

Chapter 10

Coastal Settlement Zone



10. COASTAL SETTLEMENT ZONE

10.1 RESOURCE MANAGEMENT ISSUES

1. Sporadic subdivision and development pressure can adversely affect the **natural character** of the coast, particularly where there is fragmented *ad hoc* development of an area.
2. The **natural character** of the coast line is adversely affected by activities which destroy or modify **habitats** and vegetation, **natural features** and **landscapes**, and drainage of coastal **wetlands**.
3. Coastal areas are of importance to tangata whenua for spiritual, historical, or cultural purposes, and these need to be provided for.
4. 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 environment.
5. There are areas within the Coastal Settlement Zone that area susceptible to natural hazards, particularly flooding and erosion associated with coastal processes. The location of activities can increase the effects of natural hazards.
6. In some areas adjoining the coast it is difficult to provide appropriate infrastructure and services to the community.

10.2 OBJECTIVES AND POLICIES

OBJECTIVE

- 10.2.1 Planned and cohesive development of coastal settlement areas where inappropriate subdivision, use and development is avoided and the distinctive natural character is preserved.**

POLICIES

- 10.2.1.1 Consolidation of existing coastal settlement areas to avoid inappropriate and sprawling subdivision, use and development.
- 10.2.1.2 Restrict development where adequate infrastructure and services are not, nor are likely to be, available.
- 10.2.1.3 To manage adverse noise, glare, signage, and other on-site effects.
- 10.2.1.4 To ensure that the effects of activities located within the zone do not adversely affect the safety and efficiency of the transport network.

- 10.2.1.5 To require sites are of a sufficient size so that sewage and effluent disposal does not adversely affect adjoining properties, water quality or the quality, **natural character**, and **amenity values** of the coastal environment.
- 10.2.1.6 Require setback for structures and buildings from the coast to preserve the **natural character** of the coastal environment wherever possible.
- 10.2.1.7 Control the design and scale of non-residential activities located within the zone so as to retain a residential character, as far as practical, including compatible lighting, noise, **landscaping**, and screening requirements.

OBJECTIVE

- 10.2.2 To recognise and provide for tangata whenua relationships with the coastal environment.**

- 10.2.2.1 Where activities in the zone affect the relationship tangata whenua have with their cultural **sites** and traditions, activities are to avoid, and where not practicable, remedy or mitigate adverse effects.
- 10.2.2.2 To recognise only tangata whenua can identify and evidentially substantiate their relationship and that of their culture and traditions with their ancestral lands, water, **sites**, waahi tapu and other taonga.
- 10.2.2.3 To recognise tangata whenua needs for Papakāinga housing, **marae** and associated developments.

10.3 ACTIVITY STATUS

Resource consent is required for all Controlled, Restricted, Discretionary and Non-complying Activities. Resource consent is not required for all Permitted Activities provided Zone Standards are met.

Additional controls apply in relation to the following activities. Refer to the Chapters identified.

- Activities on the Surface of the Water – refer Chapter 12
- Landscapes and Habitats – refer Chapter 13
- Heritage – refer Chapter 14
- Network Utilities – refer Chapter 17

- Natural Hazards – refer Chapter 18

10.3.1 PERMITTED ACTIVITIES

10.3.1.1 Subject to compliance with the Zone Standards in **Section 10.6**, the following activities may be established in the Coastal Settlement Zone without Land Use Consent:

1. Any residential **buildings** at least 50m from **MHWS** and not within an identified coastal hazard area, as follows:
 - (a) One **dwelling** per **site** - two **dwellings** may be established on any **site** that is 4 hectares or more in area.
 - (b) **Buildings accessory** to any Permitted Activity.
 - (c) Additions to existing **dwellings**.
2. **Marae**.
3. Urupa and private cemeteries.
4. **Farming**.
5. Keeping or farming goats on sites located outside the goat management areas as shown on the planning maps.
6. **Visitor accommodation** for up to four persons per night.
7. Activities on reserves as provided for in the Reserves **Act** 1977 or an approved Reserve Management Plan.
8. Maintenance work carried out by Bay of Plenty Regional Council on established drainage and flood control scheme works.
9. **Temporary activities** and **buildings** required for a **building** or construction project of not more than 12 months duration.
10. **Temporary military training activities** complying with the noise controls in Appendix 3.
11. Any residential activity that is not listed in the Chapter and which complies with the Zone Standards shall be deemed a Permitted Activity and does not require resource consent.
12. Removal of residential **dwellings** that comply with the Building **Act** 2004 requirements and **Council's** engineering standards.
13. The relocation of a **building** or **dwelling**.
14. Resiting of a **building** within a **site**.
15. **Factory built dwellings**.
16. A **sign** with a maximum area of 0.5m² indicating an approved **home occupation** or **visitor accommodation**, and may include the name, type of **home occupation** or profession, and hours of attendance.
17. **Temporary signs** with an area of less than 1.8m², where the written consent of the landowner has been obtained and a copy provided to **Council**.

