

Chapter 11

Ōhiwa Harbour Zone



11. ŌHIWA HARBOUR ZONE

11.1 RESOURCE MANAGEMENT STRATEGY

11.1.1 RESOURCE MANAGEMENT ISSUES

1. Modification through drainage, vegetation clearance, land use change, subdivision, and earthworks can affect the quality of the Ōhiwa Harbour and its values.
2. The Ōhiwa Harbour straddles administrative boundaries and this can result in different administrative approaches.
3. The cultural importance of the Harbour to the community and to the Upokorehe Hapu needs to be recognised.
4. Sporadic subdivision and development pressure can adversely affect the **natural character** of the Harbour, particularly where there is fragmented *ad hoc* development.
5. The location of structures within the Ōhiwa Harbour Zone can detract from outstanding **natural features and landscapes** within coastal margins and on or near residential activities.
7. Effects of activities such as the visual impact of **buildings**, storage areas, parking, and **signage**, as well as noise, glare, and lack of separation distances need to be managed to maintain **amenity values** and the quality of residential **sites**.
8. In some parts of the Harbour it is difficult to obtain a water supply that is suitable for human consumption.
9. The Ōhiwa Spit is subject to coastal hazard risks as the shoreline is unstable and subject to erosion and progradation cycles of around 50 - 60 years.

11.2 OBJECTIVES AND POLICIES

OBJECTIVE

- 11.2.1 **The adverse effects of land use activities are managed to protect and enhance the outstanding natural and landscape values and the natural character of the Harbour environment.**

POLICIES

- 11.2.1.1 To avoid as far as practicable the adverse effects of activities such as **buildings**, earthworks and tracking, especially on skylines and ridges, that will adversely affect the qualities and characteristics of the Ōhiwa Harbour landscape.
- 11.2.1.2 To provide for the integrated management of the Ōhiwa Harbour through consultation with agencies that also have responsibilities for Harbour management.

11.2.1.3 To avoid, remedy or mitigate the adverse effects of subdivision, use, and development in those parts of the Ōhiwa Harbour which have largely been unmodified to date.

11.2.1.4 To preserve the **natural character** and protect the ecology of the Harbour margins by managing the use and development in the zone.

OBJECTIVE

11.2.2 Protect and enhance significant indigenous vegetation and habitats of indigenous fauna to maintain the ecological, botanical, scientific, and educational values of the Ōhiwa Harbour.

POLICIES

11.2.2.1 Protect and, where appropriate, enhance significant **indigenous vegetation** and **habitats** of indigenous fauna which contribute to the character of the Ōhiwa Harbour through the resource consent process, education and incentives.

11.2.2.2 Protect natural areas around the Harbour from development by the creation of reserves, retirement areas, or other protection mechanisms through resource consent processes.

11.2.2.3 Protect the Ōhiwa Harbour saltmarsh from modification and destruction by managing the adverse effects of activities on adjacent land.

OBJECTIVE

11.2.3 The Ōhiwa Harbour is recognised as an area of cultural and historical significance to the people of the Ōpōtiki district and the Iwi and Hapu of the Harbour.

POLICIES

11.2.3.1 To encourage consultation with tangata whenua who hold mana whenua within the Ōhiwa Harbour when assessing resource consents to ensure that concerns are adequately addressed.

11.2.3.2 When assessing resource consent applications within the Ōhiwa Harbour area to ensure, through consultation with appropriate agencies, that **heritage resources** are protected.

11.3 ACTIVITY STATUS

Resource consent is required for all Controlled, Restricted Discretionary, Discretionary and Non-complying activities. Resource consent is not required for Permitted activities provided relevant standards in 11.4 and other relevant Chapters are met.

11.3.1 Additional controls may apply under the following **Chapters**:

- Surface of Water Activities – refer **Chapter 12**

- Landscapes and Vegetation – refer **Chapter 13**
- Heritage – refer **Chapter 14**
- Natural Hazards – refer **Chapter 18**

Subdivision is managed through **Chapter 15** – Subdivision.

Network Utilities are subject to the provisions in **Chapter 17** and are not subject to the Zone Standards in this Chapter.

11.3.2 PERMITTED ACTIVITIES

11.3.2.1 The following activities do not require land use consent if they comply with the Standards in **Section 11.7** and the requirements of other plan chapters.

