

CHAPTER 8: MARGINS OF RIVERS, LAKES, WETLANDS AND THE COAST

8.0 INTRODUCTION

Protection of the natural character of lakes, rivers, wetlands and their margins, and the coastal environment, from inappropriate subdivision, use and development, and the maintenance and enhancement of public access to and along these water bodies, are matters of national importance in promoting the sustainable management of natural and physical resources. The Act also requires regard to be given to intrinsic values of ecosystems; maintenance and enhancement of amenity values; efficient use and management (and any finite characteristics) of resources; and protection of the habitat of trout and salmon.

There are extensive areas of riparian and coastal land in the District and a wide range of sometimes conflicting values associated with such land, where these directives should be applied. There can be conflict between protection of conservation values and public access, recreational values and production values. There can be conflict between the provision of public access to and along water bodies, and private land ownership and production values. The flood mitigation functions of riparian and coastal land resources must also be acknowledged. Because of the extensive nature of the riparian and coastal land resource and the lack of detailed knowledge on the entire resource, priorities have not yet been assigned for the protection of riparian and coastal margins. For this reason too, a cautious approach will be adopted in making decisions on resource allocation and use that affect these areas.

The values of the margins of lakes, rivers, wetlands and the coast include:

- (a) their natural values as habitat for indigenous vegetation and indigenous fauna (including fish), which in some cases are poorly represented;
- (b) their importance for protecting water quality and maintaining and enhancing aquatic habitats;
- (c) their potential as corridors for the movement of indigenous wildlife;
- (d) their contribution to the District's natural character;
- (e) mitigating natural hazards;
- (f) enabling public access and recreational use; and
- (g) their production value.

When considering applications for subdivision and land use consents in areas adjacent to lakes, rivers, wetlands or the coast, Council is required to have regard to natural values as matters of national importance identified in Section 6 of the Act, and to other often conflicting values.

Effective riparian management, including the planting and fencing of riparian margins, can protect natural aquatic ecosystems and the habitat of indigenous fauna. Good water quality is important for promoting and enhancing recreational opportunities which rivers and streams provide, for example for whitebaiting and trout fishing.

Widespread clearance of riparian vegetation has led to changes in freshwater habitat conditions and water quality. Protecting remaining riparian vegetation is a high priority to maintain the biological diversity of the District's terrestrial and aquatic ecosystems and to preserve the natural character of the margins of lakes, rivers, wetlands and the coast.

Different sections of lakes, rivers, wetlands and the coastline have different values and therefore need different management responses. For instance, the lower reaches of some rivers are important to residents and visitors for recreational opportunities and should be managed for access purposes. Other sections of river margins, particularly middle and upper reaches, should be managed to protect the habitats of both indigenous aquatic fauna and exotic fauna such as trout and salmon. Prioritising rivers for habitat and access management will be carried out in consultation with the community and landowners.

8.1 PUBLIC ACCESS

8.1.1 Issue

Provision and enhancement of public access to and along the margins of lakes, rivers, wetlands and the coast, for current and future needs of residents and visitors to the District.

8.1.2 Objective

The maintenance and enhancement of public access to and along the margins of lakes, rivers, wetlands and the coast, which are of recreational value to the public.

8.1.3 Policies

Refer to Policy sets 5.1 – 5.4, 6.1, 6.3, 6.4, 14.1 – 14.4.

Refer to Rule sections 16.1, 16.2, 16.3, 16.4, 17.1, 17.2, 17.5 - 17.8.

