
19. OHIWA HARBOUR ZONE

19.1 ZONE INTRODUCTION

19.1.1 Ohiwa Harbour is recognised as having outstanding natural feature and landscape values. It is valued locally, regionally, nationally, and internationally as an area of ecological importance. The Harbour is of significant cultural importance to Iwi and Hapu within and external to the district. The Upokorehe hapu have for many centuries been the kaitiaki, 'guardians', of the Harbour.

19.1.2 The coast of the district contains a number of important ecological habitats. One of these is the Ohiwa Harbour. The Ohiwa Harbour is important spiritually, historically, culturally, ecologically, scientifically, and botanically, and is an important area for recreation activities. The Harbour is also a food source for the local iwi and hapu. The foreshore of the harbour is surrounded by many areas of indigenous vegetation which contribute to the district's biodiversity. Also surrounding the Harbour are coastal forest sequences not found elsewhere in the district.

19.1.3 Efforts have been made by Opotiki District Council, Whakatane District Council, Environment BOP, landowners, Iwi and Hapu, and the Department of Conservation to preserve the values of the Ohiwa Harbour environs through such measures as land improvement agreements, consent conditions, discontinuation of intensive stock grazing near the harbour edge, retiring of saltmarsh areas, and the creation of esplanade reserves and esplanade strips.

19.1.4 The majority of the Ohiwa Harbour is in a natural state possessing natural, ecological, landscape, and cultural values, characteristics that contribute to the character of the Zone include;

- Shallow tidal estuary which is vulnerable to the effects of adjacent land uses
- Concentrated low density residential settlement, and increasing lifestyle lot development
- Internationally important wetland
- Long history of Maori occupation and association, and sites of significant cultural importance
- Presence of significant flora and fauna species

19.1.5 The Ohiwa Spit Coastal Hazard Overlay Area covers an area of 56.0110 hectares and is located on the seaward side of part of the Ohiwa Spit. The Overlay covers an area that was subjected to an extreme coastal erosion event in the mid 1970s. This event resulted in the planned removal of all but one of the houses from seaward sites of that part of the Spit, but the house that remained was lost to the sea. Coastal processes at the Spit have been the subject of much research. Coastal processes affecting the area subject to the Overlay Area have resulted in the retreat and advance of the shoreline in cycles lasting between 50 – 60 years. Because land at the Spit is unstable, it is appropriate that development be avoided.

19.2 RESOURCE MANAGEMENT STRATEGY

19.2.1 *Resource management issues*

1. Modification of the Ohiwa Harbour may contribute to a decline in the biodiversity and natural resources of the district.
2. Inappropriate drainage, modification, land use, subdivision, earthworks, tracking and roading can affect Harbour quality.
3. The areas of indigenous vegetation and habitats of the Ohiwa Harbour contribute to the unique character of the district and region. These areas are diminishing and need protection to ensure their existence.
4. The Ohiwa Harbour straddles administrative boundaries, this can result in administrative differences.
5. There is a need to recognise that parts of the Harbour are ecological sequences and ecological corridors, where the areas are connected to other parts of the district.
6. There is a need to recognise the cultural importance of the Harbour to the community, and to the Upokorehe hapu.
7. Sporadic subdivision and development pressure can adversely affect the natural character of the Harbour, particularly where there is fragmented *ad hoc* development.
8. The location of structures within the Ohiwa Harbour Zone can detract from outstanding natural features, and landscapes, especially coastal margins and coastal ridgelines.
9. Grazing of harbour margins, and the introduction of plant pests can adversely affect the natural character of the harbour.
10. Amenity values within residential properties need to be maintained so that the residential quality of the site and adjoining sites is maintained. These include managing effects such as height of buildings, storage areas, parking, loading, signage, noise, glare, and separation distances.
11. 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.
12. In some areas of the Harbour it is difficult to obtain a water supply that is suitable for human consumption.
13. The Ohiwa Spit is subject to coastal hazard risks, the shoreline is unstable and subject to erosion and progradation cycles of around 50 - 60 years.

