

Overview

Coastal Environment

The district's diverse coastline stretches approximately 140 km from the settlement of Kinohaku in the north to the Mokau River mouth in the south. The district includes the southern part of Kawhia harbour which is a distinctive and important ecosystem, containing large areas of intertidal flats, coastal wetlands and areas of high, very high and outstanding natural character. The high energy, highly dynamic west coast is made up of sandy beaches, rocky reefs and coastal cliff faces. Numerous small watercourses and several large rivers drain into the sea along this wild and remote coastline. Sandspits are a notable feature of the entrances to the Marokopa, Awakino and Mokau rivers.

The purpose of the coastal environment chapter is to set out the approach to managing the coastal environment in an integrated manner and to give effect to the New Zealand Coastal Policy Statement 2010 (NZCPS). This chapter also sets out provisions for implementing the Waitomo District Council's functions and duties in relation to the coastal environment, including coastal hazards. Waitomo District Council is responsible for managing activities on the landward side of mean high water springs (MHWS), and the Waikato Regional Council is responsible for activities in the coastal marine area (CMA), which is seaward of MHWS.

The NZCPS and the Waikato Regional Policy Statement require a strategic and integrated approach to managing both natural and modified landscapes on the coast. In order to achieve this, the plan identifies and maps a coastal environment overlay which recognises the extent and characteristics of the environment where coastal processes, influences or qualities are significant. A description of this overlay is contained in [SCHED13](#) and the overlay is mapped on the planning maps. This chapter contains the policy framework and rules to protect and manage the natural character of the coastal environment, and provisions to manage activities within the coastal environment overlay that may impact coastal characteristics and values.

In confirming the extent of the areas of outstanding and high/very high natural character, Waitomo District Council discussed with mana whenua representatives whether specific values of significance or associative narratives should be recognised and recorded for each area. It was the view of mana whenua that specific values of significance and associative narratives should not be recorded for these areas. These areas are valued for their

naturalness, solitude and recreational opportunities as well as their natural resources which sustain life. For mana whenua, it is critical to manage and protect these resources in order to fulfil the obligation of kaitiakitanga or guardianship. However, the role and obligation of kaitiakitanga precludes sharing the symbolism, values and significance of these areas. This is because the narratives are sacred representations of these natural resources and are therefore taonga - because they express through the physical manifestation of a place, the relationship of the local tribal custodians with the intangible.

Areas of Natural Character

In accordance with the provisions of the NZCPS, areas of outstanding natural character contain a combination of elements, patterns and processes that are exceptional in their intactness, integrity and lack of built structures. Areas of very high or high natural character have been evaluated on the basis of their natural elements, patterns and processes and the nature and extent of modification to ecosystems and the landscape. The Waikato Regional Policy Statement sets out the assessment criteria which have been used to identify the areas of outstanding, high/very high natural character that are protected by the provisions in this plan. There is one area of outstanding natural character in the district on the southwestern edge of Kawhia Harbour, which comprises 0.3% of the district. There are pockets of high/very high natural character along the western open coast which comprise 0.8% of the district.

Refer to [SCHED10](#) and [SCHED11](#) for the schedules of outstanding, high/very high natural character. These areas are also mapped on the planning maps.

Coastal hazards

The NZCPS and the Waikato Regional Policy Statement also require that the plan manages subdivision, use and development within areas potentially affected by coastal hazards over a 100 year timeframe, including taking into account the effects of climate change. A risk management approach applies to existing development and infrastructure, while a risk reduction (including avoidance where appropriate) approach applies to new development. In accordance with central government guidance, the plan also uses an adaptive management approach to manage coastal hazards and potential accelerated sea level rise. As such, the plan identifies and maps:

The Coastal Erosion Hazard Area 1 (CEHA 1) which is the area likely to be affected by coastal erosion within the next 50 years with existing sea level and coastal processes and/or with continuation of existing coastal trends.

The Coastal Erosion Hazard Area 2 (CEHA 2) which is the area likely to be affected by coastal erosion over the next 100 years to 2120 assuming a continuation of existing coastal trends and the likely impact of projected sea level rise of 1.0 m.

The Coastal Flood Hazard Area (CFHA) which is the extent of land likely to be vulnerable in a rare extreme storm surge event, including the effect of a projected sea level rise (1.0 m to 2120). In Awakino, Marokopa and Kiritehere, the upstream area is also the 1% AEP floodplain. In Kiritehere and Marokopa, a simplified 2D model is employed to identify these areas and in Awakino the area is estimated in part, by referencing to the downstream floodplain extent and extending this upstream.

Outside of these identified coastal hazard areas, specific provisions are contained in this chapter which manage buildings located adjacent to the open coast, within Kawhia Harbour and adjacent to a river in the coastal marine area. These provisions are particularly applicable to the townships of Kinohaku and Te Maika where there are no coastal hazard areas identified. This plan also commences the long-term process of transitioning away from hard protection structures in the coastal environment. Seawalls located landward of the coastal marine area - mean high water springs, now require a resource consent where they are protecting private and public property.

Objective and policies - Coastal environment

Refer also to the relevant objectives and policies in Part 2 District - Wide Matters and Part 3 - Area Specific Matters

- CE-O1.** Ensure that activities in the coastal environment are appropriate in relation to its level of natural character and promote enhancement, restoration and rehabilitation of natural character.
- CE-P1.** When considering the appropriateness of subdivision, land use or development activities, ensure the natural character qualities of the coastal environment are preserved by:
1. Encouraging any new activities to consolidate within and around existing developments or in locations where the natural character values have already been compromised; and
 2. Avoiding the sprawl of development along the coastline; and
 3. Assessing the functional necessity of the activity being located in the coastal environment; and
 4. Recognising the potential for restoration, rehabilitation or enhancement of natural character to mitigate the adverse effects of an activity; and
 5. Ensuring sufficient development setbacks are in place; and
 6. Ensuring any earthworks in close proximity to the coastline are restricted to limited activities and where other earthworks are proposed, ensure they are small scale and are designed and located to minimise effects on the coastal environment; and