- 8.1.3.1** To maintain and enhance public access to and along the margins of water bodies and the coast while avoiding, remedying or mitigating adverse effects on other resources or values, including: indigenous vegetation and habitat; public health, safety, security and infrastructure; cultural values; and use of adjoining private land.
- 8.1.3.2** Notwithstanding Policy 8.1.3.1, public access by way of esplanade requirements will not be sought in areas where risks to public health and safety cannot be avoided, remedied or mitigated; or in areas where it is necessary to maintain security, consistent with the purpose of any resource consent, such as operational port areas.
- 8.1.3.3** To avoid, remedy, or mitigate the adverse effects on public access caused by structures, buildings, and activities in or adjoining water bodies or the coastal marine area.
- 8.1.3.4** To set aside or create an esplanade reserve, esplanade strip or access strip at the time of subdivision of land adjoining water bodies or the coastal marine area, where there is a priority for public access.
- 8.1.3.5** To seek public access linkages between reserves and public access adjoining water bodies or the coastal marine area in the vicinity.
- 8.1.3.6** To retain the public access resource provided by unformed legal roads where there is a need for public access to or along water bodies or the coast, converting those unformed roads to reserves where vehicle access is inappropriate or cannot meet the standards prescribed in the Plan and where agreement is reached with the adjoining land occupier.
- 8.1.3.7** To ensure that adequate public access is available to outstanding natural features and landscapes in the coastal environment or the margins of lakes, rivers or wetlands, except where the impact of such access is incompatible with the duty to protect these areas or access across private land cannot be negotiated.

8.1.20 Methods of Implementation

8.1.20.1 Regulatory

- (a) Rules requiring setback of structures in riparian and coastal areas to preserve the option of access either now or in the future.
- (b) Rules requiring a 20-metre wide esplanade reserve, esplanade strip or access strip to be set aside or created on all subdivisions adjoining lakes, rivers, or the coastal marine area, in locations identified as priorities for public access, with criteria to determine when a greater or lesser width will be required.

- (c) Rules requiring compliance with design and location standards for access to and from the road network, where access to riparian land or coastal margins is by vehicle.

8.1.20.2 Education and Advocacy

- (a) The use of discussion, workshops, pamphlets and other means to promote opportunities for public access to and along the margins of water bodies and the coastal marine area.

8.1.20.3 Investigations and Monitoring

- (a) Compilation of an inventory of existing public access to riparian land and coastal margins, updated at five-yearly intervals, to be publicly available.
- (b) Preparation of a Riparian Land Management Strategy through consultation with affected parties that identifies priority sites or the means of determining priority sites of riparian land and coastal margins for the following purposes:
 - (i) public access;
 - (ii) recreation;
 - (iii) conservation of natural ecosystems;
 - (iv) maintenance and enhancement of water quality;
 - (v) protection of landscape values;
 - (vi) protection of heritage sites;
 - (vii) mitigation of flooding or river erosion mitigation.

This Strategy is to be prepared within three years of the Plan becoming operative.

8.1.20.4 Works and Services

- (a) Removal of pest plants and undertaking of physical works to improve public access.
- (b) Acquisition or purchase of esplanade reserves and negotiation of esplanade strip and access strip agreements in agreed priority areas or circumstances.

8.1.30 Principal Reasons and Explanation

The maintenance and enhancement of public access to and along lakes, rivers and the coast is a matter of national importance. Public access is not readily available in all localities of the District, and an increasing population is likely to require greater provision for access along water areas. In promoting public access, consideration needs to be given to: disturbance or destruction of habitats; degradation of the values of cultural heritage; public safety and security; and the use of private property.

The Act gives limited opportunity to obtain public access without compensation to landowners. A strategy which identifies priorities for public access will ensure that limited opportunities and funds are used to the best advantage. Acquisition or purchase of reserves, which are the principal means of protecting and extending public access opportunities, are not limited to Council. Other public bodies such as the Department of Conservation can also acquire and provide land for public access purposes. This option would fall under the “other means ... which ... may be used in achieving the purpose of this Act” of Section 32.

Council has made some preliminary assessment of access needs through community consultation. However, further study needs to be undertaken of all streams, rivers, lakes and coastal areas of significant value to determine their values for conservation, for recreation and for public access. Some existing structures impede access to and enjoyment of water margins and may need to be relocated. Limiting the erection of new structures on riparian reserves can also assist in ensuring adequate future access.