18. **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.
19. A **sign** not exceeding 1.1m² in an 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**.

NOTE:

Approval for signs visible from any state highway must be gained from the NZ Transport Agency.

10.3.2 CONTROLLED ACTIVITIES

10.3.2.1 The following activities may be established after Land Use Consent has been granted by **Council**. Activities must comply with the standards stated in **10.6**:

1. Any **buildings** provided for as Permitted Activities in **10.6.1** that are within 50m of **MHWS** but not within an identified coastal hazard area.
2. **Buildings** and activities **accessory** to Controlled Activities.
3. **Home occupations**.
4. Community and outdoor recreation activities undertaken in **buildings** and structures, or parts of the **building** being used for the activity, and where the activity area is less than 100m² in area.
5. Public conveniences.
6. Papakāinga, where the maximum number of sites shall be no more than 50, and where each **site** is to have an area of 1200m² exclusive of **access**.

Provided that:

Sites may be smaller than 1200m² where:

- (a) Zone Standards are complied with.
 - (b) On-site investigations are undertaken by a Chartered Professional Engineer to show that the **site** complies with the On-site Effluent Treatment Regional Plan.
 - (c) Where the minimum residential **site** area shall be 400m².
7. Any non-residential activity not specifically provided for provided in this Chapter and which complies with the Zone standards in 10.6.
 8. Activities otherwise permitted or controlled where the **site access** is to a state highway and the written approval of NZ Transport Agency has been obtained, and is submitted as part of any application.

10.3.3 RESTRICTED DISCRETIONARY ACTIVITIES

10.3.3.1 The following activities may be established after Land Use Consent has been granted by **Council**. The **Council** may grant or refuse resource consent for a Restricted Discretionary Activity:

1. Relocation of a **dwelling** or **building** that does not comply with the Zone Performance Standards.

10.3.4 DISCRETIONARY ACTIVITIES

10.3.4.1 The following activities may be established after Land Use Consent has been granted by **Council**. The **Council** may grant or refuse resource consent for a Discretionary Activity:

1. **Buildings** and activities **accessory** to a Discretionary Activity.
2. Goat **farming** in the Goat Management Areas identified on Planning Maps.
3. Activities listed as Permitted or Controlled Activities, which do not meet one or more of the Zone Standards.
4. **Visitor accommodation** for more than four visitors per night.
5. Community and outdoor recreation activities are undertaken in **buildings** and structures or part of the **building** being used for the activity, and where the activity area is over 100m².
6. **Education facilities**.
7. **Residential care facilities**.
8. Wharves, jetties, slipways, and other landing facilities.
9. Public cemeteries.
10. **Place of assembly**.
11. Refuse recycling facilities and transfer stations.
12. **Activities**, where the **access** is to a state highway, where the written consent of The NZ Transport Agency has not been obtained.
13. Retail activities.

10.3.5 NON-COMPLYING ACTIVITIES

10.3.5.1 Any activity not specifically stated as a Permitted, Controlled, Restricted Discretionary or Discretionary Activity and unless otherwise stated, shall be a Non-complying Activity and is allowed only if resource consent is obtained.

10.4 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

10.4.1 The **Council** has reserved control over the following matters:

10.4.1.1 Design and appearance

1. The design and appearance of the activity and how it relates to the **amenity values** of the surrounding areas, including relevant **height**, bulk, colour, materials, and proposed **landscaping** treatment.
2. The visual effect of any activity in relation to its location, **site** boundaries, and topography.
3. The size and location of **buildings** with regard to the activities on the **site** and the effect on neighbouring properties.
4. 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.
5. The location and appearance of any signage associated with the activity.

10.4.1.2 Effects on adjoining properties

1. 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.
2. Any measures to be implemented to mitigate the effects from the activity, such as visual effects, odour, noise, and lightspill.

10.4.1.3 Effects on the coastal resource

1. The degree to which the activity modifies or alters the **natural character** of the coastal landscape and coastal **ecosystems**, if at all.
2. 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.
3. The effect of the design and layout of the activities in relation to land, **buildings**, coastal features and **waterbodies** which have historical, archaeological and cultural significance to the people of the District, including those which have special value to Māori. Māori values will be determined in consultation with local Iwi or Hapu.

10.4.1.4 Effects from earthworks on the coastal environment

1. 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.

