with the activity.
- iv. The ability of the site to provide for on-site parking associated with the activity.

**17.3.2.6** *Historical, cultural and archaeological resources*

- i. The effect of the design and layout of the activities in relation to land, buildings, features and water bodies which have historical and archaeological worth.
- ii. The effects of the activity on resources of importance to Maori.
- iii. The effects of the activity on heritage and conservation values, both on the site and on adjoining sites.

**17.3.2.7** *Effects on water bodies, indigenous vegetation and habitats*

- i. The effects of activities on water bodies in, or adjoining, the site of the activity.
- ii. Riparian management mechanisms implemented to mitigate potential adverse effects of the activity on the coast and on water bodies in, or adjacent to, the site.
- iii. The potential effects of the activity on coastal areas of indigenous vegetation and habitats of indigenous fauna.

**17.3.2.8** *Natural hazards*

- i. The susceptibility of the site to natural coastal hazards and the measures implemented to mitigate the effects of natural hazards. Including any investigations undertaken by the applicant in relation to natural hazard susceptibility of the site, and the activities undertaken on the site.
- ii. The extent to which the activity may accentuate the potential adverse effects of natural hazards.

**17.3.2.9** *Hazardous substances*

- i. The degree of risk of spillage and the potential adverse effects of spillage both on and off the site including the effects posed to the coastal environment.
- ii. The type and volume of the hazardous substances to be used or stored on the site.
- iii. The spill containment system proposed for the activity.
- iv. The proposed drainage system for the activity site.
- v. The degree of risk of spillage and the potential adverse effects of spillage both on and off the site.

- vi. The potential effects on the coastal environment from any point or non-point contamination originating from the activity.
- vii. The potential effects of the activity and the affect that this may have on the quality of coastal, inland and ground water resources.

Council may impose conditions on a resource consent for a controlled activity only in relation to the matters stated above.

### 17.3.3 *Discretionary activities*

The following activities may be established after a land use consent has been granted by Council. Activities must comply with the Zone Standards stated in Section 17.4. The Council may grant or refuse a resource consent for a discretionary activity.

1. Goat farming in the following four areas (refer to the Goat Management Areas in the Planning maps "Significant Features and Ecological Districts"):
  - i. To the west of the Waioeka and Opata Rivers.
  - ii. All land in the district between the Motu and Raukokore Rivers.
  - iii. Enclave west of the northern entrance to the Waioeka Gorge.
  - iv. Omaukora Stream catchment.

And the Council shall limit its discretion to matters (a) to (c) specified below:

- (c) The area and location of the activity in relation to (b) and (c) below
- (d) Potential effect on the values associated with natural character, indigenous biodiversity, amenity and landscape, including vegetation type and density
- (c) The ability to confine goats upon the site.

*(Section 3 Landscapes and Habitats Zone)*

***Council will review the operation of this rule within five years of this plan becoming operative. This will include an assessment of land use and conservation values in the Waiotahi Valley area.***

2. Any buildings provided for in the Zone which are located within an identified coastal hazard area.
3. Activities listed as permitted or controlled activities, which do not meet one or more of the Zone standards.
4. Additional dwellings exceeding those stipulated as permitted or controlled activities.
5. Visitor accommodation for more than 4 visitors per night.
6. Community and recreation activities involving buildings over 100m<sup>2</sup> in area.
7. Education facilities.
8. Commercial services.
9. Contractors depots.