Part X of the Act sets out circumstances where an esplanade reserve is to be vested in Council on the subdivision of land, without compensation to the owner, and circumstances where compensation is due. Provision of public access could also be a condition of a land use consent, but in that case would be contestable. In all other cases, public access over private land could not be achieved without the negotiated agreement of the landowner.

Similarly, physical works or services could be required as a contestable condition of a resource consent; otherwise by negotiation between Council and landowner (unless required under other legislation).

8.1.40 Performance Monitoring Indicators

- 8.1.40.1** Number and types of complaints about lack of access, or impacts of access.
- 8.1.40.2** Changes in the extent of riparian and coastal land available for public access.
- 8.1.40.3** The provision of information such as signs and pamphlets about public access opportunities in the District.

8.2 NATURAL CHARACTER

8.2.1 Issue

[8.2 Proposed]

The coastline of the District and the margins of its lakes, rivers and wetlands are finite resources. They are characterised by a diversity of landforms, vegetation, habitats and degrees of modification resulting from people's activities. These environments are highly regarded by residents and visitors for their recreation, landscape/seascape, tourism, residential, historic and cultural values. Substantial sections of the coastline in particular are widely considered to have high landscape/seascape values.

Proposed as at 1 November 2008

The natural character and natural values of the margins of lakes, rivers and wetlands, and the coastal environment, have been adversely affected by people's activities. They continue to be affected by run-off from horticultural and agricultural land, clearance of vegetation (including plantation forests), and by earthworks and built development following subdivision. The introduction and spread of plant and animal pests, coastal and river bank protection works, increased density of people's living environments, provision and maintenance of roading and other community infrastructure including port development, also affect these values. Preserving natural character and natural values, including aquatic habitats and water quality, requires effective management of riparian margins and the coastal environment.

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Activities such as the draining, infilling or grazing of wetlands and estuary margins, and the stopbanking of rivers and coastal margins, can and have altered the natural character and natural processes associated with these locations and resources. The coastal environment in particular has been regarded as a convenient location for industry and for the disposal of much of the waste and effluent generated in the District.

8.2.2 Objective

Maintenance and enhancement of the natural character of the margins of lakes, rivers, wetland and the coast, and the protection of that character from adverse effects of the subdivision, use, development or maintenance of land or other resources, including effects on landform, vegetation, habitats, ecosystems and natural processes.

8.2.3 Policies

Refer to Policy sets 5.1 – 5.4, 6.3, 6.4, 7.2, 7.3, 7.4, 9.1, 9.2, 9.3, 10.1, 14.1, 14.3, 14.4.

Refer to Rule sections 16.1 – 16.4, 17.1 – 17.8, 18.1, 18.2, 18.5, 18.6, 18.7, 18.11, 18.12.

- 8.2.3.1 To maintain and enhance riparian vegetation, particularly indigenous vegetation, as an element of the natural character and functioning of lakes, rivers, the coast and their margins.
- 8.2.3.2 To control the destruction or removal of indigenous vegetation on the margins of lakes, rivers, wetlands and the coast.
- 8.2.3.3 To avoid, remedy or mitigate adverse effects of land management practices on the margins of water bodies, including wetlands.

Proposed as at 1 November 2008

- 8.2.3.4 To avoid, remedy or mitigate adverse effects of buildings or land disturbance on the natural character, landscape character and amenity values of the margins of lakes, rivers, wetlands or the coast.

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- 8.2.3.5 To set aside or create an esplanade reserve, esplanade strip or access strip at the time of subdivision of land adjoining water bodies or the coastal marine area, where there is a priority to protect the natural character of those margins.
- 8.2.3.6 To adopt a cautious approach in decisions affecting the margins of lakes, rivers and wetlands, and the coastal environment, when there is uncertainty about the likely effects of an activity.

Proposed as at 1 November 2008

- 8.2.3.7 To ensure that the subdivision, use or development of land is managed in a way that avoids where practicable, and otherwise remedies or mitigates any adverse effects, including cumulative effects, on the natural character, landscape character and amenity values of the coastal environment and the margins of lakes, rivers and wetlands.

