



# Shaping Whanganui

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**WHANGANUI DISTRICT COUNCIL**

**DISTRICT PLAN REVIEW**

## **Plan Change 48, Part 4: Coastal Environment Special Management Zone**

**ISSUES, OBJECTIVES AND OPTIONS**

**DISCUSSION PAPER**

April 2017

# 1 Introduction

The Council has a responsibility to give effect to the New Zealand Coastal Policy Statement (NZCPS). This document seeks to achieve the purpose of the Resource Management Act (RMA) in relation to the coastal environment.

The purpose of the Resource Management Act (1991) is:

## 5 Purpose

*(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*

*(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*

*(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

*(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*

*(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

## 6 Matters of national importance

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

*(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:*

*(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*

...

*(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*

...

The objectives of the NZCPS are:

1. *To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land...*
2. *To preserve the natural character of the coastal environment and protect natural features and landscape values...*
3. *To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment...*
4. *To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment...*
5. *To ensure that coastal hazard risks taking account of climate change, are managed...*
6. *To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development...*
7. *To ensure that management of the coastal environment recognises and provides for New Zealand's international obligations regarding the coastal environment, including the coastal marine area.*

## **2 Background**

- 2.1 The NZCPS provides national guidance in how to meet the purpose of the RMA in relation to the coastal area.
- 2.2 Whanganui District Council has the responsibility to implement (along with the Regional Council) the NZCPS in the District Plan.
- 2.3 To date this has been actualized primarily through the Coastal Environmental Special Management Zone which seeks to protect the prominently natural character of the coastal environment and protect it from activities that could increase erosion.
- 2.4 The mapping and development of the Outstanding Natural Landscapes within the District Plan has created a double up of zones within the coastal environment that seek to achieve the same principles in the same location. A double up of zones is inefficient and causes confusion.
- 2.5 Given how both these zones seek to achieve the purpose of the RMA in the same manner, it is recommended that the Coastal Environmental Special Management Zone is removed and instead the Outstanding Natural Landscape overlay is used as the term is a national one that is recognised and is backed up by case law.