1. **Farming.**
 2. Keeping or **farming** goats, on **sites** located outside the Goat Management Areas shown on the Planning Maps.
 3. Deer **farming**.
 4. Unless otherwise listed as a discretionary activity below, **buildings**, including relocated **buildings** or **dwellings**, located at least 50m from **MHWS** and not within an **coastal hazard area identified** on the Planning Maps, as follows:
 - (a) One **dwelling** per **site**.
 - (b) **Buildings accessory** to a Permitted Activity.
 - (c) Minor additions to existing **dwellings** and **accessory buildings**.
 5. **Marae**.
 6. **Papakāinga**, where the maximum number of sites shall be no more than 50, and where each site has an area of 1200m² exclusive of access.

Provided that:

Sites may be smaller than 1200m²;
 - (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. Urupa and private cemeteries.
 8. **Prospecting**.
 9. **Visitor accommodation** for up to four persons per night within existing authorised **buildings**
 10. Activities on reserves provided for by the Reserves Act 1977 or an approved Reserve Management Plan.

11. **Maintenance** work carried out by Bay of Plenty Regional Council on established drainage and flood control scheme works.
12. **Temporary buildings** and **temporary activities** required for a **building** or construction project of not more than 12 months duration.
13. **Temporary military training activities** complying with the noise controls in Appendix 3.
14. Removal of residential **dwelling**s that comply with the Building Act 2004 requirements, and Council's engineering standards.

11.3.3 CONTROLLED ACTIVITIES

11.3.3.1 The following activities require land use consent from the Council. Activities must comply with the Zone Standards stated in **Section 11.7**.

1. Two **dwelling**s per **site**, unless otherwise listed as a discretionary activity below, where the **dwelling**s are located at least 50m from **MHWS** and are not within an **coastal hazard area identified** on the Planning Maps
2. **Buildings** between 25m and 50m from **MHWS**.
3. Earthworks to provide for stable **building** areas, **access** and servicing.
4. **Home occupations**, provided that where the **site access** is to a State Highway, the written consent of the NZ Transport Agency shall be obtained and submitted with an application.
5. 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.

11.3.4 RESTRICTED DISCRETIONARY ACTIVITIES

11.3.4.1 The following activities may be established after land use consent has been granted by Council unless otherwise specified:

1. Relocated **buildings** that do not comply with **Rule 11.7.14**.
2. Keeping or **farming** goats that is not provided for as a permitted activity.
3. Buildings otherwise permitted or controlled that do not comply with the Zone Standards in **11.7**.

11.3.5 DISCRETIONARY ACTIVITIES

11.3.5.1 The following activities require land use consent from the Council and consent may be granted or refused. The Zone standards in **11.7** will be used as a guideline when assessing the application.

1. **Buildings** within 25m 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. **Building** not otherwise Permitted within the Ōhiwa Spit Coastal Hazard Overlay.
4. **Production forestry**.
5. Land **disturbance** and excavation activities including **roading**, tracking, movement of soil, and excavations not provided for as a Controlled Activity.

11.3.6 NON-COMPLYING ACTIVITIES

11.3.6.1 The following activities require land use consent from the Council and consent may be granted or refused. The Zone standards in **11.7** will be used as a guideline when assessing the application.

1. Any activity not specifically stated as a permitted activity, controlled activity, restricted discretionary activity, or discretionary activity, unless otherwise stated in this Plan.

11.3.7 PROHIBITED ACTIVITIES

11.3.7.1 The following activities are prohibited activities for which no resource consent shall be granted:

1. The keeping, holding, or **farming** of wallaby species.
2. The keeping, holding, or **farming** of ferrets, stoats and weasels (*mustela faro*).

11.4 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

11.4.1 The Council has reserved control over the following matters for all Controlled activities and may impose conditions in relation to these matters:

11.4.1.1 Design and appearance

1. The effects on the Outstanding Natural Features and Landscapes, indigenous biodiversity and **natural character** values of the Ōhiwa Harbour.
2. The design and appearance of any **buildings** or structures associated with the activity and how it relates to the **amenity values**, **natural character** values, or natural features or landscapes 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**.
3. The visual effect of the activity in relation to its location, **site** boundaries, and topography.
4. 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.

5. 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.
6. The location and appearance of **signage** associated with the activity.

11.4.1.2 Effects on adjoining properties

1. Separation between residential **buildings** on the same or adjacent **sites**.
2. 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.
3. Any measures to be implemented to mitigate the effects from the activity, such as visual effects, odour, noise, and light spill.

11.4.1.3 Effects of 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.

11.4.1.4 Historical, cultural and archaeological resources

1. 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.
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**.

11.5 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

11.5.1 The Council has restricted discretion control over the following matters for the identified Restricted Discretionary activities. Consent may be granted or refused in relation to these matters and, if consent is granted, Council may impose conditions on these matters.

11.5.1.1 Relocated buildings that do not comply with Rule 11.7.14

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**.