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10. Wharves, jetties, slipways, and other landing facilities.
  11. Public cemeteries.
  12. Places of assembly.
  13. Refuse recycling facilities and transfer stations.
  14. Rural industry.
  15. Intensive farming.
  16. Plantation forestry except the replanting within one calendar year of harvesting a forest existing at the time of notification of the District Plan.
  17. Mining, quarrying, and exploration activities.
  18. Activities and buildings accessory to a discretionary activity.
  19. Temporary activities where the access is to a State highway and the written consent of Transit New Zealand has not been obtained.
  20. Signs, as stated in **17.4.6 SG1**.
  21. Subdivision as stated in **17.5.2**.
  22. Activities stated in **3.3.3** Section 3 Landscapes and Habitats.
  23. Activities stated in **4.3.3** Section 4 Heritage.
  24. Activities stated in **6.3.3** Section 6 Surface of Water Activities.
  25. Activities stated in **7.3.3** Section 7 Natural Hazards.
  26. Activities stated in **8.3.3** Section 8 Hazardous Substances.
  27. Activities stated in **9.3.3** Section 9 Network Utilities.
  28. Any building provided for as a permitted activity within 50m of MHWS, and not within an identified coastal hazard area.
  29. Buildings and activities accessory to controlled activities where they are located within 50m of MHWS.
  30. Retail activities.
  31. Exploration.

#### **17.3.4**      *Non-complying activities*

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Any activity not specifically stated as a permitted activity, controlled activity, or discretionary activity, and which does not comply with the Zone Standards, shall be a non-complying activity and is allowed only if a resource consent is obtained.

## 17.4 ZONE STANDARDS

These Zone Standards apply to all permitted activities and controlled activities and will be used as guidelines when assessing applications for discretionary activities and non-complying activities.

### 17.4.1 SITE REQUIREMENTS

#### SR1 *Site coverage*

1. Residential activity sites  
A maximum of 40% of the site may be covered with buildings.
2. Non-residential activity sites  
No limit, subject to compliance with 17.4.2 YA1, 17.4.2 YA2, 17.4.2 YA3, and 17.4.5 PA1.

#### SR2 *Height*

The maximum height for structures within the Zone is 9m (refer to **Section 9** Network Utilities).

#### SR3 *Daylight protection*

No part of any building shall penetrate a daylight recession plane of 45° from a height of 2.7m above finished ground level at any boundary (refer to **Section 9** Network Utilities).

### 17.4.2 YARDS

#### YA1 *Separation from adjoining properties*

All buildings shall be set back at least 5m from side and rear boundaries,

#### Provided that

1. A dwelling or building accessory to a dwelling may be located within side yards where the written consent of the adjoining property owner/occupier is obtained.
2. Buildings used for the housing or keeping of animals on a permanent basis shall be located at least 30m from any boundary other than a road boundary, except where the written consent of the adjoining property owner/occupier is obtained.

#### YA2 *Building setback from roads*

All buildings shall be set back at least 9m from the road boundary.

#### YA3 *Building setback from coast and water bodies*

No building shall be located closer than 25m from MHWS or any stream with an average width of at least 3m. Buildings located between 25-50m from MHWS may require site landscaping to mitigate the visual effects from the seaward side.

**17.4.3 LANDSCAPING**

**LA1** *Screening from storage areas*

Areas used for storage shall be screened from any public place and from any adjoining residential activity site so as to mitigate the adverse effects of the storage area on residential amenity values.

**17.4.4 NOISE AND GLARE**

**NG1** *Noise*

All activities on a site shall be designed and conducted so as to ensure that the following noise limits are not exceeded at any point within the boundary of any Coastal Zone, Rural Zone or Coastal Settlement Zone.

Monday to Friday	7.00 am to 10.00 pm	50 dBA (L 10)
Saturday	9.00 am to 6.00 pm	50 dBA (L10)
At all other times including Sundays and Public Holidays		40 dBA (L10)
On any day between 10.00 pm and 7.00 am on the following day		65 dBA (L max)

Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:1991 Measurement of Sound, and assessed in accordance with the provisions of NZS 6802 : 1991 Assessment of Environmental Sound.

Construction noise in any zone shall not exceed the recommended limits in and shall be measured and assessed in accordance with the provisions of NZS 6803P : 1984 The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work.

**NG2** *Lighting and glare*

All exterior security lighting and floodlighting shall be designed, installed and maintained so that light emitted does not overspill the property boundaries or cause a distraction or glare which could cause a traffic hazard on adjacent roads.