19.2.2 *Objectives and policies*

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| Objective | <ol style="list-style-type: none"> 1. Ohiwa Harbour will continue to be an outstanding natural feature and landscape of the Opotiki district and the Bay of Plenty. Effects of land use activities will be managed to assist in protection and enhancement of the natural and ecological values of the Harbour environment. |
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| Policies | <p>1.1 To preserve the natural character of the Harbour shoreline and protect the ecology of the Harbour environs.</p> <p>1.2 To assess the effects of activities on the natural character of the Ohiwa Harbour, and to avoid adverse effects as far as practicable by the placing of conditions on resource consents, where the adverse effects that will be avoided include potential point and non-point contamination, siltation, sedimentation, drainage and reclamation.</p> <p>1.3 To avoid as far as practicable the effects of land use activities that will adversely affect the qualities and characteristics of the Ohiwa Harbour landscape. These effects can include tracking and scarring of the landscapes, obstruction of landscape vistas and alteration of landscape skylines and ridgelines.</p> <p>1.4 To provide for the integrated management of the Ohiwa Harbour through continual consultation with agencies that have responsibilities for Harbour management.</p> <p>1.5 To avoid, remedy or mitigate the adverse effects of subdivision, use, and development in the Ohiwa Harbour environs in areas which have largely been unmodified by use and development.</p> |
| Objective | <p>2. Protect and enhance significant indigenous vegetation and habitats of indigenous fauna within the Ohiwa Harbour environs so that the ecological, botanical, scientific, and educational values of the Harbour are maintained.</p> |
| Policies | <p>2.1 Protect and enhance significant indigenous vegetation and habitats of indigenous fauna which contribute to the character of the Ohiwa Harbour through the resource consent process and through education and incentives.</p> <p>2.2 Restore and enhance riparian areas and avoid, remedy and mitigate adverse effects in the Harbour environs.</p> <p>2.3 Protect natural areas around the Harbour from development by either the creation of reserves, retirement areas, or some other protection mechanism.</p> <p>2.4 Protect the saltmarsh communities of Ohiwa Harbour from modification and destruction by avoiding, remedying, and mitigating the adverse effects of adjacent land uses.</p> |
| Objective | <p>3. The continued existence of the Ohiwa Harbour as an area of cultural and historical significance to the people of the Opotiki district, and the Iwi and hapu of the Harbour environs.</p> |
| Policies | <p>3.1 Consultation with tangata whenua who hold mana whenua within the Ohiwa Harbour when assessing resource consents to ensure that concerns are adequately addressed by any applicant within the Ohiwa Harbour environs.</p> <p>3.2 When assessing resource consent applications within the Ohiwa Harbour area to ensure, through consultation with appropriate agencies, that heritage resources are protected.</p> |

19.2.3 *Methods of implementation*

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

1. Rules
2. Other methods

The rules and standards that apply to the Ohiwa Harbour Zone are those of Section 17.4, Coastal Zone. In addition to the rules and standards for the Coastal Zone, the following provisions apply specifically to activities undertaken within the Ohiwa Harbour Zone.

19.3 RULES

When considering applications for resource consent for controlled, discretionary and non-complying activities, the objectives and policies for the Ohiwa Harbour Zone shall be recognised and provided for. In addition regard shall be had to the provisions of the Regional Coastal Environment Plan as it applies to the Ohiwa Harbour Zone and in particular the application of the "Generic Landscape Guidelines for Natural Features and Landscapes".

19.3.1 *Permitted activities*

Permitted activities able to be undertaken in the Ohiwa Harbour Zone are detailed in Sections 3 to 10 of the District Plan, and Section 17 Coastal Zone.

19.3.2 *Controlled activities*

The following activities may be established after a land use consent has been granted by Council. Activities must comply with the Zone standards.

1. The removal of topsoil and undertaking of earthworks to provide for stable building areas, access and servicing, where the activities do not generate siltation or sedimentation effects in Ohiwa Harbour.
2. Subdivision as stated in 19.5.2.