10.4.1.5 Vehicle access, parking, loading and manoeuvrability

1. The design and location of vehicular **access**, on-site manoeuvrability, and whether vehicles can leave and enter the **site** safely.
2. The effect of the activity on the safety and efficiency of the roading network.

3. The adequacy of the proposed carparking, service lanes, and loading and unloading activities associated with the activity.

10.4.1.6 Historical, cultural and archaeological resources

1. The effect of the design and layout of the activities in relation to land, **buildings**, features and **waterbodies** which have historical, cultural or archaeological worth.
2. The effects of the activity on resources of importance to Māori.
3. The effects of the activity on heritage and conservation values, both on the **site** and on adjoining sites.

10.4.1.7 Effects on waterbodies, indigenous vegetation and habitats

1. The effects of activities on **waterbodies**.
2. Riparian management mechanisms implemented to mitigate potential adverse effects of the activity on the coast and on **waterbodies**.
3. The potential effects of the activity on coastal areas of **indigenous vegetation** and **habitats** of indigenous fauna.

10.4.1.8 Natural hazards

1. 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**.
2. The extent to which the activity may accentuate the potential adverse effects of natural hazards.

10.4.1.9 Hazardous substances

1. 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.
2. The type and volume of the **hazardous substances** to be used or stored on the **site**.
3. The spill containment system proposed for the activity.
4. The proposed drainage system for the activity **site**.
5. The degree of risk of spillage and the potential adverse effects of spillage both on and off the **site**.
6. The potential effects on the coastal environment from any point or non-point contamination originating from the activity.
7. The potential effects of the activity and the affect that this may have on the quality of coastal, inland and ground water resources and soil.

Council may impose conditions on resource consent for a Controlled Activity only in relation to those matters stated above.

10.5 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

10.5.1 The Council shall restrict its discretion to the following matters:

10.5.1.1 Activities not complying with Rules 10.6.1.2 (Height), 10.6.1.3 (Daylight protection) and 10.6.2 (Yards)

1. The adverse effects on the amenity in terms of:
 - (a) Shadowing.
 - (b) Physical dominance.
 - (c) Privacy.
 - (d) Noise.
 - (e) Lighting.
 - (f) Outlook.
2. The degree to which the character and amenity are affected.

10.5.1.2 Relocation of a dwelling or building that does not comply with the Zone Performance Standards.

1. Proposed **landscaping**, including opportunities to screen the **building** during **reinstatement**.
2. Visibility from the **road**, public places and other residential areas.
3. **Maintenance** of the **site** and surrounds during **reinstatement**.
4. The duration of **reinstatement works**.

10.6 ZONE STANDARDS

These Zone Standards apply, unless otherwise stated, to all Permitted and Controlled Activities and will be used as a guideline when assessing applications for Discretionary and Non-complying Activities.

10.6.1 SITE REQUIREMENTS

10.6.1.1 Site coverage

A maximum of 40% of the **site** may be covered with **buildings**.

10.6.1.2 Height

The maximum **height** for all structures within the zone is 9m.

10.6.1.3 **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 9m.

10.6.1.4 **Minimum site area**

The following **site** areas are exclusive of **access**:

- | | | |
|----------------------|-----------------|--|
| 1. Dwellings: | Sewered sites | 400m ² per dwelling |
| | Unsewered sites | 1200m ² per dwelling |
| 2. Other activities: | | 1200m ² |

10.6.2 **YARDS**

10.6.2.1 **Separation from adjoining properties**

All **buildings** shall be located at least 3m from an adjoining property, except that in relation to **dwellings** and **buildings accessory to dwellings**:

1. One **yard** may be reduced to 1.5m.
2. Where a garage is incorporated in the **dwelling**, two **yards** may be reduced to 1.5m.
3. **Dwellings** and **accessory buildings** may be erected on **yards** where:
 - (a) That part of the **building** which encroaches on the **yard** does not exceed either 30% of the length of the boundary parallel to the **yard** or 10m, whichever is the smaller; and
 - (b) Pedestrian **access** is available to the rear of the **dwelling**; and
 - (c) The written consent of the owners and occupiers of any properties adjoining the affected **yard** is obtained and a copy provided to **Council**, except for **accessory buildings** which are located at least 1.5m from the boundary.
 - (d) Vehicle **access** is possible for septic tank maintenance.

10.6.2.2 **Building setback from roads**

All **buildings** shall be set back at least 4.5m from the **road** boundary.

10.6.2.3 **Building setback from waterbodies and the coast**

No **building** shall be located closer than 25m from **MHWS** or a stream with an average width of at least 3m. **Buildings** between 25m to 50m from **MHWS** may require **site landscaping** to mitigate the visual effects from the seaward side. Where any **waterbody** has an average width of less than 3m a setback of at least 10m shall be required.

