

## 6.0 POLICY AREAS

Refer to Section 2.3.3 - POLICY AREAS for a discussion on the reasons why the policy area approach has been adopted and the way in which it works.

## 6.1 COASTAL ENVIRONMENT POLICY AREA

### 6.1.1 BACKGROUND

#### 6.1.1.1 General

Section 6 of the Resource Management Act 1991 sets out various matters of national importance which shall be recognised and provided for by all persons exercising functions and powers under the Act in relation to managing the use, development and protection of natural and physical resources. With respect to the coast, Section 6 specifies the following matters:

- "(a) The preservation of the natural character of the **coastal environment** (including the coastal marine area), wetlands and lakes and rivers and their margins and the protection of them from **inappropriate** subdivision, use and development. (Emphasis added)
- (d) The maintenance and enhancement of public access to and along the coastal marine area, (lakes and rivers)."

No definition of Coastal Environment is provided in the Resource Management Act. The Draft New Zealand Coastal Policy Statement which was released for submission in October 1992 provided the following definition:

#### **Coastal Environment**

"an environment in which the coast usually is a significant part or element. The coastal environment will vary from place to place depending upon the extent to which it affects or is (directly) affected by coastal processes and the management issue concerned. It includes at least three distinct, but interrelated parts:

- ≍ the coastal marine area;
- ≍ the active coastal zone; and
- ≍ the land back-drop.,

*The coastal environment includes at least the coastal marine area, the water, plants, animals and the atmosphere above it; and all tidal waters and foreshore whether above or below mean high water springs, dunes, beaches, areas of coastal vegetation and coastal associated animals, areas subject to coastal erosion or flooding, salt marshes, sea cliffs and coastal wetlands, including estuaries, and in the absence of such features (particularly in urban areas where the natural shoreline has been modified), all of the land that extends 40 metres inland of mean high water springs."*

The New Zealand Coastal Policy Statement 1994 (gazetted on 5 May 1994) has not included any definition of Coastal Environment. This was as a result of the recommendation of the Board of Inquiry into the NZCPS. However the Board did provide some discussion (including discussion on previous case law) on what it understood the term coastal environment means. The Board concluded that:

"We repeat: - a 'coastal environment' is simply an environment (surroundings) in which the coast is a significant element or part, but because of section 6(a), it now specifically includes all the coastal marine area."

The Proposed Waikato Regional Coastal Plan includes the following definition:

#### **"Coastal Environment**

*The coastal environment is an environment in which the coast is a significant part or element. The coastal environment will vary from place to place depending on the extent to which it affects or is (directly) affected by coastal processes and the management issue concerned. The coastal environment includes the CMA as well as landward features (Environment Waikato, 1994)."*

The coastal environment includes but is not restricted to the coastal marine area, which is defined in the Act as follows:

#### **"Coastal Marine Area**

*means the foreshore, seabed, and coastal water, and the air space above the water -*

1. *Of which the seaward boundary is the outer limits of the territorial sea:*
2. *Of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of -*
  - (i) *One kilometre upstream from the mouth of the river; or*
  - (ii) *The point upstream that is calculated by multiplying the width of the river mouth by 5."*

The coastal environment for Hauraki District is described and defined in accordance with the above policy statement and proposed coastal plan, in Section 6.1.1.3 below.

### 6.1.1.2 Jurisdiction in Terms of Resource Management Act

Resource management responsibility in the coastal marine area is shared between the Minister of Conservation and the Waikato Regional Council.

#### **A. New Zealand Coastal Policy Statement**

To assist the Council in developing appropriate policies, a New Zealand Coastal Policy Statement (NZCPS) has been prepared by the Minister of Conservation. The purpose of this statement is to state policies in order to achieve the purpose of the Act in relation to the **coastal environment** of New Zealand (Section 56).

Policies may be included on a number of matters such as preservation of the natural character, protection of characteristics of special value to tangata whenua, and activities involving the subdivision, use, or development of areas of the coastal environment. The NZCPS was gazetted on 5 May 1994. As well as stating policies, it also states fourteen "general principles" that regard shall be had to in the coastal environment.

#### **B. Regional Coastal Plan**

A regional coastal plan for the coastal marine area for each region is required to be prepared by the respective Regional Councils, and is subject to the approval of the Minister of Conservation. The Proposed Waikato Regional Coastal Plan was publicly notified on 15 August 1994.

In respect of any coastal marine area the Regional Council is responsible for amongst other things, the control of land and associated natural and physical resources and any actual or potential effects of the use, development, or protection of land.