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- 8.2.3.8 To preserve natural character of the coastal environment by avoiding sprawling or sporadic subdivision, use or development.
- 8.2.3.9 To ensure that the nationally and internationally significant ecological values of the Waimea Inlet are protected by avoiding, remedying or mitigating adverse effects, including cumulative effects, of subdivision, use or development in the Coastal Tasman Area.
- 8.2.3.10 To ensure that where subdivision, use or development are limited in order to maintain the open space or natural character of coastal land, complementary limits are applied to the use or development of adjoining foreshore and sea.
- 8.2.3.11 To maintain or acquire reserves of at least 20 metres width along the coastline of the District, for natural character, ecological or public access purposes, particularly along estuary margins, dunes, sandspits and cliffs.
- 8.2.3.12 To enable the maintenance of physical resources for the well-being of the community, where those resources are located in riparian or coastal margins, subject to the avoidance, remedying or mitigation of adverse effects on the environment.
- 8.2.3.13 To avoid, where practicable, facilities for the storage of hazardous substances within 200 metres of the mean high water springs, or of any lake, river or wetland.
- 8.2.3.14 To avoid the disposal of refuse within 200 metres of the mean high water springs, or of any lake, river or wetland.

- 8.2.3.15** To limit the potential for the spread of fire in or to areas of natural character in the coastal environment and on the margins of lakes, rivers and wetlands.
- 8.2.3.16** To manage the location and design of all future buildings in the coastal environment to ensure they do not adversely affect coastal landscapes or seascapes.
- 8.2.3.17** To pursue and encourage restoration and enhancement of coastal and riparian areas where natural character has been degraded by past human activities.
- 8.2.3.18** To avoid, remedy or mitigate adverse effects on natural coastal processes of the subdivision, use or development of land, taking account of sea-level rise.
- 8.2.3.19** To avoid, remedy or mitigate adverse effects of vehicle access on foreshore, beaches and estuary margins.
- 8.2.3.20** To ensure that where erosion protection works are deemed to be necessary to protect existing settlements or structures that these are designed as much as possible to harmonise with the natural character of the coastline, river bank or lake shore.
- 8.2.3.21** To protect historic and cultural sites in riparian margins and the coastal environment.
- 8.2.3.22** To avoid the loss of extent of natural inland wetlands, to protect their values, and promote their restoration, except where: NPS-FM
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- (a) the loss of extent or values arises from any of the following:
 - (i) the customary harvest of food or resources undertaken in accordance with tikanga Māori;
 - (ii) restoration activities;
 - (iii) scientific research;
 - (iv) the sustainable harvest of sphagnum moss;
 - (v) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020);
 - (vi) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020);
 - (vii) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or
 - (b) the regional council is satisfied that:
 - (i) the activity is necessary for the construction or upgrade of specified infrastructure; and
 - (ii) the specified infrastructure will provide significant national or regional benefits; and
 - (iii) there is a functional need for the specified infrastructure in that location; and
 - (iv) the effects of the activity are managed through applying the effects management hierarchy.
- 8.2.3.23** To avoid the loss of river extent and values, unless the Council is satisfied that:
- (a) there is a functional need for the activity in that location; and
 - (b) the effects of the activity are managed by applying the effects management hierarchy.

8.2.20 Methods of Implementation

8.2.20.1 Regulatory

- (a) Identification of an Open Space or Conservation Zone on water margins with natural values, in public ownership.

Proposed as at 1 November 2008

- (b) Rules requiring consent for earthworks and the removal of indigenous vegetation along water margins and in the Coastal Environment Area.

