

# CA.1

## Coastal Area

*Subsequent to the receipt of appeals, a 'marked up' version of the Proposed District Plan was prepared. The provisions of the Proposed Version of the Plan subject to an Environment Court appeal have been highlighted yellow and annotated with an appeal number. For a list of appeals, assigned numbers and any progress please visit the ['District Plan Appeals'](#) page on our website.*

*Please also note that the following terms which appear throughout the Plan are subject to appeal:*

- *“Activities ancillary to farming, forestry or strategic rural industry” [000028]*
- *“Rural production activities” [000018]*
- *“Building” [000022]*
- *“Home occupation” [000022]*
- *“Rural Countryside Environment” [000025]*

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### CA.1.1 Description and Expectations

Whangarei boasts a long and varied coastline stretching from Bream Tail in the south to Ngaiotonga in the north. The coastline is made up of rugged cliffs and rocky headlands, mangrove-lined harbours and estuaries, sandy beaches and sheltered bays interspersed with small rural villages.

Over the years, the coastal environment has been substantially modified, with coastal forests, dune vegetation and indigenous wetlands being largely replaced by productive land, residential development and industrial developments that rely on their proximity to the coast for their ongoing operations. Historically the coastal environment was extensively settled by Māori and early Europeans and contains many archaeological sites as well as other cultural and natural heritage features.

The coastal environment has high recreational, amenity, landscape, intrinsic, cultural and ecological value and as such is a highly desirable place to live. It is also a valuable resource to the District's economy, attracting holiday makers from within and outside the region to experience the many safe swimming and surf beaches, and the world renowned recreational opportunities based around the coast and offshore islands.

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Due to pressure for residential development it is important that the coastal environment is managed to ensure that its use and development does not exceed the capacity of the environment to absorb any adverse effects, and that the amenity, landscape, ecological, historic heritage and natural character values that make it special are not compromised. This includes requirements to **avoid [000022]** effects on outstanding natural character areas.

The preservation of the natural character of the coastal environment is a matter of national importance under Section 6(a) of the Resource Management Act 1991 (RMA). The RMA, the New Zealand Coastal Policy Statement and the Regional Policy Statement direct Council to **preserve and [000022]** protect the natural character of the coastal environment from inappropriate subdivision, use and development. Whether subdivision, use or development in the coastal environment is appropriate will be dependent on the natural character values of the location, and importantly the extent to which any subdivision, use or development will adversely affect those values.

Undeveloped parts of the coastal environment have largely been identified as High Natural Character Areas or Outstanding Natural Character Areas with rules and policies applying to them to protect their ecological, recreational, and landscape values. The remainder of the coastal environment has a higher degree of human modification, and while parts are still relatively undeveloped, it can accommodate low density rural residential development without generating unacceptable adverse effects provided that development is well designed and located. Development in these areas can also provide a catalyst for environmental enhancement and ecological restoration programs. **It is however expected that most development in the coastal environment should be consolidated around existing coastal villages [000022].**

Land within the coastal environment requires some additional controls to manage the effects of land use and development on the coastal environment. The Coastal Area has been identified and is an 'overlay' that applies to land where the coast has a significant influence, and where land use activities can have effects on the coastal marine area. The objectives, policies and rules for the Coastal Area, as set out below, apply in addition to the rules for the underlying Environment unless otherwise stated (e.g. Rural Countryside, Rural Village, Environment, and Living 1 Environment).

### CA.1.2 Objectives

1. Identify and protect the qualities and characteristics that contribute to the natural character of the Coastal Area from inappropriate subdivision, use and development.
2. **Avoid [000022]** adverse effects on the characteristics and qualities of identified Outstanding Natural Character Areas.
3. **Avoid [000022]** significant adverse effects, and avoid remedy or mitigate other adverse effects on the natural character of the Coastal Area including identified High Natural Character Areas.
4. Manage the cumulative effects of subdivision, use and development on the amenity, landscape, and ecological values of the Coastal Area.
5. **Direct development to established coastal villages and areas with existing development while retaining the values of undeveloped parts of the coast. [000022]**
6. Maintain and enhance public access to and along the coast where appropriate.
7. Avoid increasing the risk of social, environmental, and economic harm from coastal hazards.
8. Protect and enhance natural defences against coastal hazards.
9. Encourage the enhancement and rehabilitation of the Coastal Area.
10. **Recognise and provide for existing development and regionally significant infrastructure which**

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has a functional or operational need to be located in the Coastal Area. [000018]

11. To recognise that the Coastal Area contains undeveloped Māori Land and provide for the special relationship of Māori to this ancestral land.