11.5.1.2 Goat farming in the Goat Management Areas shown on the Planning Maps

1. The area and location of the activity in relation to 2 and 3 below:
2. Potential effect on the values associated with **natural character**, indigenous **biodiversity**, amenity and landscape, including vegetation type and density
3. The ability to confine goats upon the **site**.

11.6 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

11.6.1 In relation to **buildings** near **ridgelines**. The matters to be considered by Council will include (but will not be limited to) the following:

1. Extent of an immediate land backdrop.
2. Nature of the landform content.
3. Extent of an immediate vegetative backdrop.
4. Foreground vegetative backdrop.
5. Vegetative mitigation offered.
6. Proposed built form.
7. Proposed **building** materials and colour.
8. Associated earthworks.

11.7 ZONE STANDARDS

These Zone Standards apply, unless otherwise stated, to all permitted and controlled activities, and will be used as a guideline when assessing application for discretionary and non-complying activities.

11.7.1 ZONE REQUIREMENTS

11.7.1.1 Site coverage

1. A maximum **site coverage** of 1000m² for **sites** up to one 1 hectare in area.
2. A maximum **site coverage** of 2000m² for **sites** 1 hectare and over in area.

11.7.1.2 Height

1. The maximum **height** for **buildings** and structures shall be 7m where the proposed **building** will be located in the area between **MHWS** and the coastal environment line as shown on the Planning Maps.
2. Outside this area the maximum **height** shall be 8m.

11.7.1.3 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.

11.7.2 REFLECTIVITY

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

11.7.3 YARDS

11.7.3.1 Separation from adjoining properties

1. Except as provided below, all **buildings** shall be set back at least 5m from side and rear boundaries.
2. A **dwelling** or **building accessory** to a **dwelling** may be located within a **side yard** where the written consent of the adjoining property owner and occupier has been obtained and a copy provided to the Council.
3. **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 and occupier has been obtained and provided to the Council.

11.7.3.2 Building setback from roads

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

11.7.3.3 Building setback from coast and water bodies

No **building** shall be located closer than 50m from **MHWS** or 25m from any stream with an average width of at least 3m.

11.7.4 LANDSCAPING

Areas used for storage shall be screened from any public place and from any adjoining residential activity **site**.

11.7.5 NOISE

1. 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 Ohiwa Harbour Zone **site**.

Noise Limits dB			
Receiving Zone	Daytime 7am to 10 pm, Monday to Sunday including public holidays	Night time At all other times	
Ōhiwa Harbour Zone	50LAeq	40LAeq 70LAmx	Measured at the notional boundary

2. Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:2008 Measurement of Sound, and assessed in accordance with the provisions of NZS 6802:2008 Assessment of Environmental Noise.
3. Construction noise in any Zone shall be measured and assessed in accordance with the provisions of NZS 6803P:1999 Construction Noise.

11.7.6 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 or glare which could affect traffic safety on adjacent **roads**.

11.7.7 PARKING AND ACCESS

11.7.7.1 Parking and loading

1. On-site carparking and provision for loading shall be provided in relation to every activity that is new, reconstructed, extended or where the use is changed.
2. 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 or room								
	Over 4 people 1 space per unit or room plus 1 space for every 2 staff								
Educational facilities	2 spaces for visitors plus adequate and reasonable provision for cars and buses to drop off and pick up students and: <table style="margin-left: 20px;"> <tr> <td>Preschool</td> <td>1 space per staff member</td> </tr> <tr> <td>Primary</td> <td>2 spaces per 3 staff members</td> </tr> <tr> <td>Secondary</td> <td>1 space per 20 students</td> </tr> <tr> <td>Tertiary</td> <td>1 space per 20 students</td> </tr> </table>	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
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								

Rural industries	1 space per 50m ² total floor area
Rural selling places	1 space per 20m ² total floor area
Contractors' depots	1 space per 50m ² total floor area
Home occupations	1 space per 20m ² of the site used for the activity
Outdoor community recreation	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

3. The carparking shall be in accordance with the dimensions and design standards set out in **Appendix 1**.
4. 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.

11.7.8 VEHICLE ENTRANCE DESIGNS

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

11.7.8.2 Vehicle access

Any new activity on a **site** that obtains access from a State Highway shall obtain written approval from NZ Transport Agency and a copy shall be provided to the Council.

11.7.9 SIGNS

11.7.9.1 Signs visible from a State highway

For any **signs** visible from a State highway, written approval must be obtained from NZ Transport Agency and submitted to the Council.