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- (c) Rules requiring setback of buildings from water margins.
- (d) Rules that avoid, remedy, or mitigate effects of activities in the Coastal Environment and Coastal Risk areas.
- (e) Defined areas on planning maps showing the extent of coastal settlements.
- (f) Rules requiring the creation of esplanade reserves or esplanade strips when land adjoining lakes, rivers or the sea is subdivided, in accord with the powers and restrictions of Section 230 of the Act.
- (g) Rules to prevent adverse effects in the coastal environment from refuse disposal or hazardous substances.
- (h) Rules to limit the risk of fire spreading to areas of high ecological value in coastal and riparian margins, including the use of setbacks, fire-breaks, fire-resistant species, or other boundary management methods.
- (i) Rules requiring setback of horticultural plantings and provision of fire-breaks adjoining areas of high ecological value and areas of settlement.
- (j) Rules to control the effects of the location and bulk of buildings within 200 metres of the coast, including industrial buildings.
- (k) Rules requiring resource consent for erosion protection structures.
- (l) Rules to control the use of vehicles on foreshore, beaches and estuary margins.
- (m) Rules limiting effects of discharges of contaminants to the coastal marine area and water bodies.

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8.2.20.2 Investigations and Monitoring

- (a) Monitoring of location, quality and quantity of riparian and coastal vegetation.
- (b) Monitoring of water quality attributable to different riparian vegetation regimes.
- (c) Monitoring of extent and quality of indigenous coastal vegetation, rate of subdivision along coastline and number and type of enhancement projects.
- (d) Preparation of a Riparian Land Management Strategy, through consultation with affected parties, that identifies priority sites or the means of determining priority sites of riparian land and coastal margins for the following purposes:
- (i) public access;
 - (ii) recreation;
 - (iii) conservation of natural ecosystems;
 - (iv) maintenance and enhancement of water quality;
 - (v) protection of landscape values;
 - (vi) protection of heritage sites;
 - (vii) mitigation of flooding or river erosion mitigation.

8.2.20.3 Works and Services

- (a) Programmes to remove noxious weeds from water margins.

- (b) Restoration and enhancement of projects on coastal and riparian reserves and other public land, using local indigenous species.
- (c) Purchase of land for reserves, establishment of esplanade strips or access strips, or other means of protecting the natural character of land adjoining lakes, rivers or the sea, where appropriate, through negotiation with landowners.

8.2.20.4 Advocacy and Education

- (a) Advice on land management practices that do not adversely affect water bodies, their margins or the coastal environment, particularly practices which reduce erosion, prevent the destruction of riparian vegetation, and maintain or enhance water quality.
- (b) Promotion of planting of fire-resistant species in coastal environment.
- (c) Preparation of a design guide for buildings in the coastal environment area.
- (d) Encouragement of the planting of local indigenous species on private land in coastal and riparian margins.
- (e) Information to the public about the adverse effects of vehicles on the foreshore, and estuary margins.
- (f) Promotion of land use practices that do not generate the discharge of contaminants to water bodies and the coastal marine area.

8.2.20.5 Financial Methods

- (a) Financial incentives to encourage protection of water bodies, their margins and the coast.
- (b) Negotiation with landowners where it is appropriate to seek a coastal reserve with a landward boundary that moves in conjunction with changes in the position of mean high water springs.

8.2.30 Principal Reasons and Explanation

Management of water margins needs to emphasise the maintenance and enhancement of their natural character. This will include maintaining vegetation, particularly indigenous vegetation, removing noxious weeds, and encouraging the replanting of water margins that have been degraded. Maintenance and enhancement of vegetation along riparian margins are also expected to enhance the natural ecological functioning of adjoining water for aquatic life.

Where coastal or riparian land is subdivided, esplanade reserves or esplanade strips will be created in locations identified as priorities for the protection of natural values. The Act specifies circumstances where those instruments can be created without compensation to the landowner. In other circumstances those instruments, and access strips, can only be created through negotiation with landowners.

Setbacks or consent requirements have been imposed on activities that may detract from the natural values of riparian and coastal margins. This is in order that those impacts may be addressed either through conditions to manage the adverse effects, or by refusing consent if it is not practicable for the effects to be managed.

However, some buildings or structures need to be located in or on the beds of water bodies or their margins, and effects of those structures need to be managed.