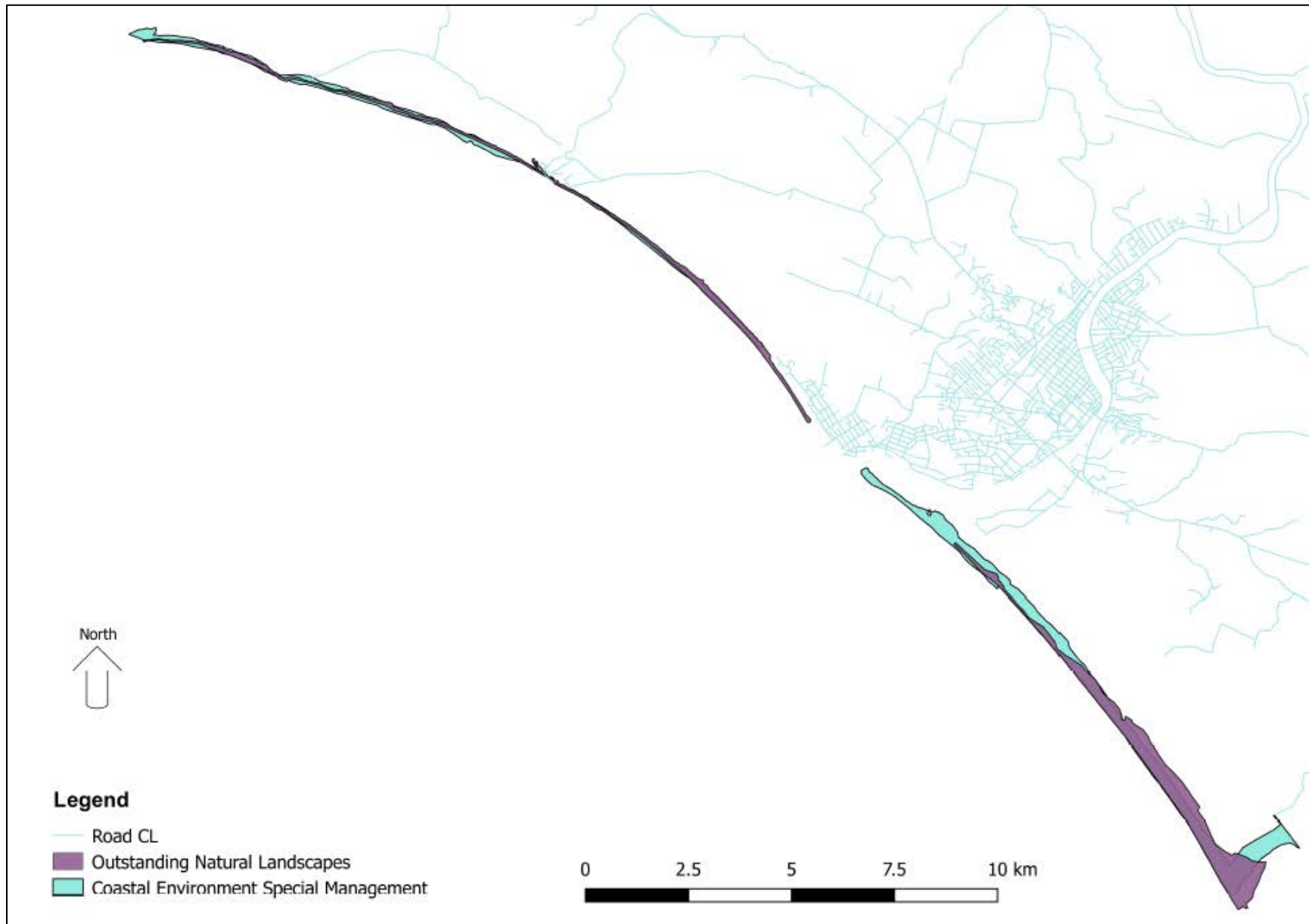


Figure 1 - Map showing the similarities between the proposed coastal Outstanding Natural Landscape overlay and the Coastal Environment Special Management Zone

### 3 Plan Change 48 – Coastal Environmental Special Management Zone

#### 3.1 Existing Plan Provisions relating to the Coastal Environmental Special Management Zone

*See Appendix 1 for full operative text*

Policy 10.3.22	To define rural coastal areas where the following characteristics are maintained: a. preservation of the predominantly natural character of the coastal environment; b. public access to the coast is maintained and enhanced where consistent with (d) below; c. avoidance of activities which are susceptible to coastal or wind erosion; d. avoidance of activities which could increase coastal or wind erosion; e. retention of natural and cultural heritage features.
Rules 10.6	various

#### Comment

These Plan provisions seek to achieve the same outcomes that the Outstanding Natural Landscapes (ONL) seek to. They also cover the same area.

The difference between the Coastal Environmental Special Management Zone (abbreviated to Coastal Zone) and ONL is limited to the fact that the Coastal Zone is specific to the coastal area of Whanganui, while the ONL is a national term with associated case law and is not specific to the coastal area. However both are matters of national importance under section 6 of the RMA and both are required to give effect to the New Zealand Coastal Policy Statement. Therefore there is no benefit in having both zones as they seek to achieve the same purpose and have equal weight in law (although the ONL is better recognised and has more evidence behind it). However, there is the additional requirement under the One Plan (Horizons Regional Council planning document) to protect the Whanganui coastline specifically as an ONL.

#### 3.2 Options

*Options for addressing Coastal Environmental Special Management Zone:*

- (a) Status quo – Review and retain the policy and rules within the Coastal Zone, knowing that there will be ONL provisions for the same area seeking to achieve a similar purpose.
- (b) Create new issues, objectives, policies and rules for the Coastal Zone that clearly define the purpose of the zone and the community outcomes desired so that they are distinct from the ONL provisions. Consider also re-defining

the area of the zone, based on the reviewed purpose.

- (c) Remove the existing policy and rules for the Coastal Zone and rely on the Outstanding Natural Landscape provisions to recognise and protect the coastal environment.