Insert new objectives. [00032]

## CA.1.3 Policies

1. To **avoid [000022]** adverse effects on the qualities and characteristics of areas identified as Outstanding Natural Character Areas and to avoid significant effects on other parts of the Coastal Area, by development in these areas ensuring that the natural character values are maintained, including by the location and design of buildings, earthworks, and the extent of indigenous vegetation clearance.
2. To protect natural landforms in the Coastal Area by **avoiding [000022]** adverse effects on the qualities and characteristics of Outstanding Natural Character Areas and to avoid significant adverse effects on other parts of the Coastal Area in terms of locating buildings, building platforms and structures on ridgelines, skylines, shorelines and prominent headlands.
3. To design development to avoid, remedy or mitigate adverse effects on the natural character of the Coastal Area outside or areas of Outstanding Natural Character Areas, by **managing the visual effects [000022]** of buildings, and **minimising indigenous vegetation clearance [000022]**, and earthworks.
4. To provide for low density residential development in the Coastal Area by identifying areas **outside High and Outstanding Natural Character Areas [000022]** appropriate for carefully designed development.
5. **To manage the visual impacts of buildings in the Coastal Area outside coastal villages by limiting building height and ensuring exterior colour schemes are of low reflectivity value. [000022]**
6. To avoid sprawling, sporadic and ribbon development in the Coastal Area through the location and design of subdivision.
7. To consolidate residential development in areas where landscape values and natural character have already been significantly **modified [000022]**.
8. **To use natural features and contours to define boundary lines and to guide fencing, planting and access ways.**
9. To design new allotments and building platforms that avoid impacts on natural features or areas with high biodiversity, landscape, conservation, cultural or historic heritage values.
10. To ensure provision of public access to the coast and riparian margins at the subdivision design stage by creating esplanade reserves or strips, access strips or easements.
11. To recognise opportunities for environmental enhancement and improvements in natural character at subdivision stage by:
  - a. Protecting habitats of indigenous vegetation and species such as wetlands, duneland and riparian margins.
  - b. Excluding stock from remnants of native vegetation, the coastal marine area and riparian margins.
  - c. Replanting land to provide habitat for indigenous species.
  - d. Implementing weed and pest management programs.

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- e. Providing public access to the coast through the creation of walkways, easements, and esplanade reserves and strips.
12. To promote enhancement and rehabilitation in natural character by encouraging landscape planting that follows landform patterns, and softens or screens the appearance of built development.
13. To ensure that adverse visual effects of earthworks scarps on Outstanding Natural Character Areas are avoided and that the significant adverse visual effects on High Natural Character Areas and coastal landscapes are avoided, remedied or mitigated, by encouraging re-vegetation of earthworks scarps. [000022]
14. To protect coastal and fresh water quality by using best practice methods to reduce the sedimentation effects of earthworks and by re-vegetating exposed scarps.
15. To avoid earthworks in sand dunes where this will diminish their ability to protect development from coastal hazards.
16. To protect indigenous vegetation which contributes to the character and visual quality of the Coastal Area and protects against natural hazards. [000018]
17. To reduce the risk of property damage by ensuring that building platforms meet minimum floor levels, and are identified outside coastal hazard areas in subdivision plans.
18. To utilise low impact stormwater design to protect coastal water quality and marine ecosystems.
19. To protect and enhance coastal water quality and ecosystems by including riparian planting, indigenous vegetation protection and wetland enhancement in subdivision plans.
20. To enable the continuation of rural production activities in the Coastal Area by allowing the construction of non-habitable buildings ancillary to rural production activities subject to standards being applied on building scale and reflectivity. [000022]
21. To recognise that the Coastal Area may contain undeveloped ancestral Māori land and provide for tangata whenua needs for papakāinga development on that land as far as is consistent with the overall protection of the natural character of the Coastal Area. [000022]
23. To recognise that there can be a functional need to locate, operate and maintain and upgrade infrastructure, commercial and industrial activities in certain locations in the Coastal Area proximate to existing infrastructure, commercial and industrial activities.  
 Insert new policies. {000029 & 000032}

## CA.1.4 Guidance Note

1. The following shall form the basis for resource consent applications in the Coastal Area:
  - a. The objectives, policies and provisions for the Coastal Area.
  - b. The objectives, policies and provisions for the Rural Area in the District Plan.
  - c. The objectives policies and provisions for the underlying Environment in the District Plan.
  - d. The objectives, policies and provisions for Resource Areas in the District Plan.
  - e. The District Wide objectives, policies and provisions in the District Plan.