It should be noted that a regional coastal plan will only control land uses from the mean high water springs line out to sea (12 nautical miles). Land management techniques and uses landward of this area can however have a dramatic effect on coastal resources within the coastal marine area. This is where other regional policy statements, regional plans and district plans can be used to achieve the purpose of the Act.

### C. Coastal Environment

Other than in the coastal marine area, land use management within the coastal environment is the responsibility of the District Council through the District Plan.

In respect of the coastal environment, the District Plan must not be inconsistent with either the Regional Coastal Plan or the NZCPS.

For the District to continue to make progress on the district plan preparation, it has had to proceed without the full or final knowledge of the content of the final NZCPS, the Regional Coastal Plan or other regional policy statements or plans relating to the coastal environment. Some of these documents are now available or have progressed further, in the time that has elapsed between the preparation of the Draft and the Proposed Hauraki District Plans.

This proposed plan has been reviewed taking into account the documents that are now available. It is possible that further changes may be necessary to the District Plan to ensure consistency with the Operative Regional Coastal Plan.

#### 6.1.1.3 The Coastline of the Hauraki District

The Hauraki District Council boundary follows the coast of the Firth of Thames and the east coast of the Coromandel Peninsula. The following description of the Hauraki District Coastline provides background as to how the coastal marine area and coastal environment have been defined in the District Plan.

##### A. Firth of Thames

The Firth of Thames Coastline, from Miranda to the Waihou River mouth consists of soft mudflats, mangrove forest and some intermingled salt marsh. The Firth wetland is one of New Zealand's three most important coastal stretches for wading birds and has been accorded International status as a Conservation Area by the International Union for Conservation of Nature and Natural Resources (IUCN) based on the Ramsar Convention. The area has also been identified as a "Regionally Significant Coastal Environment" in terms of its coastal landscape, and is also an "Area of Significant Conservation Value" in the Proposed Waikato Regional Coastal Plan.

A flood control stopbank extends along the coast from the Waihou River to Waitakaruru. This has been designated by the Waikato Regional Council. Land on the seaward side of the stopbank is generally tidal, although in places there is some rough pasture on these tidal flats. The land designated for flood control is owned by the Waikato Regional Council. On the landward side of the stopbank is farmland in private ownership.

From Waitakaruru to Miranda the coast is stopbanked other than for a short section in the vicinity of Miranda Hot Springs Oasis where Miranda Road acts as the stopbank. The stopbank itself and land on the seaward side to the coast is in private ownership and in places farmed up to the mangrove edge of the wetland.

##### (a) Coastal Marine Area

In relation to the Firth of Thames area, the **coastal marine area** is shown on the Planning Maps and has been defined as follows:

###### Firth of Thames

✂ The seaward toe of the stopbank from the Waihou River to the Waitakaruru River.

✂ The seaward toe of the stopbank from the Waitakaruru River to the District boundary south of Miranda. In the section where there is no stopbank, the seaward toe of Miranda Road.

###### Waihou River

✂ The top of the stopbank upstream to a point one kilometre upstream from the river mouth.

###### Piako River

✂ The top of the stopbank upstream to a point five times the width of the river mouth.

###### Waitakaruru River

✂ The top of the stopbank from the Firth of Thames upstream to a point five times the width of the river mouth.

##### (b) Coastal Environment

The **coastal environment** in the Firth of Thames locality is considered to coincide with inland boundary of the coastal marine area as described above, as well as the following:

###### Waihou River

✂ To the northern side of the Kopu Bridge.

###### Piako River

✂ To a point approximately 600 metres on the northern side of the Pipiroa Bridge (SH 25).

The flat, developed farmland on the landward side of the stopbank and Miranda Road does not exhibit any of the characteristics specified in the definition of the Coastal Environment in the Proposed Waikato Regional Coastal Plan, nor does it form a back-drop to the coastal environment.

##### B. The Eastern Coastline

This coastline is dominated by a series of bays and several sandy beaches with estuarine systems fed by river valleys. These are interspaced by rocky headlands and steep hills with near vertical rocky cliffs. The hill country along this coastline is predominantly pasture and native scrub, with remnants of native bush. Key features of the coastline are:

### **Otahu Catchment and Estuary**

Otahu Catchment is largely forested and is drained by the Otahu River and tributaries to the Otahu Estuary. This estuary covers approximately 110ha providing significant vegetation associations and wildlife habitat. The southern boundary of the estuary and centre line of the river forms the district boundary with TCDC. Whangamata is located on the northern side of the Otahu River.

The Otahu estuary and catchment is one of only a few areas left on the Coromandel Peninsula which provides a reasonably intact natural sequence of habitat from the upper reaches of stream tributaries in the mountains to the marine habitats of the ocean.

