

18.11 COASTAL ENVIRONMENT AREA

Refer to Policy sets 5.1, 6.4, 6.5, 7.2, 7.3, 8.1, 8.2, 9.1, 9.2, 9.3, 13.1, 14.1.

18.11.1 Scope of Section

The Coastal Environment Area has been delineated on the planning maps for the purposes of guiding the management of the District's coastline. The inland extent of the Coastal Environment Area is shown by a line on all coastal sheets of the planning maps. The seaward boundary of the Area is mean high water springs. Information required with resource consent applications is detailed in Chapter 19.

Advice Note: The Resource Management (National Environmental Standard for Freshwater) Regulations 2020 may apply to some activities, including farming activities and activities in or near wetlands and rivers. The National Environmental Standard may alter the activity status of an activity and impose additional standards, information requirements, matters for assessment and criteria. Please ensure you have met any requirements in the regulations in addition to those in this plan.

NES-FW (ca)
12/20**18.11.2 Land Use****18.11.2.1 Permitted Activities (Land Use)**

[18.14.2 Proposed]

Any land use is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) Except as provided by condition (c), the activity is not the construction of a new building or the disposal of refuse. C73 12/20
Op 6/23
- (b) The activity is an extension to an existing building that does not:
- (i) increase the ground floor area (as at 25 May 1996) by more than 50 percent; or
 - (ii) reduce the existing building setback to mean high water springs; in cases where part or all of the extension is within the setbacks specified in conditions 18.11.3.1 (b) – (e), or C73 12/20
Op 6/23
 - (iii) increase the existing building height (not applicable in Commercial and Industrial zones with the exception of the Industrial zone and the Mixed Business Zone in the Richmond West Development Area, other than in the Light Industrial Zone location at Beach Road as shown on the planning maps). C10 10/07
Op 3/14
- (b) The activity is a public refuse or recycling collection facility of less than 5 square metres in base area and less than 1.8 metres in height. C73 12/20
Op 6/23

Proposed as at 1 November 2008*[Condition (d) Proposed deleted]**[Rule 18.14.2A Proposed deleted]*

C3 12/03

18.11.3 Building Construction or Alteration**18.11.3.1 Controlled Activities (Building Construction or Alteration)**

Construction of or extension to a building that does not comply with the conditions of rule 18.11.2.1 is a controlled activity, if it complies with the following conditions:

- (a) The activity is an extension to an existing building that does not comply with condition 18.11.2.1(b).

Setbacks

- (b) New buildings are set back from mean high water springs the following minimum distances:
- (i) 100 metres in the Waimea Inlet Rural Residential Zone and the Rural 1, Rural 1 Coastal, Rural 2 and Rural 3 zones; and in the Open Space, Rural 1, Rural 2 and Light Industrial zones in the Richmond West Development Area (except in the Light Industrial Zone location at Beach Road as shown on the planning maps). C10 10/07
Op 3/14
C19 5/10
Op 8/12
C22 2/11
Op 1/15
 - (ii) 80 metres for Light Industrial zoned land held in Record of Title 459167 (580 Lower Queen Street) in the Richmond West Development Area. C10 10/07
Op 3/14
C73 12/20
Op 6/23
 - (iii) 50 metres in other Rural Residential Zones (except in respect of buildings at Toko Ngawa where identified building sites on DP 16820 and DP 16821 must be utilised) and the Mixed Business Zone. C10 10/07
Op 3/14
 - (iv) 30 metres in all other zones except where expressly provided for at Milnthorpe (*see rule 17.1.3.1(w)*); in the Awaroa Residential Zone (*see rule 18.11.3.1(c)*); in the Torrent Bay Residential Zone (20 metres); and in rule 18.11.3.1(d) and (e).
- (c) At Awaroa, new buildings are set back at least 10 metres inland from the top of the bank shown on the planning maps.
- (d) On Lot 1 DP 7781 in the Rural Industrial Zone (750 Lower Queen Street), buildings are set back at least 10 metres from Neiman's Creek, and on Record of Title 7254638 in the Golden Edge Rural Industrial Zone (520 Lower Queen Street), buildings are set back at least 15 metres from mean high water springs. C73 12/20
Op 6/23
- (e) On Lot 4 DP 447516 and Lot 2 DP 341803 in the Light Industrial Zone on the corner of Wharf Road and High Street in Motueka, buildings are set back at least 10 metres from mean high water springs.