11.7.9.2 Permitted Activity Sign Standards

Signs shall meet the following standards to be permitted activities in this Zone:

1. A **sign** with a maximum area of 0.5m² indicating an established **home occupation** or **visitor accommodation**, including name, type of **home occupation** or profession, and hours of attendance.
2. **Temporary signs** with an area of less than 1.8m², where the written consent of the landowner has been obtained.
3. **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.
4. Double-sided free standing **sign** with a maximum area of 0.5m² for each frontage to the **site**.

5. Attached to **buildings** on the **site**, with a maximum area of 0.5m², which do not exceed the profile of the **building** where they meet the requirements of this plan.

11.7.9.3 **Controlled Activity Sign Standards**

Signs shall meet the following standards to be controlled activities in this Zone:

1. A **sign** not exceeding 1.1m² 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) Traveller's accommodation.
2. **Signs** not exceeding 1.1m² erected in connection with tourist or special information, or denoting places or points of special interest.
3. **Signs** with an aggregate area of 5m² providing information in relation to a permitted activity or for which resource consent has been granted.

11.7.10 **FLOOR LEVELS**

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

11.7.11 **ON-SITE EFFLUENT DISPOSAL**

- 11.7.11.1 Provision shall be made on-site for adequate vehicle **access** to septic tanks for **maintenance** purposes.
- 11.7.11.2 In relation to **intensive farming**, waste and effluent disposal activity shall be located at least:
 1. 500m from the nearest boundary of a **site** zoned Residential, Mixed Activity or Industrial.
 2. 100m from an existing residential activity on a **site** in separate ownership.
 3. 45m from a front boundary and from a residential activity on the same **site**.
 4. 15m from any other **site** boundary.
 5. 50m from any **water body**.

11.7.12 **WATER SUPPLY**

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

11.7.12.2 All new **buildings** shall have access to a water supply for firefighting purposes in accordance with NZFA Firefighting Water Supplies Code of Practice NZS PAS 4509:2008.

11.7.13 COASTAL HAZARD ASSESSMENT

11.7.13.1 A coastal hazard assessment may be required for a permitted activity **dwelling** at the time of **building** consent. 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**.

11.7.14 RELOCATION OF A DWELLING OR BUILDING

1. Any relocated **dwelling** to be used for residential purposes shall have been designed as a **dwelling**.
2. A **building** inspection report shall accompany the **building** consent for the **building/dwelling**. The report shall 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**.

11.7.15 GOAT FARMING

1. Goat **farming** shall be permitted outside the areas shown as Goat Management Areas on the Planning Maps.
2. The goats shall be formally identified in accordance with the Animal Identification Act 1993, but must include the tagging (brass tag or plastic tag or ear-cut or tattoo) of goats with recognisable owner identification.
3. The goats shall be contained on **site** at all times by either a boundary fence in accordance with standards for goat fencing contained in **Appendix 8.9.2** or tethered, which may include a running wire.
4. Written advice of the location of the goat **farming** activity shall be provided to Council at the time of the establishment of the goat **farming** operation.

11.7.16 DEER FARMING

1. Deer shall be kept in accordance with the Wild Animal Control Act 1977.
2. Deer shall be identified in accordance with the Animal Identification Act 1993.

3. Deer shall be contained on **site** at all times by a boundary fenced area in accordance with the deer fencing standard set out in **Appendix 8.9.1**.
4. Written advice of the location of the deer **farming** activity shall be provided to Council at the time of the establishment of the deer **farming** operation.

11.8 OTHER METHODS

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

1. Ongoing collaboration on the Ōhiwa Harbour Strategy 2014.
2. A protocol be developed between Ōpōtiki District Council and Whakatāne District Council for referral of resource consents for subdivision and land use consent occurring within the Ōhiwa Harbour environment.
3. Ongoing support for established and future community Coast Care and Dune Care programmes, and to liaise with Bay of Plenty Regional Council with respect to these groups.
4. Co-operation with landowners and Bay of Plenty Regional Council in the use of Farm Plans and Environment Plans to promote sustainable management practices.
5. With the assistance of landowners and the Department of Conservation, negotiate with landowners to discourage grazing on **wetland** vegetation and to use protective provisions as is necessary.

11.9 ENVIRONMENTAL RESULTS EXPECTED

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

- A.** The preservation of the **natural character** of the internationally important Ōhiwa Harbour and its environs.
- B.** Allowing for appropriate development in a manner which will not compromise the significant natural values of the Ōhiwa Harbour and its environs.
- C.** The important ecological, scientific, historic, and botanical values of the Ōhiwa Harbour are maintained and enhanced.
- D.** The cultural and spiritual significance of the Harbour is recognised.