**17.4.5 PARKING AND ACCESS**

**PA1** *Parking and loading*

On site carparking and provision for loading shall be provided in relation to every activity whether new, reconstructed, extended or where the use is changed, as follows:

- On-site carparking shall be provided as follows:
 

Residential dwellings	1 space per dwelling in addition to parking provided in a garage or carport
Places of assembly	1 space per 5 persons accommodated

COASTAL ZONE

Visitor accommodation	1 to 4 people	1 space per unit
	Over 4 people	1 space per unit plus 2 for staff
Educational facilities:	2 spaces for visitors plus adequate and reasonable provision for cars and buses to drop off and pick up students and:	
	Preschool	1space per staff member
	Primary	2 spaces per 3 staff members
	Secondary	1 space per 20 students
	Tertiary	1 space per 20 students
Rural industries	1 space per 50m <sup>2</sup> total floor area	
Rural selling places	1 space per 20m <sup>2</sup> total floor area	
Contractors' depots	1 space per 50m <sup>2</sup> total floor area	
Home occupations	1 space per 20m <sup>2</sup> of the site used for the activity	
Outdoor community recreation	1 space per 20m <sup>2</sup> of the net site area	
Periodic detention	One space for every 2 full time equivalent employees and one space for every 10 detainees.	
Probation centres	One space for every 2 full time equivalent employees and one space for every 10 detainees	

2. The dimensions and design standards are set out in **Appendix 5**.
3. Provision shall be made for the loading and unloading of service vehicles on-site, in such a way that no footpath, road, or access to adjoining properties is blocked.
4. Parking for disabled persons shall be provided in compliance with the Disabled Persons Welfare Act 1975 and NZ Standard specification 4121, or any subsequent legislation. In particular, one disabled car parking space shall be provided for each group of 50 car parking spaces up to 200 spaces, in a location as close as practicable to the building.

**PA2** *Vehicle access*

All sites fronting a State highway shall comply with the vehicle access standard in **Appendix 6** – Site Entrance Diagrams

**17.4.6** **SIGNS**

**SG1** *Signs*

1. Signs meeting the following standards shall be permitted activities in this Zone subject to the written consent of Transit New Zealand where the site adjoins a State highway.
  - (i) A sign with a maximum area of 0.5m<sup>2</sup> indicating a home occupation or visitor accommodation, including name, type of home occupation or profession, and hours of attendance.

- (ii) Temporary signs with an area of less than 1.8m<sup>2</sup>, where the written consent of the landowner has been obtained.
- (iii) Official signs, or signs denoting the name of the street, number of the premises or the location or timetable or other details of any public utility or facility.
- (iv) Double-sided free standing sign for each frontage to the site.
- (v) Attached to buildings on the site, which do not exceed the profile of the building where they meet the requirements of this plan.

Please refer to **Appendix 8** for provisions for controlling advertising signs that are visible from State Highways.

- 2. Signs meeting the following standards are controlled activities in the Zone, subject to the written approval of Transit New Zealand where the site adjoins a State highway:
  - (i) A sign not exceeding 1.1m<sup>2</sup> in area for any public purposes or in connection with and on the same site as any of the following activities:
    - (a) Recreation reserves.
    - (b) Churches and other places of assembly.
    - (c) Educational institutions.
    - (d) Hospitals and community buildings.
    - (e) Travellers accommodation.
  - (ii) Signs not exceeding 1.1m<sup>2</sup> erected in connection with tourist or special information, or denoting places or points of special interest.
  - (iii) Signs with an aggregate area of 5m<sup>2</sup> providing information in relation to a permitted activity or for which resource consent has been granted.
  
- 3. Signs meeting the following standards are discretionary activities in this Zone.
  - (i) Signs not meeting the standards specified in **17.4.9(1)** or **17.4.9(2)**.
  - (ii) Signs visible from a State Highway are discretionary activities where they are:
    - (a) Illuminated signs, that are not a permitted activity, and flashing, animated, trivision, revolving lights or lasers, or aerial signs situated adjacent to a State Highway.
    - (b) Free standing signs situated within the boundaries of a State Highway with a speed limit of 50km/h or less.
    - (c) Advance warning signs erected on a road.
    - (d) Those signs stated as permitted or controlled activities where the approval of Transit New Zealand has not been obtained.