It has a ranking of "**outstanding**" in the Survey of Unprotected Sites of Conservation Value in the District prepared by DOC in 1993. In the Proposed Waikato Regional Coastal Plan it is identified as an "Area of Significant Conservation Value" and a "Nationally Significant Recreation Resource". In addition, it has been identified as a "Natural Area of Ecological Significance ("Outstanding") in the Proposed Hauraki District Plan.

#### **Coastline from Otahu Estuary to Whiritoa**

Rocky coastal cliffs covered in remnant coastal forest in parts, rocky platforms and sandy coves dominate the coastline south to Whiritoa. Other than a short stretch between Opito Point and Te Papiro Point, the coastal fringe from Whiritoa to the Otahu River mouth is in Crown ownership and managed by DOC (Waimana Recreation Reserve, marginal strip reserved from sale). Public access is accordingly assured.

#### **Whiritoa**

Whiritoa contains a diverse range of important habitats including significant sand dune vegetation associations. The Ramarama Estuary and Whiritoa Lagoon have been identified in the District Plan as "Outstanding Areas of Ecological Significance".

The Waimana Recreation Reserve and Te Ramarama Scenic Reserve provide protection to these ecologically important lagoon areas. The sand dunes along the coast in front of Whiritoa are a District Council reserve (part recreation reserve; part esplanade reserve).

The Residential zoning of Whiritoa extends up to the recreation and esplanade reserves covering the foredune area.

Building is restricted in close proximity to the foredune (refer Performance Standard 9.2.11 - Erosion Hazard Protection Lines - (Whiritoa Beach)).

Beachcare works have been put in place by the Whiritoa Beachcare Group in association with Council.

#### **Otonga Point - Mataora Bay - Boat Bay**

This area of coast is dominated by a rugged stretch of rocky coastal cliffs interrupted by several sandy bays (Mataora Bay, Homunga Bay, Boat Bay). The land adjoining most of these bays is in private ownership, thus public access has been restricted, allowing areas to remain largely in their natural state backed by pohutukawa forest on the coastal cliffs.

This stretch of coastline is one of the last remaining natural vegetated coastal cliff areas on the east Coromandel coast.

Public access is provided by a narrow strip (Crown Land reserved from sale) which extends over the portion of the coastline from south of Mataora Bay to the Orokawa Domain North at Homunga Bay. A narrow section of reserve extends along most of the coastline south of Homunga Bay, across Boat Bay to the district boundary (which is located to the north of the large Orokawa Scenic Reserve).

#### (a) **Coastal Marine Area**

Along the Eastern Coastline the **coastal marine area** has been defined as follows and is shown on the Planning Maps:

Otahu River/Waiharakeke Stream

☞ Line of mean high water springs inland to north of where the Waiharakeke Stream and the Otahu River meet.

Rest of Eastern Coastline

☞ Line of mean high water springs.

#### (b) **Coastal Environment**

The **Coastal Environment** along the eastern coastline has been defined on the Planning Maps to be an arbitrary 500m from the mean high water mark other than in particular areas where special features necessitate a wider area. These areas are:

- ☞ Bush clad land at the head of the Otahu Estuary.
- ☞ Te Ramarama Estuary/Stream area at Whiritoa.
- ☞ Mataora Bay - ridgeline immediately forming backdrop to the bay.
- ☞ Orokawa Domain North (Homunga Bay) - bush cover.
- ☞ Boat Bay - bush covered steep coastal margin with wide bush covered gully backdrop.

The 500m figure is largely arbitrary but considered to include all important gullies and other coastal features along this part of the coastline. It generally excludes where the land is in pasture, and farming is the principal land use activity.

### **6.1.2 RESOURCE MANAGEMENT ISSUES**

Within the Coastal Environment, many resource management issues require Council attention. In particular, the natural character of the coastal environment is to be preserved and protected from inappropriate subdivision, use and development. Particularly along the eastern coastline south of Whiritoa, the coast is remote from public roads and is a rugged steep place with splendid coastal bush vegetation in places. It is considered that although much of the coastal environment is farmed, special care should be taken to ensure that the natural character (albeit extensively modified from its pre European form) is not adversely affected by land use development.

The visual impact of change (ie from the present extensive farming occupation) would also be significant along this coastline. In particular public access to some of the private bays where accessible, could have a significant impact on their natural unspoilt character and modification of the associated dune systems unless carefully controlled or managed.

The existing threats to this coastline outside the beach settlement of Whiritoa are severe soil erosion, invasion of farmed goats into areas of native vegetation and damage to the pohutukawa remnants by possums.