Height

- (f) The maximum height of new buildings, and building extensions, in Rural 1, Rural 1 Coastal, Rural 2, Rural 3, Rural Residential and Residential zones (except at Kaiteriteri and Torrent Bay and the Mapua Special Development Area), and the Mixed Business, Light Industrial and Open Space zones in the Richmond West Development Area is: C10 10/07
Op 3/14
C22 2/11
Op 1/15
C73 12/20
Op 6/23
- (i) 6.5 metres for a building sited between 100 metres and 200 metres from mean high water springs; C10 10/07
Op 3/14
 - (ii) 5 metres where the setback in rule 18.11.3.1 provides for a building to be sited less than 100 metres from mean high water springs;
- and at Kaiteriteri and Torrent Bay and the Mapua Special Development Area: C10 10/07 Op 3/14
C22 2/11 Op 1/15
- (iii) 6.5 metres for a building sited less than 200 metres from mean high water springs. C10 10/07
Op 3/14

Note: Rural Residential Closed and Residential Closed zones are included in this condition.

A resource consent is required and may include conditions on the following matters over which the Council has reserved control:

- (1) The effects of the location, design and appearance of the building, and building extension, including its scale, height (in the Richmond West Development Area except in the Light Industrial Zone location at Beach Road as shown on the planning maps), materials, landscaping and colour, on the amenity and natural character of the locality, having regard to effects on:
- (a) natural features; C10 10/07
Op 3/14
C73 12/20
Op 6/23

- | | | |
|------|---|----------------------|
| | <ul style="list-style-type: none"> (b) landscape and seascape values; (c) significant natural values; (d) the nature of any existing development; <p>except that in the Residential Zone the matters are limited to materials, landscaping and colour of buildings, and in the three industrial zones the matters are limited to landscaping and colour of buildings, except for the Light Industrial Zone in the Richmond West Development Area (except in the Light Industrial Zone location at Beach Road as shown on the planning maps) where all matters apply.</p> | C10 10/07
Op 3/14 |
| (2) | Consistency with any design guide applying to the area and any heritage character. | C22 2/11
Op 1/15 |
| (3) | The effects of natural hazards. | |
| (3A) | The effects on a site of cultural significance to Maori. | C68 7/18
Op 6/19 |
| (4) | The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128). | |
| (5) | Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108). | |

Non-Notification

Applications for resource consent for an activity under this rule will be decided without public notification and without limited notification.

18.11.3.2 Restricted Discretionary Activities (Building Construction or Alteration)

 C73 12/20
Op 6/23

Construction of a new building or building extension, that does not comply with the conditions of rule 18.11.3.1 is a restricted discretionary activity.

A resource consent is required. Consent may be refused, or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion:

- (1) The effects of the location, design and appearance of the building, including its scale, height, materials, landscaping and colour, on the amenity and natural character of the locality, including effects on:
 - (a) natural features;
 - (b) landscape and seascape values;
 - (c) significant natural values;
 - (d) the character of any existing development.
- (2) The effects of natural hazards.
- (3) The effects on a site of cultural significance to Maori.
- (4) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (5) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

18.11.4 Disposal of Refuse

18.11.4.1 Non-complying Activity (Disposal of Refuse)

Disposal of refuse is a non-complying activity.

A resource consent is required. Consent may be refused or conditions imposed.

18.11.20 Principal Reasons for Rules

Setbacks and Height Restrictions

The bulk and location of buildings can adversely affect the natural character of the coastal environment. In addition, buildings close to the sea may be affected by natural hazards such as sea-level rise. These effects are avoided or reduced by setbacks from mean high water springs and the bank at Awaroa. The height restrictions, which are lower than those imposed generally under zones rules, mitigate adverse effects on visual amenity and recognise the scale of existing buildings and topography at Kaiteriteri and Torrent Bay and the Richmond West Development Area zones within the Coastal Environment Area (except in the Light Industrial Zone location at Beach Road as shown on the planning maps). Small extensions to existing buildings are permitted, as these will not have material adverse effects. A greater setback is required in rural zones than in urban zones because of the lower density of development in rural zones.

C10 10/07
Op 3/14

The intention of these rules is to minimise the obtrusiveness or dominance of buildings in the coastal landscape. The rules do not have the purpose of protecting views from individual properties or dwellings, although that may be a consequential outcome in some cases.

Building Design and Appearance

Control or discretion is reserved in regard to these rules to ensure that buildings are compatible with their surroundings. Commercial development in the vicinity of the Mapua Wharf will be expected to respond to the heritage character of the existing wharf buildings.

C22 2/11
Op 1/15

At Toko Ngawa the Coastal Environment Area has been extended to cover the whole subdivision as it is all coastal in character.

Natural Hazards

The rules reserve control or discretion on the effects of natural hazards in order to safeguard people's health and safety. This allows for consideration of hazards that are not dealt with effectively by means of setbacks on particular sites.

Collection and Disposal of Refuse

C73 12/20
Op 6/23

Public refuse and recycling collection facilities, up to the specified dimensions, are provided for as a permitted activity to ensure these public facilities can be installed in the areas they are required. This recognises the need to ensure adequate facilities for rubbish and recycling collection are provided within the coastal margin. However, the final disposal of refuse can be unsightly in the coastal environment and can result in the contamination of coastal waters and this is not provided for as a permitted activity.