10.6.3 LANDSCAPING

10.6.3.1 Screening from storage areas

Any outdoor area used for storage shall be screened from a public place, other than service lanes, and from any adjoining residential **site**.

10.6.3.2 Visibility at intersections

To protect sight distances at the intersection of **roads**, the area within 6m of the intersection of two front boundaries (or the projection of those front boundaries where they do not meet) shall be kept clear of any obstruction over 1m in **height**. This restriction shall not apply to power poles or street lights.

10.6.4 NOISE AND GLARE

10.6.4.1 Noise

All activities on-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 Settlement Zone **site**.

Noise Limits dB			
Receiving Zone	Daytime 7am to 10pm, Monday to Sunday including public holidays	Night time At all other times	
Coastal Settlement Zone	50LAeq	40LAeq 70LAm _{ax}	

Construction noise in any zone shall not exceed the recommended limits and shall be measured and assessed in accordance with the provisions of NZS 6803P:1999 Construction Noise.

10.6.4.2 Lighting and Glare

All exterior security lighting shall be designed, installed and maintained so that the light emitted does not overspill **site** boundaries or cause distraction of glare which could affect traffic safety on adjacent **roads**.

10.6.5 PARKING AND ACCESS

10.6.5.1 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:

1. 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 |
| Visitor accommodation | 1 to 4 people 1 space per unit
Over 4 people 1 space per unit plus 2 for staff |
| Education facilities | 2 spaces for visitors plus adequate and reasonable provision for cars and buses to drop off and pick up students and: |
| | Preschool 1 space per staff member |
| | Primary 2 spaces per 3 staff members |
| | Secondary 1 space per 20 students |
| | Tertiary 1 space per 20 students |
| Home occupations | 1 space per 20m ² of the site used for the activity |
| Residential care facility | 1 space per 5 beds plus 1 space per two staff |
| Community recreation activities | 1 space per 20m ² of the net site area |
| Periodic detention and Probation centres | One space for every 2 full time equivalent employees and one space for every 10 detainees. |
| Police stations | One space per 50m ² gross floor area. |
2. The dimensions and design standards are set out in **Appendix 1**.
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.

10.6.6 FLOOR LEVELS

10.6.6.1 Floor levels shall be sufficient to ensure that water does not enter **buildings** in a 2% AEP (Annual Exceedance Probability) event.

10.6.7 NON-RESIDENTIAL ACTIVITIES

10.6.7.1 Access to non-residential activities

Access to any **site** shall be sufficient to allow two-way traffic flow. One point of entry and one exit or one combined entry/exit is required. Vehicle crossings shall meet the standards in **Appendix 4**.

10.6.8 ON-SITE EFFLUENT DISPOSAL

10.6.8.1 On-site effluent disposal

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

10.6.9 WATER SUPPLY

10.6.9.1 Water supply

A potable water supply shall be provided to each dwelling within the zone.

10.6.10 RELOCATION OF A DWELLING OR BUILDING

10.6.10.1 The relocation of a **building** or **dwelling** must comply with the following:

1. Any relocated **dwelling** must have been previously designed, built and used as a **dwelling**.
2. A **building** inspection report shall accompany the **building** consent for the **building/dwelling**. The report is to identify all **reinstatement work** required to the exterior of the **building/dwelling**.
3. The **building** shall be located on permanent foundations approved by **building** consent, no later than two months of the **building** being moved to the **site**.
4. All work required to reinstate the exterior of any relocated **building/dwelling**, including the siting of the **building/dwelling** on permanent foundations, shall be completed within 12 months of the **building** being delivered to the **site**.

Non-compliance with this Rule shall be considered as a Restricted Discretionary Activity.

10.6.11 VEHICLE ENTRANCE DESIGNS

10.6.11.1 Residential and commercial vehicle entrance designs shall comply with Appendix 4.

10.7 OTHER METHODS

10.7.1 Other methods for achieving the objectives and policies of this section are:

1. Community and residents street beautification programmes, through the use of **landscaping** and tree planting.
2. To develop those public open spaces and reserves administered by **Council** within, and adjoining, the Coastal Settlement Zones of the District to ensure that the parks and reserves complement the zone.
3. Through **Council's** strategic planning process to identify areas for community reserves and to purchase land and develop through **Council's** Annual Plan process.
4. Through the use of Land Information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on known hazards to potential **developers** and applicants.

10.8 EXPECTED ENVIRONMENTAL RESULTS

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

- A. Residential areas within the coast environment that have minimal adverse effects on the environment.
- B. Diversity of design in residential **dwellings** where minimum standards are met.