7. Avoiding significant adverse effects of subdivision, use and development where it would damage, diminish or compromise natural character or public access to the coastline; and
8. Allowing for seawall maintenance and repair and enabling seawalls where they protect public infrastructure; and
9. Encouraging alternatives to hard protection structures; and
10. Avoiding activities that damage the stability of coastal dune systems; and
11. Avoiding developments in locations that are of significance to mana whenua; and
12. Ensuring that activities are carried out in a way that maintains or enhances water quality in the coastal environment; and
13. Providing for the continued operation of lawfully established farming activities; and
14. Recognising and protecting the following natural elements, patterns, processes and experiential qualities which contribute to natural character of the coastal environment:
 - (i) Areas in their natural states or close to their natural state; and
 - (ii) Coastal landforms and landscapes; and
 - (iii) Coastal physical processes, including the movement of water and sediment; and
 - (iv) Biodiversity; and
 - (v) Biological processes and patterns; and
 - (vi) Water flows and levels, and water quality; and
 - (vii) The experience of the above elements, patterns and processes.

CE-P2.

Maintain and enhance public access to the coastline by:

1. Encouraging the provision of public walkways, cycleways and beach access points and the provision of park furniture at these access points as appropriate; and
2. Encourage the development of public access points in locations indicated in the Mokau town concept plan; and
3. Encouraging the provision of esplanade reserves and/or esplanade strips along the coastline, particularly in settlements; and
4. Directing activities that would compromise the use of, or opportunity to create public beach access points to mitigate any potential adverse effects; and
5. Encouraging new public beach access points only where they do not compromise the natural character of the coastline, or adversely affect the habitats of indigenous species or the values of scheduled sites or features.

CE-P3. Protect indigenous biodiversity, including significant natural areas, located in the coastal environment overlay by:

1. Avoiding adverse effects on:
 - (i) Areas containing nationally significant examples of indigenous flora or fauna community types; and
 - (ii) Areas set aside for full or partial protection of indigenous biological diversity under other legislation; and
 - (iii) Indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare; and
 - (iv) Habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
2. Avoiding significant adverse effects and avoiding, remedying or mitigating any other adverse effect from activities on:
 - (i) Areas of predominately indigenous vegetation in the coastal environment; and
 - (ii) Habitats in the coastal environment that are important during the vulnerable life stages of indigenous species; and
 - (iii) Indigenous habitats and ecosystems that are unique to the coastal environment and vulnerable to modification and the impacts of climate change, including estuaries, lagoons, coastal wetlands, dunelands and dune lakes, intertidal zones, rocky reef systems, seagrass and saltmarsh; and
 - (iv) Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes; and
 - (v) Ecological corridors, areas and routes important to indigenous and migratory species;
3. Maintaining or enhancing:
 - (i) The habitats of wading/coastal birds including breeding, feeding, roosting sites; and
 - (ii) Whitebait spawning areas;
4. Recognising that adverse effects on indigenous biodiversity within the coastal environment are cumulative and controlling these adverse effects to protect and enhance indigenous biodiversity.

CE-P4. Protecting the functioning and stability of natural physical processes by encouraging both planting and retirement of land along the coastal margins.

CE-P5. Controlling activities in the coastal environment which would result in:

1. An increased threat from animal and plant pests; and/or
2. An increase in noise, visual and physical disturbance adversely affecting indigenous species; and/or
3. Significant adverse effects on natural character; and/or

4. Adverse effects on the cultural values and spiritual relationships of mana whenua.

Objectives and policies - Natural character

Refer also to the relevant objectives and policies in Part 2 District - Wide Matters and Part 3 - Area Specific Matters

- CE-O2.** The values and character of the areas of outstanding natural character identified in [SCHED10](#) are recognised and protected from inappropriate subdivision, use and development.
- CE-O3.** Recognise, protect and enhance the qualities and values of the high and very high natural character areas identified in [SCHED11](#).
- CE-O4.** Ensure that the cultural and spiritual relationships of Māori with areas of outstanding, high and very high natural character are appropriately considered as part of subdivision, use and development activities.
- CE-O5.** Provide for identified activities assessed as appropriate within areas of outstanding, very high and high natural character.
- CE-P6.** Ensure the values and character of the areas of outstanding natural character are protected by:
1. Avoiding the establishment of communities or clusters of buildings; and
 2. Avoiding the erection of buildings, structures and infrastructure. Where this is not practicable, ensuring the location, materials, colour and grouping of buildings, structures and infrastructure avoids adverse effects on the values and character of areas of outstanding natural character; and
 3. Avoiding earthworks. Where this is not practicable, ensuring any earthworks are minimised and integrate with the existing landform to preserve the values and character of areas of outstanding natural character; and
 4. Avoiding any activity, particularly structures, where this will adversely affect areas of outstanding natural character; and
 5. Avoiding developments in locations that are of significance to mana whenua; and
 6. Avoiding or minimising the removal of indigenous vegetation; and
 7. Avoiding mineral prospecting and quarrying activities; and
 8. Avoiding plantation forestry.

CE-P7. Protect and enhance the qualities and values of high and very high natural character areas by:

1. Ensuring that the effects of any activity which could compromise the qualities and values of the areas of high and very high natural character are avoided; and
2. Ensuring that buildings, structures and infrastructure are integrated into areas of high and very high natural character to minimise any visual impacts; and
3. Managing the adverse effects of earthworks for buildings, driveways and farm tracks so as to avoid adverse effects that detract from the qualities and values of areas of high and very high natural character; and
4. Avoiding developments in locations that are of significance to mana whenua; and
5. Minimising the removal of indigenous vegetation; and
6. Avoiding the adverse effects of quarrying activities; and
7. Providing for plantation forestry only where there is a clear and on-going land stability benefit and the ensuing operations avoid detracting from the qualities and values of areas of high and very high natural character.