# Coastal Area Landuse

## CA.2.1 Eligibility Rules

1. The rules below apply in addition to the rules of the underlying Environment, unless otherwise stated. Where the standards are different between the underlying Environment and the Coastal Area the most restrictive rule shall apply.
2. Any mineral extraction activity that is located within the Quarrying Resource Area shall not be subject to the Coastal Area Landuse rules. [000018 & 000032]
3. Any activity within the Strategic Rural Industry environment shall not be subject to the Coastal Area Landuse rules. [000018 & 000032]
4. Any activity within the Oil Refinery Overlay Area shall not be subject to the Coastal Area landuse rules. [000032]

## CA.2.2 Permitted Activities

1. Maintenance and minor upgrading of buildings and structures including those associated with public parks and reserves, network utilities, or community infrastructure is a permitted activity. [000016]
  2. Any other activity not requiring consent as a discretionary or non-complying activity is a permitted activity. [000022]
- Insert new rules. [000016] [000022]

## CA.2.3 Discretionary Activities

1. Construction or external alteration of a building within both the Coastal Area and the Rural Countryside Environment but outside a High or Outstanding Natural Character Area [000016] [000022]:
  - a. That exceeds a height of 8.5m; and/or
  - b. With exterior facades (excluding joinery) coloured or painted with a colour with a light reflectance value greater than 35%; and/or
  - c. With a roof colour with a light reflectance value greater than 30%. [000022]
2. Earthworks within the Coastal Area but outside a Business 4 Environment or a Strategic Rural Industry Environment, where:
  - a. The maximum volume of material disturbed or removed exceeds 500m<sup>3</sup> over the life of the District Plan [000022], or
  - b. The maximum face height of any cut and/or batter faces exceeds 2m.
3. Earthworks within sand dunes, with the exception of earthworks associated with:
  - a. A dune restoration project; or
  - b. A weed or pest management program; or
  - c. The provision and maintenance of public accessways; or
  - d. The burial of marine mammals; or
  - e. A temporary military training activity; or
  - f. The maintenance, minor upgrading or replacement of existing lawfully established pipeline infrastructure, provided that the dunes are returned to the same form to that which existed

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prior to the earthworks being undertaken.

4. The destruction or clearance of an area of **predominantly [000032]** indigenous vegetation in the Coastal Area exceeding 500m<sup>2</sup> per site **over the life of the District Plan [000022]** unless the vegetation clearance is associated with:
  - a. Routine maintenance within 3m of existing buildings; or
  - b. Maintenance and repair of existing tracks, lawns, gardens, fences, and drains; or
  - c. Pest plant removal and biosecurity works; or
  - d. Vegetation removal for customary rights; or [000022]**
  - e. Conservation planting, including planting for ecological restoration purposes, or
  - f. Routine maintenance for the safe operation of the transport network.
  
5. Farm quarry within the Coastal Area which:
  - a. Disturb or move more than **500m<sup>3</sup>[000022]** of material in any 12 month period; or
  - b. Have any cut and/or batter faces which exceeds **2m [000022]** ; or
  - c. Involve blasting; or
  - d. Where excavations and processing are undertaken within 200m of a road boundary; or existing residential unit.
  