19.3.3 *Discretionary activities*

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

1. Land disturbance and excavation activities that may generate siltation and sedimentation effects on the Ohiwa Harbour. These activities include roading, tracking, movement of soil, and excavations.
2. The damage to or clearance of indigenous vegetation. Where the damage to or clearance of indigenous vegetation where the activity involves:
 - (a) Indigenous vegetation disturbance in the Opotiki or Taneatua Ecological Districts (see Map 2 - Significant Features and Ecological Districts) where the sum of all disturbance exceeds 250m² in any five year period (refer to **3.3.3** rules 7, 8 and 9 and Advice Notes).
3. The erection of buildings and structures on ridgelines. The matters to be considered by Council will include (but will not be limited to) the following:
 - (a) Extent of an immediate land backdrop.
 - (b) Nature of the landform content.
 - (c) Extent of an immediate vegetative backdrop.
 - (d) Foreground vegetative backdrop.
 - (e) Vegetative mitigation offered.
 - (f) Proposed built form.
 - (g) Proposed building materials and colour.
 - (h) Associated earthworks.
4. Plantation forestry.
5. Subdivision as stated in **19.5.3**.
6. Plantation forestry.
7. Activities stated in Section **9.3.3** Network Utilities.

19.4 ZONE STANDARDS

The Zone Standards for the Ohiwa Harbour Zone are stated in 17.4 Coastal Zone.

19.5 SUBDIVISION

The following rules provide for controlled activities and discretionary activities in relation to subdivision within the Ohiwa Harbour Zone.

19.5.2 Controlled activities

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, and reserves within the meaning of the Reserves Act 1977, where these subdivisions comply with Rule 17.5.5.4.

The matters over which Council will reserve control are stated in Rule 17.3.2.1 to 17.3.2.9.

19.5.3 Discretionary activities

1. Subdivision, where all new 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.
2. The subdivision of protection/incentive lots as follows:

One lot of 4000m² 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. Diversity and pattern
 - b. Naturalness
 - c. Representativeness
 - d. Rarity and special features
 - e. Buffering and connectivity
 - f. Ecological viability
 - g. Fragility and threat (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 4000m² will be offered for every subsequent 2000m² of protected feature, where the maximum number of incentive lots will be as follows:
 - 2 incentive lots for a parent lot of less than 6 hectares
 - 4 incentive lots for a parent lot of 6 hectares or more.

- (iv) The balance area of any protected feature will be secured in the maximum incentive lot in the subdivision, where the feature identified will be completely protected by the time that the maximum incentive lot is granted.

An application for discretionary activity may be granted by Council and conditions imposed that may include any one or more of the following matters:

19.5.3.1 Water supply

- i. Specify a fixed water supply that is able to be supplied to all new lots in the subdivision

19.5.3.2 Provision of services

- i. Require that any services provided to the new lots created are to be underground where this is possible to mitigate the effects of the networks on the Harbour environment.
- ii. Require proposed dwellings and structures to be located away from present services, particularly in relation to present overhead powerlines.

19.5.3.3 Waste disposal

- i. Specify methods and areas for the disposal of effluent.
- ii. Require specification effluent treatment systems that will ensure that no adverse effects from effluent disposal will occur in the Harbour environment.
- iii. Specify a communal system of effluent disposal given an assessment of the adverse cumulative effects that may result from the subdivision.
- iv. Require screening or planting of any communal effluent system so that adverse visual effects are mitigated.
- v. Require the use of wetlands as polishing and finishing component of effluent treatment .

19.5.3.4 Residential building sites and building platforms

- i. Require the location of building sites in areas sympathetic to the surrounding environment, including not locating buildings on prominent skylines, ridgelines, and promontories.
- ii. Require buildings and structures to be finished in colours and materials that complement the surrounding environment.
- iii. Require screening of suitable species around dwellings and structures so as to mitigate adverse effects on the surrounding environment.
- iv. Specify quantity of vegetation or excavation material that is able to be cleared or shifted to provide for a building platform.
- v. Specify any measures needed to restore areas that have been subject to vegetation clearance of soil disturbance.
- vi. Require measures to ensure that sedimentation or siltation of the Harbour does not occur.

19.5.3.5 Roading and accessways

- i. Specify the location and physical dimensions of any access way to a building site, including not locating buildings on prominent skylines, ridgelines, and promontories.
- ii. Require screening of suitable species adjoining roads and accessways where visible scarring of the landscape may occur.
- iii. Specify quantity of vegetation or excavation material that is able to be cleared or shifted to provide for the accessway.
- iv. Require measures to ensure that sedimentation or siltation of the Harbour does not occur as a result of roading or tracking.