CE-P8. Provide flexibility when considering the development of land returned under Te Tiriti o Waitangi settlements and multiple owned Māori land located in areas of outstanding, high and very high natural character by:

1. Evaluating the extent to which the development enables the relationship of mana whenua with their ancestral lands and the exercise of kaitiakitanga; and
2. Evaluating the extent to which positive economic, social and cultural benefits are achieved for mana whenua now and into the future; and
3. Taking into account the requirement to avoid adverse effects on the values and character of areas of outstanding, high and very high natural character.

CE-P9. Provide for the appropriate use of natural resources, including land and water, within areas of outstanding, high and very high natural character by:

1. Providing for Māori cultural and customary uses of natural resources; and
2. Allowing for limited vegetation removal for the purposes of conservation activities; and

3. Allowing for limited vegetation removal for scientific purposes; and
4. Allowing for limited earthworks and vegetation removal for the purposes of track maintenance and establishment of fence lines.

Objectives and policies - Coastal hazards

Refer also to the relevant objectives and policies in Part 2 District - Wide Matters and Part 3 - Area Specific Matters

- CE-06.** Ensure that coastal communities are resilient to the risks that natural hazards pose on people, property, infrastructure and the environment by providing for subdivision, use and development of land only where these risks are avoided or appropriately mitigated.
- CE-07.** Avoid new subdivision, use and development in coastal hazard areas where it will increase the risk to or vulnerability of people or communities.
- CE-08.** Where new development is proposed in coastal hazard areas, require that site-specific coastal hazard assessments are undertaken and ensure that development which would increase risk to people's safety and property, is avoided.
- CE-09** Manage land use to minimise the potential adverse effects of climate change.
- CE-P10.** Outside coastal hazard areas on land adjoining the open coast, Kawhia harbour or any river in the coastal marine area, ensure buildings are set back from the coastal edge and are not constructed unless:
1. The natural hazard risk has been appropriately identified and assessed; and
 2. The natural hazard risk can be adequately avoided, remedied or mitigated; and
 3. The building does not transfer or exacerbate risk to adjoining properties.
- CE-P11.** Avoid locating new development in Coastal Erosion Hazard Area 1 unless it cannot be reasonably located elsewhere and an agreed adaptive management plan is in place to reduce the risk to people's safety and property.
- CE-P12.** Avoid locating new subdivision, use and development in Coastal Erosion Hazard Area 1 where this creates a demand for new hard protection structures in order to reduce the risk from natural hazards to acceptable levels.

- CE-P13.** Reduce the risk to people’s safety and the potential for damage to buildings located in the Coastal Erosion Hazard Area 2 by:
1. Only permitting small relocatable accessory buildings or farm buildings which do not have a floor; and
 2. Consenting a building only where its design ensures the risk of material damage during an coastal erosion event is minimised; and
 3. Encouraging all buildings to be relocatable; and
 4. Where a building is not readily relocatable, requiring an agreed adaptive management plan, which includes triggers for adaptation of the building and/or its demolition and removal of associated infrastructure; and
 5. Ensuring new development is set back from the coastal edge, unless there is a functional or operational need to locate there.
- CE-P14.** Reduce the risk to people’s safety and the potential for damage to buildings located in the Coastal Flood Hazard Area by:
1. Only permitting small relocatable accessory buildings used for non-habitable purposes or farm buildings which do not have a floor; and
 2. Consenting a building only where its design ensures it is not likely to suffer material damage during an inundation event or the risk from inundation can be otherwise avoided, remedied or mitigated; and
 3. Where the building houses a sensitive activity, requiring that it is relocatable; and
 4. Requiring minimum floor levels and a freeboard suitable to the setting that will provide protection from flooding during an extreme coastal inundation event, including 1.0 m of sea level rise; or
 5. Ensuring any new building can readily lifted and suitable triggers for future lifting are clearly identified.
- CE-P15.** Provide for the relocation of existing buildings to a safer position on the same site or outside of a Coastal Hazard Area.
- CE-P16.** Manage earthworks, excavation and filling of land within Coastal Hazard Areas by:
1. Restricting the volume, depth and height of earthworks to avoid exacerbating or intensifying existing coastal hazards or generating the potential for new coastal hazards to arise; and
 2. Ensuring land disturbance activities which require a resource consent are designed and supervised by an appropriately qualified and experienced coastal scientist or coastal engineer; and

3. In the Coastal Flood Hazard Area, ensuring that the potential adverse effects of land disturbance activities on flood storage capacity, overland flows and run-off volumes on surrounding properties and infrastructure, are avoided or mitigated.

CE-P17. Provide for the restoration of coastal ecosystems by local authorities. Where private organisations or individuals wish to undertake restoration works, ensure the values of the area are protected by requiring that the works are designed and supervised by an appropriately qualified and experienced coastal scientist or coastal engineer.

CE-P18. Where new hazard mitigation measures are required to protect people, property, infrastructure or the environment from the risk of coastal hazards, as far as practicable natural buffers and soft hazard protection works must be used in preference to hard protection structures.

CE-P19. Where new hard protection structures or extension/alteration of existing hard protection structures has been determined to be the best practicable option at a site then:

1. As far as practicable, hard protection structures must be designed, scaled and located to avoid adverse effects such as a reduction in beach width, adverse impacts on public beach amenity or on public access to and along the coast; and
2. Hard protection structures and works must not transfer or increase risk to other people, property, infrastructure, the natural environment or scheduled features or sites; and
3. Where new hard protection structures are required, an agreed adaptive management strategy must be in place to manage coastal hazards; and
4. New hard protection structures and works necessary to protect public infrastructure from coastal hazards must have a public and/or environmental benefit at a regional or national scale; and
5. Where the public and/or environmental benefit is at a district scale the economic, social and environmental benefits of new hard protection structures and works necessary to protect public infrastructure from coastal hazards, must outweigh costs.

CE-P20. Protect, maintain and restore natural coastal features including natural ponding areas, coastal dunes, intertidal areas, wetlands, waterbody margins, riparian/coastal vegetation and floodways, particularly where these provide a natural defence against the effects of natural hazards and sea level rise.