### **Recommendation**

Confirm with identified stakeholders (particularly Horizons and Iwi) that the removal of the Coastal Environmental Special Management Zone as part of the Plan change to recognise and protect Outstanding Natural Landscapes will cause no loss of protection and meet Council's requirements under the New Zealand Coastal Policy Statement (option c).

## Appendix 1 – Operative District Plan text

# Chapter 10 - Natural Environment

## 10.3 POLICIES

### Coastal Environmental Special Management Zone

#### 10.3.22 To define rural coastal areas where the following characteristics are maintained:

- a. preservation of the predominantly natural character of the coastal environment;
- b. public access to the coast is maintained and enhanced where consistent with (d) below;
- c. avoidance of activities which are susceptible to coastal or wind erosion;
- d. avoidance of activities which could increase coastal or wind erosion;
- e. retention of natural and cultural heritage features.

## 10.6 RULES – COASTAL ENVIRONMENTAL SPECIAL MANAGEMENT ZONE

It is important that the natural character of the Coastal Environment Special Management Zone be preserved. This is a matter of national importance under the Act. Of particular importance are significant or threatened habitats or ecological areas, and outstanding and significant landscapes, seascapes and land forms.

This chapter contains the rules which apply to activities in the Coastal Special Management Zone, as defined on the Planning Maps. Policy 10.3.22 explains that the Council seeks to maintain rural coastal areas with the following characteristics:

- a. preservation of the predominantly natural character of the coastal environment;
- b. public access to the coast is maintained and enhanced where consistent with (d) below;
- c. avoidance of activities which are susceptible to coastal or wind erosion;
- d. avoidance of activities which could increase coastal or wind erosion;
- e. retention of natural and cultural heritage features.

The “Coastal Special Management Zone” rules in this chapter aim to:

- a. maintain the natural character of coastal areas;
- b. address nuisance from noise, light spill, glare, vibration and use or storage of hazardous substances;
- c. manage the effects of trees on property boundaries;
- d. restrict buildings and activities which would be susceptible to erosion;
- e. restrict buildings and activities which could increase coastal or wind erosion;
- f. encourage indigenous planting when restoration plantings are carried out with a further preference for the use of local genetic stock in accordance with policy 3.2.10 of the NZ Coastal Policy Statement.

### **General Rules**

The Rules for this zone shall be read with and are subject to the General Rules in Chapters 9-22 which apply to every zone.

### **Financial Contribution for Development**

Where a development is established in the zone the Council will require payment of a financial contribution as set out in Chapter 20.

### **Overlay Zones**

Land in this zone may also be in the Kai Iwi Beach Coastal Hazard Zone (Overlay Zone). The rules for those zones include restrictions on activities to achieve the purpose of those zones. The rules for this zone shall be read with and are subject to the Rules of the Overlay Zone where they apply.

#### **10.6.1 Permitted Activities.**

The following are permitted activities in the Coastal Environment Special Management Zone:



- a. Reserves and Open Spaces.
- b. Conservation Works.
- c. Network utilities as provided by section 25.1. Note: Section 25.1 contains some exemptions from the zone rules for network utilities.
- d. Amenity planting.

Which comply with the following conditions and terms:

#### **10.6.2 Controlled Activities.**

There are no controlled activities in the Coastal Environment Special Management Zone.

#### **10.6.3 Restricted discretionary activities.**

- a. Any permitted or controlled activity which does not comply with the relevant conditions and terms must be a restricted discretionary activity. In exercising its discretion, the Council must be limited to the conditions with which that activity fails to comply.
- b. Public Access Ways  
Discretion is restricted to:
  - i. Whether the effect of pedestrians using the access way is to exacerbate normal erosion processes.
  - ii. Whether the effect of vehicular traffic using the access way is to exacerbate normal erosion processes, or increase the risk of conflict with other existing users of the area.
  - iii. Whether the effect of constructing the access way is to exacerbate normal erosion processes.

An application need not be notified if the consent authority is satisfied that the adverse effect on the environment of the activity will be minor and written approval has been obtained from every person whom the Council is satisfied may be adversely affected by the granting of the resource

consent, unless the Council considers it is unreasonable in the circumstances to require the obtaining of every such approval.