17.4.7 HAZARDOUS SUBSTANCES

HS1 *Spillage containment*

The site of any activity which uses or produces potentially contaminating hazardous substances, or where there is an accidental spillage of a hazardous substance, shall be designed so that stormwater run-off shall be contained and disposed of in accordance with Environment BOP standards.

17.4.8 FLOOR LEVELS

FL1 *Floor levels*

The minimum floor level for buildings used for residential activities shall be 3.4m above Moturiki datum.

17.4.9 NON-RESIDENTIAL ACTIVITIES

The standards for non-residential activities are not applicable in this Zone.

17.4.10 ON-SITE EFFLUENT DISPOSAL

OD1 *On-site effluent disposal*

Provision shall be made on-site for adequate vehicle access to septic tanks for maintenance purposes.

Provided that

In relation to intensive farming waste disposal and effluent disposal activity shall be located at least:

- (i) 500m from a Residential, Mixed Activity or Industrial Zone boundary.
- (ii) 100m from an existing residential activity on a site in separate ownership.
- (iii) 45m from a front boundary and from a residential activity on the same site.
- (iv) 15m from any other site boundary.
- (v) 50m from any water body.

**NOTE**

***Sites where sewerage is not available will need to comply with the Regional Council's On-site Effluent Treatment Regional Plan where the site will be of a sufficient size to mitigate any adverse effects of on-site effluent disposal within the site.***

17.4.11 RETAIL CORE

Standards for the retail core are not applicable in this Zone.

17.4.12 WATER SUPPLY

WS1 *Water supply*

A potable water supply shall be provided to each lot within the Zone.

**17.4.13 COASTAL HAZARD ASSESSMENT****CH1**      *Coastal hazard assessment*

It should be noted that compliance with the standards in this Plan does not override Council's obligations under the Building Act 2004 when considering applications for building consents in areas with an identified coastal hazard risk. A coastal hazard assessment may be required in those circumstances.

**17.4.14**      **SETBACK FOR PLANTATION FORESTRY***Setback for Plantation Forestry*

The planting of any plantation forestry should not be located closer than 15m to the boundary of any public roadway.

**17.5**      **SUBDIVISION**

The following rules provide for controlled activities, discretionary activities, and non-complying activities in relation to subdivision within the Coastal Zone.

**17.5.1**      *Permitted activities*


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There is no subdivision within the Coastal Zone that is a permitted activity.

**17.5.2**      *Controlled activities*

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1. Subdivision complying with the boundary adjustment requirements specified in Rule 17.5.5.3.
  2. Subdivision which create lots for public utilities, public works, reserves within the meaning of the Reserves Act 1977, where these subdivisions comply with Rule 17.5.5.4.
  3. Subdivision of a parent lot of more than 4 hectares where the subdivided lots are a minimum of 4 hectares or more, and where the following can be met:
    - (i) Each lot has a potable water supply.
    - (ii) The site has sufficient area to contain all effects of the disposal of waste water on a sustainable basis, including provision for alternative effluent disposal fields.
    - (iii) Each lot is capable of supporting an area for a residential building site that ensures visual separation, by means of topographical features, distances over flat land, protected areas of vegetation, or similar devices.
    - (iv) The road to which the lots have frontage is formed to a suitable standard. Where work is required to upgrade the road, then a financial contribution will be required. See Section 11.

4. The subdivision of protection/incentive lots as follows:  
One lot of 2000m<sup>2</sup> will be permitted where:
- (i) There is on the parent lot a feature which is identified in the District Plan or a Regional Plan, or has been assessed against the following criteria and is found to be of significant value:
    - a. Representativeness.
    - b. Diversity and pattern.
    - c. Naturalness / Intactness.
    - d. Rarity and distinctiveness.
    - e. Long term viability.
    - f. Buffering and connectivity.
    - g. Importance for breeding, feeding, roosting or loafing areas for indigenous fauna on a regular or annual basis.
    - h. Importance of contribution to the habitat requirements of rare, vulnerable and endangered indigenous flora or fauna.