CE-P21. So that communities can better respond to and recover from natural hazard events, enable access to information about coastal hazards through:

1. The provision of natural hazard technical information and mapping on the Council's website, the Waikato Regional Council Hazards Portal, this district plan and accompanying planning maps; and
2. The provision of education, provision of information and community engagement; and
3. Alignment with the work of other agencies including Iwi Authorities and the Waikato Regional Council.
4. Awareness and use of information and methods contained in Community Response Plans.

CE-P22. Increase resilience to the projected effects of climate change by:

1. Requiring assessment for new development where relevant, that provides for a projected increase in sea level, as determined by national guidance, but being not less than 1 m by 2120; and
2. Facilitating community discussion on adaptive pathways to manage the risks associated with climate change and incorporating them, where appropriate, into the district plan through plan changes; and
3. Adopting a precautionary approach towards new subdivision, use and development where this may have potentially significant or irreversible adverse effects, but there is incomplete or uncertain information; and
4. Providing sufficient setbacks from the coastal edge when assessing new development; and
5. Protecting natural ecosystems, including opportunities for the inland migration of coastal habitats; and
6. Protecting the ability of natural defences to provide natural hazard mitigation.

Rules

The rules that apply to activities in the coastal environment and to coastal hazards are contained in the tables listed below. To undertake any activity, it must comply with all the rules listed in:

- CE - Table 1 – Activities Rules; and
- CEH - Table 1 – Activities Rules; and
- CEH - Table 2 – Activities Rules; and
- Any relevant provision in Part 2 District-Wide Matters; and
- Any relevant provision in Part 3 Area Specific Matters;

Where an activity breaches more than one rule, the most restrictive status shall apply to the activity.

Refer to [Part 1 - How the Plan Works](#) for an explanation of how to use this Plan, including activity status abbreviations.

Note: Where an activity is not provided for in this table, see the applicable provisions in the underlying zone or district wide chapter.

Note: To assist landowners who have more than one overlay, scheduled feature or site on their property, the [natural environment values index](#) on the website provides an overview and guide of the plan’s provisions.

Coastal environment - natural character

CE - Table 1 – Activities Rules

Buildings

Rule	The rules apply to all zones		The rules apply to all zones except the rural production zone
	Areas of outstanding natural character	Areas of high/very high natural character	Coastal environment
CE-R1.	Any building that is less than or equal to 5 m in height and/or less than or equal to 30 m ² in size.		
	DIS	PER	PER
CE-R2.	Any building that is less than or equal to 5 m in height and/or greater than 30 m ² but less than or equal to 100 m ² in size.		

	The rules apply to all zones		The rules apply to all zones except the rural production zone
Rule	Areas of outstanding natural character	Areas of high/very high natural character	Coastal environment
	NC	RDIS	PER
	<p>Where the activity status is RDIS, the matters over which discretion is restricted are:</p> <ul style="list-style-type: none"> (a) Whether the location and scale of the building detracts from the landscape; and (b) Whether the grouping of buildings detracts from the landscape; and (c) The extent to which the building extends above a ridgeline or coastal headland or dominates a landscape; and (d) Whether the colour and materials integrate the building into the wider landscape; and (e) Whether the building uses low reflectivity glass and building form to minimise reflectivity; and (f) Whether the building is setback from riparian and coastal margins; and (g) The location, timing of construction, design and density of soil disturbance and vegetation removal activities; and (h) Any measures necessary to rehabilitate the land following the completion of the activity; and (i) The protection of existing vegetation and/or mitigation/enhancement planting to assist the visual integration of built form; and (j) Effects on the relationship of mana whenua and their culture and traditions with the site and any wāhi tapu or other taonga affected by the activity; and (k) Measures to avoid, remedy or mitigate adverse effects of the building on the landscape. 		
CE-R3.	Any building that is greater than 5 m but less than or equal to 8 m in height and/or greater than 100 m² but less than or equal to 300 m² in size.		
	NC	DIS	PER
CE-R4.	Any building that is greater than 8 m in height and/or greater than 300 m² in size.		
	NC	DIS	RDIS
	<p>Where the activity status is RDIS, the matters over which discretion is restricted are:</p> <ul style="list-style-type: none"> (a) Whether the location and scale of the building detracts from the coastal environment; and (b) The extent to which the building extends above a ridgeline or coastal headland; and (c) Whether the colour and materials integrate the building into the wider landscape; and (d) Whether the building uses low reflectivity glass and building form to minimise reflectivity; and (e) Whether the building is setback from riparian and coastal margins; and (f) Whether the grouping of buildings detracts from the coastal environment; and 		

	The rules apply to all zones		The rules apply to all zones except the rural production zone
Rule	Areas of outstanding natural character	Areas of high/very high natural character	Coastal environment
	(g) The location, timing of construction, design and density of soil disturbance and vegetation removal activities; and (h) Any measures necessary to rehabilitate the land following the completion of the activity; and (i) The protection of existing vegetation and/or mitigation/enhancement planting to assist the visual integration of built form; and (j) Effects on the relationship of mana whenua and their culture and traditions with the site and any wāhi tapu or other taonga affected by the activity; and (k) Measures to avoid, remedy or mitigate adverse effects of the building on the coastal environment.		
CE-R5.	Any building that is sited on a building platform approved as part of a subdivision consent issued before (plan notification date)		
	PER	PER	PER
<i>Note: All buildings and structures, must also comply with NATC-R2, CEH-R1 and CEH-R2.</i>			

Tanks & silos

	The rules apply to all zones		The rules apply to all zones except the rural production zone
Rule	Areas of outstanding natural character	Areas of high/very high natural character	Coastal environment
CE-R6.	Any tank or silo that is less than or equal to 3.2 m in height and/or has a capacity less than or equal to 30,000 litres or less		
	NC	PER	PER
CE-R7.	Any tank or silo that is greater than 3.2 m in height and/or has a capacity greater than 30,000 litres.		
	NC	RDIS	RDIS