*Reason*

*To avoid accelerated erosion in the Coastal Environment Special Management Zone*

#### **10.6.4 Unrestricted discretionary activities**

The following activities are discretionary activities in the Coastal Environment Special Management Zone where the exercise of the Council's discretion is unrestricted:

- a. Subdivision.
- b. Rural activities.
- c. Residential activities.
- d. Network utilities.
- e. Any activity which is not provided for as a permitted, controlled or restricted discretionary or prohibited activity.

#### **10.6.5 Prohibited Activities**

The following are prohibited activities within the Coastal Environment Special Management Zone:

- a. The use of recreational motor vehicles in the sand dune area.

## **10.7 PERFORMANCE STANDARDS – Coastal Environmental Special Management Zone**

### **10.7.1 Noise**

Emissions must not exceed the following limits when measured within 20 metres of any dwelling (other than any other dwelling on the site from which the noise is being emitted).

7am to 6pm      50 dBA(L10)

All other times      40 dBA(L10) Lmax: the lower of L95 background sound plus 30 dBA or 70 dBA

The above noise standards shall not apply to temporary military training activities as these activities are subject to separate standards contained in Chapter 19.

*Reason*

*To allow for noise to occur but limited in terms of duration, time of day and decibel level. The standard has been set using the New Zealand Standard for noise.*

**10.7.2 Light**

Any particular artificial lighting system shall not result in increased luminance in excess of 8 lux in the measured ambient level in the vertical plane at the windows of any residential building in the Residential, Rural or Rural Settlement Zones.

No light source shall cause glare which may adversely affect the vision of motorists on a road.

**10.7.3 Vibration**

No activity shall cause a vibration considered offensive or objectionable.

In assessing whether vibration is offensive or objectionable, the limits set in NZS 2631: 1985-1989, Parts 1 - 3 shall be used.

**10.7.4 Air discharge**

Note: There are no District Plan standards for air discharges.

Discharges to air are controlled by regional councils. The Wanganui District Council has been authorised by the Manawatu-Wanganui Regional Council to exercise all powers and functions of Enforcement Officers for the purpose of investigating complaints about the discharge of contaminants to air within the boundary of the Wanganui urban area. Persons responsible for causing discharges to air should consult Wanganui District Council or Manawatu-Wanganui Regional Council staff about provisions in the Regional Air Plan for Manawatu-Wanganui. Furthermore, it should be noted that Section 17 of the Resource Management Act imposes a duty on all persons to avoid, remedy or mitigate adverse effects, including those relating

to odour, dust and smoke, regardless of any rules in plans or conditions of resource consents.

#### **10.7.5 Hazardous substances**

Any new or expanded hazardous facility (refer definition in Chapter 2) is subject to the provisions of Appendix F “Hazardous facility screening procedure”.

*Reason*

*To ensure that the community is free of nuisance caused by light spill, glare, odour and vibration.*

#### **10.7.6 Advertising**

All activities must comply with the following standards in respect of signs:

- a. Signs must not exceed 5m<sup>2</sup> on any one site.
- b. Signs must be located on the same site as the activity to which they relate.
- c. Signs must not create a hazard.

*Reason*

*The signs performance standard has been applied to allow signs within the Coastal Environment Special Management Zone of the District that convey messages about activities located there, while minimising the potential for adverse effects on visual amenity and pedestrian and other traffic safety.*

#### **10.7.7 Trees**

No tree for forestry, shelterbelt or soil conservation purposes shall be planted within 10 metres of any boundary except the boundary with the coastal marine area unless written consent of the appropriate neighbour

and the adjacent network utility (if there are existing lines near the boundary) has been obtained and registered with the Council.

*Reason*

*This rule is intended to reduce the potential for heavy shading, loss of fertility and fire risk to neighbouring properties and avoid the spontaneous abortion of livestock from leaves.*

#### **10.7.8 Structures**

Buildings (including structures) shall not exceed 10 metres in height.

Note: Where activities involve the disturbance of soil or the removal of vegetation, the Regional Council should be consulted, as it may require consents for activities.