The coastal environment of Whiritoa has been over the years subject to major threat from:

- ☞ Coastal development and uncontrolled pedestrian use which has modified and destabilised the dunes along the foreshore.
- ☞ Dumping of rubbish in the Whiritoa lagoon.
- ☞ Sand extraction at the southern end of Whiritoa has modified the dune system.

Visually the natural coastal environment of Whiritoa has been modified by the present and continuing residential development within the beach settlement. While continued building development, subject to compliance with performance standards, no longer significantly impacts on the natural character of the coastal environment at Whiritoa, the associated population increase is likely to exacerbate the present problem of uncontrolled pedestrian use destabilising the dunes along the foreshore.

Control mechanisms are being developed through reserve management plans and dune stabilisation works.

Along the Firth of Thames coastline no particular land use management procedures are considered necessary inland of the stopbanks (which generally forms the boundary of the coastal environment and coastal marine area). Any issues of stock entering the CMA/coastal environment and grazing on mangrove or other vegetation is considered to be best managed by the landowners concerned providing proper fencing (private landowners/WRC as owner of the stopbanks).

### 6.1.3 ANTICIPATED ENVIRONMENTAL RESULTS

The environmental result sought is to ensure the natural character of the coastal environment is preserved and that the coastal environment is protected from inappropriate subdivision, use and development. Council will also seek to ensure public access is maintained and enhanced to and along the coastal marine area.

In the management of the coastal environment, the Council will seek a close liaison with agencies responsible for resource management in the coastal marine area section of the coastal environment. These agencies are the Waikato Regional Council and the Department of Conservation.

### 6.1.4 OBJECTIVES AND POLICIES

#### Objective 1

*To preserve the natural character of the coastal environment and ensure its protection from inappropriate subdivision, use and development.*

#### Policies

Objective 1 will be achieved by the implementation of the following policies:

1. Defining the coastal environment and coastal marine area.
2. Requiring particular attention to be paid to the achievement of this objective in considering proposals for resource consent within the Coastal Environment Policy Area.
3. To liaise with the Waikato Regional Council and the Department of Conservation to ensure a consistent and coordinated approach to resource management in the coastal environment.
4. To ensure that all performance standards applying to the Rural zone also apply to the Coastal Environment Policy Area unless otherwise stated.

#### Reasons

1. The achievement of Objective 1 is a matter of national importance. To be achieved, the coastal environment needs to be defined and control mechanisms put in place to preserve its natural character and protect it from inappropriate subdivision, use and development.

#### Objective 2

*To maintain and enhance public access to and along the coastal marine area (lakes and rivers).*

### Polices

Objective 2 will be achieved by the implementation of the following policies:

1. Achieving the Objectives and Policies for Esplanade Reserves and Esplanade Strips established in Section 10.3 of this Plan.
2. Requiring particular attention to be paid to the achievement of this Objective in considering proposals for resource consent within the Coastal Environment Policy Area.

### Reasons

1. The achievement of Objective 2 is a matter of national importance. The ability to obtain access to the coastal marine area is considered by most New Zealanders to be a right and not a privilege.

### 6.1.5 METHODS TO IMPLEMENT OBJECTIVES AND POLICIES

A combination of methods will be employed by the Council in implementing the objectives and policies of the Coastal Environment Policy Area. These include:

- ✍ Identifying the Coastal Environment Policy Area on the Planning Maps as a special area within the Rural zone in which particular rules apply.
- ✍ Applying regulatory rules to the conducting of activities in the Coastal Environment Policy Area.
- ✍ Liaising with the Waikato Regional Council and Department of Conservation.
- ✍ Encouraging community involvement in and support for programmes such as dune care management.

### 6.1.6 ACTIVITIES

#### 6.1.6.1 Permitted Activities

The following are permitted activities and shall comply with the Performance Standards specified in Rule 6.1.7 below:

1. Any activity which is a permitted activity in the Rural zone (refer to Section 5.1.6.1) other than those which are included as discretionary activities in 6.1.6.3 below.

#### 6.1.6.2 Controlled Activities

The following are controlled activities, they shall comply with the Performance Standards specified in Rule 6.1.7 below and shall be assessed in relation to the criteria specified in Rule 6.1.6.2 A below:

1. Any activity which is a controlled activity in the Rural zone (refer to Section 5.1.6.2).

#### A. Assessment Criteria for Controlled Activities

The assessment criteria for discretionary activities contained in Rule 6.1.6.3 A below.