	The rules apply to all zones		The rules apply to all zones except the rural production zone
Rule	Areas of outstanding natural character	Areas of high/very high natural character	Coastal environment
	<p>Where the activity status is RDIS, the matters over which discretion is restricted are:</p> <ul style="list-style-type: none"> (a) The location, scale, materials and colour of the tank or silo and whether these factors detract from the landscape or coastal environment; and (b) The extent to which the structure extends above a ridgeline or coastal headland or dominates the landscape or coastal environment; and (c) Whether the structure is setback from riparian and coastal margins; and (d) The protection of existing vegetation and/or mitigation/enhancement planting to assist the visual integration; and (e) The location, timing of construction, design and density of soil disturbance and vegetation removal activities; and (f) Measures to avoid, remedy or mitigate adverse effects of the activity on the landscape or coastal environment. 		
<p><i>Note: All buildings and structures, must also comply with NATC-R2, CEH-R1 and CEH-R2.</i></p>			

Earthworks

	The rules apply to all zones		The rules apply to all zones except the rural production zone
Rule	Areas of outstanding natural character	Areas of high/very high natural character	Coastal environment
CE-R8.	Earthworks (also see CEH-R3)		
	<p>PER: Where less than or equal to 100m³ per holding per calendar year</p>	<p>PER: Where less than or equal to 500m³ per holding per calendar year (general rural & natural open space zones only)</p> <p>Otherwise see the earthworks chapter</p>	N/A see earthworks chapter

The rules apply to all zones			The rules apply to all zones except the rural production zone
Rule	Areas of outstanding natural character	Areas of high/very high natural character	Coastal environment
	NC: Where greater than 100m ³ per holding per calendar year	RDIS: Where greater than 500m ³ per holding per calendar year (general rural & natural open space zones)	N/A see earthworks chapter
<p>Where the activity status is RDIS, the matters over which discretion is restricted are:</p> <ul style="list-style-type: none"> (a) Whether the location and scale of the earthworks detracts from the landscape; and (b) The extent to which earthworks impact ridgelines or coastal headlands; and (c) For new tracks and driveways, measures taken to follow the contour of the landscape, use visually recessive materials, and avoid large batter slopes or retaining walls; and (d) Whether the earthworks are setback from riparian and coastal margins; and (e) The protection of existing vegetation and/or mitigation/enhancement planting to assist the visual integration; and (f) The extent to which existing vegetation is retained in order to mitigate the effects of slope erosion, sedimentation, water quality degradation and loss of indigenous species habitat; and (g) The location, timing, design and density of soil disturbance and vegetation removal activities; and (h) Any measures necessary to rehabilitate the land following the completion of the activity; and (i) Effects on the relationship of mana whenua and their culture and traditions with the site and any wāhi tapu or other taonga affected by the activity; and (j) Measures to maintain slope stability or prevent exacerbation of any pre-existing deep-seated land instability; and (k) The method of sediment retention and sediment runoff control to be adopted; and (l) Measures to avoid, remedy or mitigate damage to coastal and riparian vegetation or soil; and (m) Measures to avoid, remedy or mitigate the adverse effect of the activity on the landscape; and (n) Measures to control the effect on air quality from objectionable particulate matter. 			
<p><i>Note: All earthworks must also comply with NATC-R4 and CEH-R3.</i></p> <p><i>Note: This rule prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 in areas of outstanding, very high and high natural character.</i></p> <p><i>Note: In the areas of high/very high natural character, for zones other than the general rural zone and natural open space zone, the provisions in the earthworks chapter apply.</i></p>			

Quarrying activities

The rules apply to all zones			The rules apply to all zones except the rural production zone
Rule	Areas of outstanding natural character	Areas of high/very high natural character	Coastal environment
CE-R9.	Farm quarrying and forestry quarrying		
	PR	NC	N/A see zone rules
<p>Where the activity status is RDIS, the matters over which discretion is restricted are:</p> <ul style="list-style-type: none"> (a) Whether the location and scale of the activity detracts from the landscape; and (b) The extent to which the activity impacts ridgelines or coastal headlands; and (c) Measures taken to avoid large batter slopes or retaining walls; and (d) Whether the activity is setback from riparian and coastal margins; and (e) The protection of existing vegetation and/or mitigation/enhancement planting to assist the visual integration; and (f) The extent to which existing vegetation is retained in order to mitigate the effects of slope erosion, sedimentation, water quality degradation and loss of indigenous species habitat; and (g) The location, timing, design and density of soil disturbance and vegetation removal activities; and (h) Any measures necessary to rehabilitate the land following the completion of the activity; and (i) Effects on the relationship of mana whenua and their culture and traditions with the site and any wāhi tapu or other taonga affected by the activity; and (j) Measures to maintain slope stability or prevent exacerbation of any pre-existing deep-seated land instability; and (k) The method of sediment retention and sediment runoff control to be adopted; and (l) Measures to avoid, remedy or mitigate damage to coastal and riparian vegetation or soil; and (m) Measures to avoid, remedy or mitigate the adverse effect of the activity on the landscape; and (n) Measures to control the effect on air quality from objectionable particulate matter. 			
<p><i>Note: All earthworks must also comply with NATC-R4 and CEH-R3.</i></p> <p><i>Note: This rule prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 in areas of outstanding, very high and high natural character.</i></p>			

CE-R10.	Quarrying activities and mineral prospecting and exploration		
	PR	See zone rules for mineral prospecting and exploration NC: Quarrying activities	N/A see zone rules

Hydroseeding

The rules apply to all zones			
Rule	Areas of outstanding natural character	Areas of high/very high natural character	Coastal environment
CE-R11.	Hydroseeding		
	PER	PER	PER

Forestry

The rules apply to all zones			
Rule	Areas of outstanding natural character	Areas of high/very high natural character	Coastal environment
CE-R12.	Plantation forestry afforestation		
	NC	RDIS	See the NES for Plantation Forestry
<p>Where the activity status is RDIS, the matters over which discretion is restricted are:</p> <ul style="list-style-type: none"> (a) The effects of the location, layout, and extent of planting including the arrangement, distribution and choice of species on ecological and geological values of the coastal landscape; and (b) The extent to which existing vegetation is retained in order to mitigate the effects of slope erosion, sedimentation, water quality degradation and loss of indigenous species habitat; and (c) Whether the afforestation is setback from riparian and coastal margins; and (d) The location, timing, design and density of soil disturbance and vegetation removal activities and any rehabilitation measures proposed; and 			