The reason for the precautionary approach is that the coastline is a finite and often highly sensitive resource that cannot be replicated, and development that is inappropriately located such as in erosion-prone areas, can cause costly problems that are difficult to remedy.

However, there are other areas of the coastal environment that are already subject to intensive building activities. It is preferable that development consolidates on existing settlements where existing infrastructure such as roads and public services can be used and visual impacts minimised. It is recognised

that locations isolated from existing settlements may be preferred by the operators and clients of some developments such as tourist and recreational activities.

The removal of natural vegetation buffers along coastal margins can impact adversely on the natural functioning of coastal areas such as estuaries, which are dependent on the maintenance of a vegetation sequence for ecological stability. Buffers of at least 20 metres width will be established to help protect the coast from the adverse effects of land use activities and natural physical processes. They may sometimes be used to enhance degraded sections of the coast. Community groups may wish to undertake or assist with restoration work.

Spillages and leaching of hazardous substances can pose a threat to the marine environment when refuse disposal facilities and other activities using hazardous substances occur in the coastal environment rather than on sites more distant from the coastline. Uncontrolled refuse disposal in the coastal environment has now ceased and monitoring of former sites continues. Council will carefully control the storage and use of toxic substances in the coastal environment.

Fire is a major threat to landscape and ecological values and human safety, especially around the Abel Tasman National Park and Kaiteriteri. Planting of the less flammable native species will be encouraged, and fire-breaks and setbacks required, in high fire-risk situations.

Wide coastal setbacks provide space for coastal processes to occur, for coastal vegetation and habitat to be retained, and for recreation to be undertaken in appropriate locations without overlooking or being overlooked by other activities. A low height limit minimises the visual effects of buildings in the coastal environment. Ridgeline height controls have a similar purpose.

Buildings and structures will be controlled so that they are not located in sensitive areas or their design and appearance is modified to blend with the local landscape when location options are limited. There are a number of industrial zones in the coastal environment. The mitigation of the effects of industrial development should pay attention to colour, design and landscaping with appropriate species.

The Waimea Inlet is adjacent to Mapua and the Rural 3 Zone in the Coastal Tasman Area and is a large barrier enclosed estuary of national and international significance for its wading shorebird communities, including Pied and Variable Oystercatchers, Wrybill, Bar-tailed Godwit, Caspian Tern, Banded Rail, and other nationally rare bird species. Subdivision and development may pose cumulative ecological risks to these values through contaminant movement, particularly nitrogen, in the Inlet. Avoidance of development-led leakage of contaminants into waterways draining into the Inlet, as well as protection and enhancement of saltmarsh and other coastal vegetation, are important in order to maintain these values.

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8.2.40 Performance Monitoring Indicators

- 8.2.40.1** Areas of new indigenous riparian and coastal vegetation and associated animal habitats protected.
- 8.2.40.2** Number and types of complaints about indigenous vegetation removal in coastal and riparian margins.
- 8.2.40.3** Changes in area and quality of indigenous coastal vegetation
- 8.2.40.4** Changes in number of lots subdivided and building consents issued in the coastal environment.

8.50 ENVIRONMENTAL RESULTS ANTICIPATED

- 8.50.1** Enhancement and rehabilitation of water margins as ecological and amenity assets.
- 8.50.2** Buildings setback from water margins except buildings for which a site in or adjoining a water body is necessary or appropriate.

- 8.50.3** Land use activities and subdivision carefully integrated into the coastal environment.
- 8.50.4** Urban development contained to existing settlements or areas where the effect on natural character is minor.
- 8.50.5** Provision of reserves of minimum 20 metres width on all the most sensitive areas of the coastline.
- 8.50.6** Hazardous facilities limited in the coastal environment.
- 8.50.7** Minimise number of fire events damaging areas of ecological value and/or built development.
- 8.50.8** Compatible structures including erosion control structures and building designs that harmonise with the adjoining coastal environment.
- 8.50.9** Reduction in the number of degraded localities in the coastal environment.
- 8.50.10** Reduction in the number of historic and cultural sites damaged in the coastal environment.