#### 6.1.6.3 Discretionary Activities

The following are discretionary activities and shall be assessed in relation to the criteria in Rule 6.1.6.3 A below:

1. Any activity which is a discretionary activity in the Rural zone (refer to Rule 5.1.6.3).
2. Forestry.
3. Removal of between 100 - 200m<sup>2</sup> of contiguous indigenous vegetation.

**A. Assessment Criteria for Discretionary Activities**

The following criteria will be used to assess a discretionary activity:

1. The general assessment criteria for discretionary activities in the Rural zone (Rule 5.1.6.3 A)

2. Whether the natural character of the coastal environment is preserved.

Particular aspects making up the natural character include:

- ☒ dunes
- ☒ foreshore
- ☒ headlands
- ☒ coastal vegetation including bush
- ☒ streams, lagoons, estuary areas
- ☒ visual backdrop including fields, forest areas, ridges, skylines, prominent geographic features
- ☒ habitat values
- ☒ quietness and peacefulness

3. Whether the subdivision, use or development is appropriate having regard to the Objectives of the Policy Area.

4. Whether public access to and along the coastal marine area is maintained and enhanced.

5. In the case of proposals to develop forestry, whether activities including land preparation, planting, management, silviculture and harvesting that are to be undertaken ensure the visual amenity of the area is not significantly affected. Important in this regard are:

- ☒ the retention of the existing landform;
- ☒ the need to retain existing indigenous vegetation;
- ☒ the need to ensure that areas are planted immediately following ground preparation;
- ☒ that harvesting is carried out in sections of a scale such that the visual impact is minimised and the land areas so cleared are replanted or otherwise rehabilitated within one year of harvesting.

**6.1.6.4 Non Complying Activities**

1. Holiday home or other residential type of development in excess of two dwellings per allotment.

(Note: No provision is made for holiday home subdivision and development in this Policy Area. Should a proposal come forward it could be considered as a non complying activity but would probably be more appropriately assessed as a Change to the District Plan to rezone the land as Residential or Rural Residential. In considering any such proposal, the Council will seek to ensure that the Objectives of the Coastal Environment Policy Area are clearly achieved.

2. Any other activity not provided as a permitted, controlled, discretionary or prohibited activity.

**6.1.6.5 Prohibited Activities**

1. There are no prohibited activities.

**6.1.7 PERFORMANCE STANDARDS**

The performance standards listed in Rule 9.5 - MATRIX OF PERFORMANCE STANDARDS and as detailed throughout Section 9.0 - PERFORMANCE STANDARDS FOR DEVELOPMENT AND SUBDIVISION applying in the Rural zone, shall be met by permitted and controlled activities.

**6.1.8 GENERAL PROVISIONS**

Refer to the following sections as they apply to the Rural zone for additional provisions and rules:

- Section 3.0 - MONITORING AND EVALUATION
- Section 7.0 - CONSERVATION AND HERITAGE
- Section 8.1 - PROVISION FOR NETWORK UTILITIES OPERATIONS
- Section 8.2 - PROVISION FOR PUBLIC WORKS
- Section 8.3 - EXTRACTIVE INDUSTRY
- Section 8.4 - EXCAVATION AND FILL
- Section 8.5 - AIR QUALITY
- Section 8.7 - SIGNS
- Section 8.8 - HAZARDOUS SUBSTANCES
- Section 8.10 - SURFACE OF WATER
- Section 10.0 - SUBDIVISION, FINANCIAL CONTRIBUTIONS, ESPLANADE RESERVES AND ESPLANADE STRIPS

## **6.2 KARANGAHAKE GORGE SCENIC CORRIDOR POLICY AREA**

### **6.2.1 BACKGROUND**

The Karangahake Gorge has been identified as an outstanding natural feature and landscape, due to the combination of the Ohinemuri River, the steep rock cliffs, the vegetation (both regenerating indigenous and exotic) and the historic association with the gold mining era. In addition, parts of the Kaimai Mamaku Forest, Mount Karangahake, Owharoa Falls, scenic reserves and other features adjoin or can be seen from the state highway corridor.

The "element" that enhances the other features and the corridor itself, is the vegetation cover. The rules in Section 7.3 relating to the protection of vegetation from disturbance and clearance for visual amenity reasons will have the consequential effect of providing additional vegetative cover between the Coromandel and Kaimai - Mamaku Forest Parks. This will assist in the provision of the Hauraki Ecological Corridor for flora and fauna to pass between these two Conservation Parks.

Due to the fact that the corridor is made up of a number of individual elements or features, the policy area method is considered to be the appropriate one to use to protect the feature. The details (rules etc) of this method are set out in Section 7.3 - PROTECTION OF OUTSTANDING NATURAL FEATURES AND LANDSCAPES, and reference needs to that section.