The rules apply to all zones			
Rule	Areas of outstanding natural character	Areas of high/very high natural character	Coastal environment
<p>(e) Effects on the relationship of mana whenua and their culture and traditions with the site and any wāhi tapu or other taonga affected by the activity; and</p> <p>(f) The benefits of afforestation in respect of ecological and geological values of the coastal landscape; and</p> <p>(g) Measures to avoid, remedy or mitigate damage to ecological and geological values of the coastal landscape.</p> <p><i>Note: This rule prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 in areas of outstanding, very high and high natural character.</i></p> <p><i>Note: See the rules in the ecosystems and indigenous biodiversity chapter if the activity is undertaken within a significant natural area.</i></p>			
CE-R13.	Plantation forestry harvesting		
	NC	RDIS	See the NES for Plantation Forestry.
<p>Where the activity status is RDIS, the matters over which discretion is restricted are:</p> <p>(a) The effects of the location and extent of harvesting on landscape values; and</p> <p>(b) Whether the harvesting activity is setback from riparian and coastal margins; and</p> <p>(c) The location, timing, design and density of soil disturbance and vegetation removal activities and any rehabilitation measures proposed; and</p> <p>(d) Effects on the relationship of mana whenua and their culture and traditions with the site and any wāhi tapu or other taonga affected by the activity; and</p> <p>(e) The effects of harvesting in respect of slope stability or exacerbation of any pre-existing deep-seated land instability; and</p> <p>(f) The effects on soil erosion post-harvest; and</p> <p>(g) The extent to which vegetation is retained in order to mitigate the effects of slope erosion, sedimentation, water quality degradation and loss of indigenous species habitat; and</p> <p>(h) The extent of adverse cumulative effects at a catchment scale; and</p> <p>(i) The effect of the activity on traffic safety, efficiency and impacts on roading infrastructure; and</p> <p>(j) Measures to avoid, remedy or mitigate damage to coastal and riparian vegetation or soil; and</p> <p>(k) Measures to avoid, remedy or mitigate adverse effects of the activity on areas of high/very high natural character, including the adverse effects of flood-borne slash and debris damage.</p> <p><i>Note: This rule prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i></p> <p><i>Note: See the rules in the ecosystems and indigenous biodiversity chapter if the activity is undertaken within a significant natural area.</i></p>			

The rules apply to all zones			
Rule	Areas of outstanding natural character	Areas of high/very high natural character	Coastal environment
CE-R14.	Continuous cover forestry and/or sustainable forest management/sustainable harvesting.		
	NC	PER	PER
	<p>For PER Activities:</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The harvesting must be subject to a sustainable forest management plan or permit under Forests Act 1949; and 2. Harvesting must be located at least 10 m from the edge of any water body as measured from the bankfull channel width (see NATC – Figure 1); and 3. Harvesting must not occur within 20 m from the open coast as measured from the toe of the nearest natural bank adjoining the sea, or where that is not able to be defined, from the edge of common terrestrial vegetation. <p>Activity status where compliance is not achieved: RDIS</p> <p>Where the activity is RDIS, the matters over which discretion is restricted are:</p> <ol style="list-style-type: none"> (a) The location and extent of the activity and its effects on the feature and wider landscape; and (b) The location of trees to be harvested; and (c) The area of trees to be harvested on an annual basis; and (d) Whether the harvesting activity is setback from coastal or riparian margins; and (e) The extent to which existing vegetation is retained in order to mitigate the effects of slope erosion, sedimentation, water quality degradation and loss of indigenous species habitat; and (f) The location, timing, design and density of soil disturbance and vegetation removal activities and any rehabilitation measures proposed; and (g) The effects of the activity in respect of indigenous biodiversity, coastal and riparian margin and bank stability and soil erosion; and (h) Measures to avoid, remedy or mitigate adverse effects of the activity on the wider landscape. <p><i>Note: See the rules in the ecosystems and indigenous biodiversity chapter if the activity is undertaken within a significant natural area.</i></p>		

Indigenous vegetation removal

The rules apply to all zones			
Rule	Areas of outstanding natural character	Areas of high/very high natural character	Coastal environment
CE-R15.	Removal of indigenous vegetation outside of a significant natural area		
	NC	RDIS: Where less than or equal to 5000m ² per holding per calendar year	See zone rules except: PER: In the general rural zone where less than or equal to 1 hectare per holding per calendar year
		DIS: Where greater than 5000m ² per holding per calendar year.	See zone rules except: RDIS: In the general rural zone where greater than 1 hectare per holding per calendar year
<p>Where the activity status is RDIS, the matters over which discretion is restricted are:</p> <ul style="list-style-type: none"> (a) Whether the removal of vegetation detracts from the feature or landscape or natural character of the coastal environment; and (b) The adverse effects of cumulative removal of indigenous vegetation; and (c) Whether the vegetation removal is setback from riparian and coastal margins; and (d) The location, timing, design and density of soil disturbance and vegetation removal activities; and (e) Any measures necessary to rehabilitate the land following the completion of the activity; and (f) Effects on the relationship of mana whenua and their culture and traditions with the site and any wāhi tapu or other taonga affected by the activity; and (g) Measures to maintain slope stability or prevent exacerbation of any pre-existing deep-seated land instability; and (h) The method of sediment retention and sediment runoff control to be adopted; and (i) Measures to avoid, remedy or mitigate damage to coastal and riparian vegetation or soil; and (j) Measures to avoid, remedy or mitigate the adverse effects of the activity on the landscape. <p><i>Note: See the rules in the ecosystems and indigenous biodiversity chapter if the activity is undertaken within a significant natural area.</i></p> <p><i>Note: This activity must also comply with NATC-R1.</i></p>			