19.5.3.4 Indigenous vegetation disturbance

- i. Specifying that location and disturbance of any indigenous vegetation, including limiting the area of vegetation clearance.
- ii. Specifying the methods by which the disturbance or clearance can be undertaken.
- iii. Require fencing off of the remaining areas of indigenous vegetation from the grazing of animals.
- iv. Specify legal instruments to be used to protect and manage indigenous vegetation on an ongoing basis.
- v. Requiring a site rehabilitation programme to include landscape and vegetation restoration.
- vi. Require development of a monitoring programme to gauge the effects of the activity on the indigenous vegetation.

19.5.3.5 Water courses and riparian management

- i. Require the planting of vegetation to enhance the riparian areas of the subdivision.
- ii. Specify the location of dwellings and structures to any water body or to the Harbour edge.
- iii. Require the maintenance and enhancement of existing natural drainage areas or wetlands.

19.5.4 **Non-complying activities**

1. Subdivision stated in **19.5.2** that does not meet the controlled activity criteria.
2. Subdivision stated in **19.5.3** that does not meet the discretionary activity criteria.
3. Subdivision stated in **19.5.3** where the number of incentive lots sought by the applicant exceeds the maximum incentive lot provision.

19.5.5 **Subdivision Standards**

The subdivision standards for the Ohiwa Harbour Zone are stated in Section **17.5.5** Coastal Zone.

19.5.5.1 **Esplanade requirement**

An esplanade reserve or esplanade strip will be required on any subdivision located along coastal margins or rivers within this zone, and will be taken in accordance with the provisions of **Section 5** Esplanade reserves. This provision does not apply to Maori Land within the Ohiwa Harbour environment

19.5.5.2 General subdivision requirements

In addition to **Rule 19.5** the general rules for subdivisions stated in **Section 10** subdivision, shall be met.

19.5.5.3 Boundary adjustment requirements

The subdivision standards for the Zone will not apply to a subdivision for the adjustment or relocation of boundaries provided no new additional 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.

19.6 OTHER METHODS

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

1. Liaison and co-operation between central, regional and local government agencies Iwi and hapu 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.
2. A protocol be developed between Opotiki District Council and Whakatane District Council for referral of resource consents for subdivision and land use consent occurring within the Ohiwa Harbour environment.
3. Establishing a register identifying outstanding significant coastal features and habitats, and the identification of these on planning maps.
4. Continual 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.
5. Co-operation with landowners and Bay of Plenty Regional Council in the use of Farm Plans and Environment Plans to promote sustainable management practices.
6. With the assistance of landowners and the Department of Conservation, negotiate with landowners to discourage grazing on salt marsh or wetland vegetation and to use protective provisions as is necessary.

19.7 EXPLANATION

19.7.1 The reasons for the foregoing objectives, policies and methods are stated below.

19.7.2 Preservation of the natural character of the coastal environment is stated by the Act to be a matter of national importance. In addition to the natural processes affecting the coastline there are pressures for access, recreation and living. There is a large seasonal influx of visitors which increases demands for accommodation, facilities, and services. The Ohiwa Harbour Zone provisions are designed to ensure that the

existing high quality of the coastal environment is preserved and protected from the effects of inappropriate activities.

19.7.3 The environmental outcomes of the plan seek a pattern of density and development which reflects the character and amenity values of the local environment and enables the provision of choices in living environments. The purpose of the Ohiwa Harbour Zone, is to provide for a range of activities and manage the adverse effects of these activities on the Harbour. Activities undertaken on the Ohiwa Harbour are managed by Environment Bay of Plenty. Presently there are areas designated for various watersport within the Harobur.

19.7.4 Ohiwa Harbour's presently relatively unspoilt environs is an asset that requires preservation, and a resource management approach that recognises this is necessary. The objectives, policies and rules are directed at requiring an assessment of any proposed activity in terms of the values present.

19.7.5 It is not intended that activities within the Ohiwa Harbour environs be so severely limited that development becomes difficult or impossible. What is intended is that any development proposal protects the values of the zone, and that matters such as the unique natural character, ecology and landscape values of the area are adequately taken into account. The avoidance of adverse effects on the Ohiwa Harbour environment is paramount.

19.8 ANTICIPATED ENVIRONMENTAL OUTCOMES

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

- ✓ The preservation of the natural character of the internationally important Ohiwa Harbour and its environs.
- ✓ Allowing for appropriate development in a manner which will not compromise the significant natural values of the Ohiwa Harbour and its environs.