(An explanation of these criteria can be found in **Appendix 3**).
  - (ii) Legal protection of the feature will be secured by a way of a legal protection mechanism.
  - (iii) An additional incentive lot of 2000m<sup>2</sup> will be offered for every subsequent 2000m<sup>2</sup> of protected feature, where the maximum number of incentive lots will be as follows:
    - (a) 2 incentive lots for a parent lot of less than 4 hectares
    - (b) 4 incentive lots for a parent lot of 4 hectares or more.
  - (iv) The remaining area of any protected feature will be secured in the maximum incentive lot in the subdivision, where this will either be two or four 2000m<sup>2</sup> lots. The feature identified will be completely protected by the time that the maximum incentive lot is granted.
  - (v) The feature identified for protection does not have to be included in the incentive lots granted under this provision.

***Where a subdivision is a controlled activity Council may decline a consent application if the circumstances as set out in Section 106 of the Resource Management Act exist (e.g. material damage to land caused by erosion, slippages and inundation).***

### 17.5.3 *Discretionary activities*

1. Subdivision of a parent lot of more than 4 hectares where the subdivided lots will be 4 hectares or less in area, subject to the following criteria:
  - (i) The minimum area of any new lot created will be 2000m<sup>2</sup>.
  - (ii) The average density over the entire subdivision shall be 1 lot for every 4 hectares.
  - (iii) Each lot has a potable water supply.

- (iv) The site has sufficient area to contain all effects of the disposal of waste water on a sustainable basis, including provision for alternative effluent disposal fields.
  - (v) Each lot is capable of supporting an area for a residential building site that ensures visual separation, by means of topographical features, distances over flat land, protected areas of vegetation, or similar devices.
  - (vi) The road to which the lots have frontage is formed to a suitable standard. Where work is required to upgrade the road, then a financial contribution will be required. See Section 11.
2. Subdivision of a parent lot of less than 4 hectares in area, subject to the following criteria:
- (i) The minimum area of any new lot created will be 2000m<sup>2</sup>.
  - (ii) The average density over the entire subdivision shall be 1 lot for every 2 hectares.
  - (iii) Each lot has a potable water supply.
  - (iv) The lot has sufficient area to contain all effects of the disposal of waste water on a sustainable basis, including provision for alternative effluent disposal fields.
  - (v) Each lot is capable of supporting an area for a residential building site that ensures visual separation, by means of topographical features, distances over flat land, protected areas of vegetation, or similar devices.
  - (vi) The road to which the lots have frontage is formed to a suitable standard. Where work is required to upgrade the road, then a financial contribution will be required. See Section 11.

#### 17.5.4 *Non-complying activities*

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1. Subdivision stated in 17.5.2 (3) that does not meet the controlled activity criteria.
2. Subdivision stated in 17.5.2 where the number of incentive lots sought by the applicant exceeds the maximum incentive lot provision.
3. Subdivision stated in 17.5.3 that does not meet the discretionary activity criteria.

#### 17.5.5 *Subdivision standards*

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The following are the subdivision standards for the Coastal Zone.

##### 17.5.5.1 *Minimum lot size*

The minimum lot size is stated in 17.5.2 and 17.5.3.

**17.5.5.2** Access

The maximum number of lots that may be served by an access strip is 6. Thereafter, a legal road will be required.

Minimum width	3m for 1 lot
	4m for 2 lots
	6m for 3-6 lots

**17.5.5.3** Boundary adjustment

The subdivision standards for the Zone will not apply to a subdivision for the adjustment or relocation of boundaries provided no new additional new allotments are created, and the subdivision provides for:

- i. The adjustment or relocation of boundaries which will leave the allotments with similar areas to that existing prior to subdivision; or
- ii. The adjustment or relocation of boundaries is more suitable for activities provided by the Zone, where it does not increase the degree of non-conformity of any existing lot or lots.