Caves & sinkholes

The rules apply to all zones			
Rule	Areas of outstanding natural character	Areas of high/very high natural character	Coastal environment
CE-R16.	Creation of new entrances into caves, structures within caves or other modifications to cave features		
	NC	DIS	DIS
CE-R17.	Any earthworks or clearance of vegetation (other than plant pest species or wilding pines) within a 20 m radius of an entry or opening into any cave or sinkhole		
	DIS	DIS	DIS
<i>This rule prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 in areas of outstanding, very high and high natural character.</i>			
CE-R18.	Any fill or rubbish placement into any cave or sinkhole OR within a 20 m radius of an entry or opening into any cave or sinkhole		
	NC	DIS	DIS

Coastal environment – setbacks, earthworks and seawalls

CEH - Table 1 – Activities Rules

Information requirements	
All resource consent applications for land use activities required by this table must provide the information required in Appendix 1 .	
The rules apply to all zones	
CEH-R1.	Buildings and structures adjacent to the open coast

Activity Status: RDIS

Where:

1. This rule applies to land where the proposed structure or building is within the area defined by the greater of either:
 - (i) A distance of 200 m from the coast, or
 - (ii) A distance defined by the intercept of a 1V:2H slope with the land surface, as measured from the current seaward toe of bank or the seaward edge of vegetation; or
 - (iii) For any slopes steeper than 1V:2H, a setback from the top landward edge equal to half the height of the top of the slope.

THEN

2. A site-specific coastal hazard assessment is required; and
3. This rule does not apply to:
 - (i) A maimai or structure associated with a whitebait stand that has an area less than or equal to 4 m²; or
 - (ii) An accessory building of no more than 30 m², that is used for non-habitable purposes; or
 - (iii) A farm building that does not have a floor; or
 - (iv) Park furniture, any new public beach access point or publicly accessible walkway or cycleway; or
 - (v) Domestic septic tank systems or fences.

Matters over which discretion is restricted:

- (a) The findings of any site-specific coastal hazard assessment undertaken by an appropriately qualified and experienced coastal scientist or coastal engineer; and
- (b) Consideration of the projected effects of climate change; and
- (c) Consideration of alternative locations.

Activity status where compliance is not achieved: N/A

Note: where the site is located within a coastal hazard area, the provisions of the coastal hazard area prevail over this rule.

CEH-R2.	Buildings and structures adjacent to Kawhia harbour or adjacent to a river in the coastal marine area
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Activity Status: RDIS

Where:

1. This rule applies to land adjacent to Kawhia harbour and land on the margins of any river which meets the open coast upstream to the boundary of the coastal marine area; and
2. If the proposed structure or building lies within the area defined by the greater of either:
 - (i) A distance of 50 m from the river/harbour margin (as measured from the existing toe of bank); or
 - (ii) A distance defined by the intercept of a 1V:2H slope with the land surface, as measured from the current toe of bank or the seaward edge of vegetation; or
 - (iii) For any slopes steeper than 1V:2H, a setback from the top landward edge equal to half the height of the top of the slope.

THEN

3. A site-specific coastal hazard assessment undertaken by an appropriately qualified and experienced coastal scientist or coastal engineer is required; and
4. This rule does not apply to:
 - (i) A maimai or structure associated with a whitebait stand that has an area less than or equal to 4 m²; or
 - (ii) An accessory building of no more than 30 m², that is used for non-habitable purposes; or
 - (iii) A farm building that does not have a floor; or
 - (iv) Park furniture, any new public beach access point or publicly accessible walkway or cycleway; or
 - (v) Domestic septic tanks systems or fences.

Matters over which discretion is restricted:

- (a) The findings of any site-specific coastal hazard assessment undertaken by an appropriately qualified and experienced coastal scientist or coastal engineer; and
- (b) Consideration of the projected effects of climate change; and
- (c) Consideration of alternative locations.

Activity status where compliance is not achieved: N/A

Note: Where the site is located within a coastal hazard area, the provisions of the coastal hazard area prevail over this rule.

CEH-R3.	Earthworks with 20 m of the coastal marine area	
<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Earthworks up to 15 m³ can occur within 20 m of the coastal marine area - mean high water springs (as measured from the toe of the nearest natural bank adjoining the river/sea, or where that is not able to be defined, from the edge of common terrestrial vegetation), only if the activity is undertaken: <ol style="list-style-type: none"> (i) Under the direction or control of the Department of Conservation, Waikato Regional Council or Waitomo District Council; or (ii) To maintain or construct perimeter fences for stock exclusion; or (iii) For maintenance purposes on or within 2 m of existing roads, tracks or water intake/discharge structures; or (iv) As part of maintenance of existing drains. <p><i>Note: Where the site is located within a coastal hazard area, the provisions of the coastal hazard area prevail over this rule.</i></p>	<p>Activity status where compliance is not achieved: DIS</p>	
CEH-R4.	The maintenance and repair of seawalls	
<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. An existing, lawfully established seawall is being maintained or repaired; and 2. The maintenance and repair does not result in extension or alteration of the seawall; and 3. This rule applies to seawalls located landward of the coastal marine area - mean high water springs. 	<p>Activity status where compliance is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> (a) The location and extent of any extension or alteration and its effects on coastal natural character and coastal processes; and (b) Whether any extension or alteration would create new or exacerbate existing natural hazards; and (c) Whether design, location and/or mitigation measures are proposed to avoid adverse effects such as a reduction in beach width, adverse 	

	impacts on public beach amenity and/or on public access to and along the coast.
CEH-R5.	The removal or demolition of seawalls
<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any visible disturbance including earthworks must be remedied within 48 hours; and 2. This rule applies to seawalls located landward of the coastal marine area - mean high water springs. 	<p>Activity status where compliance is not achieved: RDIS</p> <ol style="list-style-type: none"> (a) The location, timing and density of land disturbance and vegetation removal activities and any rehabilitation measures proposed.

CEH-R6.	New seawalls protecting public infrastructure
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Activity Status: RDIS

Where:

1. This rule applies to seawalls located landward of the coastal marine area - mean high water springs; and
2. A site-specific coastal hazard assessment is required; and
3. This rule applies to seawalls that are necessary to protect public infrastructure of regional and/or national significance; and
4. Seawalls required to protect public infrastructure of local and/or district significance are a discretionary activity.