6. All other mineral extraction activities within the Coastal Area.  
**Insert new rule. [000029]**

# Outstanding Natural Character Area Landuse

## CA.3.1 Discretionary Activities

1. Construction or external alteration of a building within a High Natural Character Area:
  - a. That exceeds a height of 5.5m [000022] ; and/or
  - b. With exterior facades (excluding joinery) coloured or painted with a colour with a light reflectance value greater than 35%; and/or [000022]
  - c. With a roof colour with a light reflectance value greater than 30%; and/or
  - d. That exceeds 50m<sup>2</sup> [000022] gross floor area in the Rural Countryside Environment.
2. Earthworks within a High Natural Character Area where:
  - a. The maximum volume of material disturbed or removed exceeds 250m<sup>3</sup> [000022] over the life of District Plan, [000022] and
  - b. The earthworks are not associated with:
    - i. The repair and maintenance of fences, utility connections, driveways, parking areas, effluent disposal systems, swimming pools, garden amenities, gardening, planting of any vegetation, walking or cycling tracks, farm and forestry tracks; or the burial of marine mammals; or
    - ii. Any legally established mineral extraction activity.
3. The destruction or clearance of an area of predominantly [000032] indigenous vegetation within a High Natural Character Area exceeding 250m<sup>2</sup> over the life of the District Plan; with the exception of vegetation clearance associated with:
  - a. Routine maintenance within 3m of existing buildings, or
  - b. Maintenance and repair of existing tracks, lawns, gardens, fences, and drains, or
  - c. Pest plant removal and biosecurity works; or
  - d. Vegetation removal for customary rights; or
  - e. Conservation planting, including planting for ecological restoration purposes.
4. Papakāinga development on ancestral Māori land within a High Natural Character Area. [000022]
5. Farm quarry within the High Natural Character Area which:
  - a. Disturb or move more than 250m<sup>3</sup> [000022] of material; or
  - b. Have any cut and/or batter faces which exceeds 2m [000022]
  - c. Involve blasting; or
  - d. Where excavations and processing are undertaken within 200m of a road boundary; or existing residential unit.
6. All other mineral extraction activities within the High Natural Character Area.  
Insert new rule. [000029]

# Outstanding Natural Character Area Landuse

## CA.4.1 Discretionary Activities

1. External alterations or extensions greater than **50m<sup>2</sup> [000022]** gross floor area of an existing building within an Outstanding Natural Character Area.
2. **Papakāinga development on ancestral Māori land within an Outstanding Natural Character Area. [000022]**
3. Earthworks within an Outstanding Natural Character Area with a volume of up to **150m<sup>3</sup> [000022]** to provide for a building platform or access.
4. **Indigenous vegetation clearance, unless it is for the repair and maintenance of existing buildings and structures, tracks, fences, and other lawfully established activities. [000022]**  
**Insert new rule. [000029]**

## CA.4.2 Non-Complying Activities

1. Construction of a building within an Outstanding Natural Character Area
  - a. That exceeds a height of **5.5m [000022]**, and/or
  - b. **With exterior facades (excluding joinery) coloured or painted with a colour with a light reflectance value greater than 35%, and/or [000022]**
  - c. **With a roof colour with a light reflectance value greater than 30%; and/or [000022]**
  - d. That exceeds **25m<sup>2</sup> [000022]** gross floor area.
2. Earthworks within an Outstanding Natural Character Area with a volume greater than **150m<sup>3</sup> [000022]** over **the life of the District Plan [000022]**, unless the work is directly associated with:
  - a. The repair and maintenance of fences, utility connections, driveways, parking areas, effluent disposal systems, swimming pools, or farm and forestry tracks; or
  - b. Garden amenities, gardening or the planting of any vegetation; or
  - c. The provision and maintenance of public walking or cycling tracks; or
  - d. Earthworks within sand dunes associated with:
    - i. A dune restoration project; or
    - ii. A weed or pest management program; or
    - iii. The provision and maintenance of public accessways; or
    - iv. The burial of marine mammals.
3. The clearance of more than **150m<sup>2</sup> [000022]** of **contiguous [000032]** indigenous vegetation within an Outstanding Natural Character Area **over the life of the District Plan [000022]**
4. Farm quarry within the Outstanding Natural Character Area which:
  - a. Disturb or move more than **150m<sup>3</sup> [000022]** or material; or
  - b. Have any cut and/or battle faces which exceeds **2m [000022]**
  - c. Involve blasting; or



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- d. Where excavation and processing are undertaken within 200m of a road boundary; or existing residential unit
5. All other mineral extraction activities within the Outstanding Natural Character Area.

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## Subdivision

### CA.5.1 Eligibility Rules

1. Subdivision where a proposed boundary is within a High Natural Character Area is a discretionary activity. [000022]
2. Subdivision where a proposed boundary is with an Outstanding Natural Character Area is a non-complying activity. [000022]
3. All subdivision proposals will also be assessed against the policies and provisions of the underlying Environment.

### CA.5.2 Guidance Note

1. For the purposes of CA.5.1 a proposed boundary does not include the boundary of the parent allotment.