**17.5.5.4** Lots for public utilities, public works, and for reserves as stated in the Reserves Act 1977

The minimum standards for the Zone shall not apply where lots are created for the following purposes:

1. Where land is required by a network utility operator.
2. Where land is required for a public work.
3. Where land is to be set aside or vested as a reserve.
4. Where land is to become a reserve vested in the Council.

**17.5.5.5** General subdivision requirements

In addition to Rule 17.5 the general rules for all subdivision specified in **Section 10** shall be met.

**17.6** **OTHER METHODS****17.6.1** Other methods for achieving the objectives and policies of this section:

1. Establishing a register which identifies on planning maps significant coastal features and habitats as a means to provide for their protection.
2. Continued support for established and future community Coast Care or Dune Care programmes, including continued liaison with Bay of Plenty Regional Council in respect of these programmes.
3. Co-operation with landowners and Bay of Plenty Regional Council in the use of Farm Plans and Environment Plans to promote sustainable management practices.
4. Using Land Information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on known hazards to potential developers and applicants.
5. To use consent notices as a mechanism to ensure that buildings are located so that the effects of natural hazard occurrence can be avoided or mitigated.

6. Council to undertake as part of overall state of the environment monitoring programme, an assessment of the Coastal Zones of the district to ensure that information held on these areas is kept current.
7. Liaison and co-operation between central, regional and local government agencies to prepare and implement a comprehensive management plan for Ohiwa Harbour and its catchment. This will include natural and cultural values, archaeological sites and harbour margins.
8. Support Environment Bay of Plenty in managing reclamation, wetland drainage, saltmarsh grazing, vegetation clearance, effluent discharges, rubbish dumping, earthworks and track formation, while allowing for existing uses in specific cases.
9. With the assistance of landowners and the Department of Conservation, negotiate with landowners to discourage grazing on saltmarsh or wetland vegetation and to use protective provisions as is necessary.
10. Where private land is located adjoining the coast and a need for public access is identified then Council will negotiate to provide public access across the land.
11. The identification of areas for reserves through Council's Strategic Planning Process, and the purchase and development of reserve land through Council's Annual Plan process.
12. That Council, in association with other agencies and landowners, will explore other means of improving public access to the coastal environment where this is appropriate and necessary.

## 17.7 EXPLANATION

- 17.7.1 The reasons for the foregoing objectives, policies and methods are stated below.
- 17.7.2 The Act requires Council to preserve the natural character of the Coastal environment and to protect the Coast from inappropriate subdivision, use and development. The Act also requires the maintenance and enhancement of public access to and along the coastal marine area. There are many activities that have an influence on the coastal environment including natural coastal processes affecting the coastline, and pressures for access, recreation, and residential activity. There is a strong seasonal influx of visitors which creates additional demands for accommodation, facilities and services.
- 17.7.3 The objectives and policies of the Coastal Zone have been developed to enable a wide range of activities subject to the effects of the activities complying with the Zone Standards. The underlying intention of the Zone is similar to the Rural Zone, as it relates to rural activities and supporting services. However, the Zone Standards have been developed to ensure that the current quality of the coastal environment is not degraded. As an example, activities which have the potential to significantly change the visual appearance of the landscape are subject to more stringent controls than in other Zones.
- 17.7.4 The coast is an environment that is highly valued by the district. To ensure that the present quality of the environment is maintained the zone standards are minimum standards that must be complied with.

17.7.5 Within the Coastal Zone there is a demand for subdivision and residential activity. The Coastal Zone policies and rules enable these activities to occur, and seek to manage the adverse effects on the coastal environment that may arise.

17.7.6 The Coastal Zone provides for housing development on Maori Land in multiple ownership, in recognition of the aspirations of the owners, and in accordance with Council's statutory obligations.

## 17.8 ANTICIPATED ENVIRONMENTAL OUTCOMES

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

- ✓ A high quality coastal environment that is not adversely affected by land use activities.
  
- ✓ Subdivision use and development within the Coastal Zone that preserves the natural character of the coastal environment.
  
- ✓ An increase in the protection afforded to sites of ecological importance within the Zone.