Where the activity status is RDIS, the matters over which discretion is restricted are:

- (a) The findings of any site-specific coastal hazard assessment undertaken by an appropriately qualified and experienced coastal scientist or coastal engineer; and
- (b) The location and extent of the seawall and its effects on coastal natural character and coastal processes; and
- (c) Whether the seawall would create new or exacerbate existing natural hazards; and
- (d) Whether there is clear evidence of public benefit; and
- (e) Whether a seawall is the best practicable option at that site; and
- (f) Whether design, scale, location and/or mitigation measures are proposed to avoid adverse effects such as a reduction in beach width, adverse impacts on public beach amenity and/or on public access to and along the coast.

CE-R7.	New seawalls protecting private property	
<p>Activity Status: DIS</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The existing building cannot be reasonably relocated further landward or is currently located as far landward as is reasonably practical; and 2. The seawall is entirely on private land; and 3. A site-specific coastal hazard assessment is required; and 4. Seawalls proposed to protect private property that are located on public land are non-complying activities. 	<p>Activity status where compliance is not achieved: NC</p>	

Coastal environment – Coastal hazard areas

CEH - Table 2 – Activities Rules

Information requirements	
All resource consent applications for land use activities or subdivision undertaken within or partially within any coastal hazard area must provide the information required in Appendix 1 .	
The rules apply to all zones	
Where there is a conflict between rules in this plan, the rules in this table prevail	
CEH-R8.	Relocation of an existing building in a coastal hazard area
<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. An existing, lawfully established building (as at plan notification date) which is threatened by coastal erosion or a coastal flood hazard may be relocated to a safer position on the same site or outside of a coastal hazard area as a permitted activity; and 2. For the purposes of this rule, the minimum setback from road boundary requirement in the underlying zone does not apply. 	<p>Activity status where compliance is not achieved: N/A</p>
CEH-R9.	Restoration of coastal ecosystems, park furniture, new public beach access points or publicly accessible walkways and cycleways in all coastal hazard areas
<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity is undertaken by the Waitomo District Council, Waikato Regional Council, or on their behalf by an approved contractor, or a beachcare group endorsed by the Waikato Regional Council. 	<p>Activity status where compliance is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> (a) The findings of any site-specific coastal hazard assessment undertaken by an appropriately qualified and experienced coastal scientist or coastal engineer; and (b) Whether the activity improves public access and /or acts to improve natural coastal character and ecosystems; and

		(c) The location and extent of the works effects on coastal natural character and coastal processes; and (d) Whether the activity would create new or exacerbate existing natural hazards.
CEH-R10.	Construction of park facilities	
Activity Status: PER Where: 1. This rule applies to buildings only; and 2. Any building must be specifically designed to be readily relocated; and 3. Any addition to an existing building is a discretionary activity.	Activity status where compliance is not achieved: DIS	
The following rules apply to the Coastal Flood Hazard Area (CFHA) and Coastal Erosion Hazard Area 2 (CEHA 2) in all zones		
CEH-R11.	Earthworks	
Activity Status: PER Where: 1. The maximum volume of filling above natural ground level must not exceed 20 m ³ per site and or exceed a maximum cumulative volume of filling and excavation of 50 m ³ per site over the lifetime of this plan commencing from (the operative date); and 2. Earthworks must not exceed a maximum height of 0.2 m of filling above natural ground level; and 3. Earthworks must not exceed a maximum depth of excavation of 0.5 m below natural ground level.	Activity status where compliance is not achieved: NC	
CEH-R12.	Buildings no more than 30m² and farm buildings	
Activity Status: PER Where:	Activity status where compliance is not achieved: DIS	

<ol style="list-style-type: none"> 1. Subject to zone requirements, relocatable accessory buildings no more than 30 m² in size are permitted in CEHA 2; and 2. Subject to zone requirements, relocatable accessory buildings no more than 30 m² in size are permitted CFHA but they must only be used for non-habitable purposes; and 3. Subject to zone requirements, farm buildings which do not have a floor are permitted. 	
CEH-R13.	Buildings housing a sensitive activity
<p>Activity Status: DIS</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity is an addition to an existing building or construction of a new relocatable building. 	<p>Activity status where compliance is not achieved: NC</p>
The following rules apply to the Coastal Erosion Hazard Area 1 (CEHA 1) in all zones	
CEH-R14.	Accessory buildings and shipping containers
<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Subject to zone requirements, the accessory building is relocatable and no more than 30 m² in size; and 2. The accessory building is not dependent on construction of a hard protection structure; and 3. The accessory building is not a shipping container. 	<p>Activity status where compliance is not achieved: DIS</p>
CEH-R15.	Earthworks
<p>Activity Status: RDIS</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The maximum volume of filling above natural ground level must not exceed 10 m³ per site and or exceed a maximum cumulative volume of filling and excavation of 30 m³ per site over the lifetime of this plan commencing from (the operative date); and 	<p>Activity status where compliance is not achieved: NC</p>

<p>2. The earthworks must be designed and supervised by an appropriately qualified and experienced coastal scientist or coastal engineer; and</p> <p>3. A site-specific coastal hazard assessment is required.</p> <p>Matters over which discretion is restricted:</p> <p>(a) The findings of any site-specific coastal hazard assessment undertaken by an appropriately qualified and experienced coastal scientist or coastal engineer; and</p> <p>(b) Whether the earthworks have the potential to create, transfer or intensify the risks of coastal hazards or the effects of coastal hazards on adjoining sites or infrastructure.</p>	
<p>CEH-R16.</p>	<p>Construction of all other buildings</p>
<p>Activity Status: DIS</p> <p>Where:</p> <p>1. Only if there is no option within the site to locate a building and/or associated infrastructure (e.g. septic tanks) outside CEHA 1, provision may be made for a building that is specifically designed to be readily relocated.</p>	<p>Activity status where compliance is not achieved: PR</p>
<p>CEH-R17.</p>	<p>Additions to an existing building</p>
<p>Activity Status: NC</p>	<p>Activity status where compliance is not achieved: N/A</p>