

Waitomo District Council

Hearing on submissions on the Proposed Waitomo District Plan

Report and Decisions of the Independent Hearing Commissioners

Decision Report:

Chapter 32. Coastal Environment and Schedule 13
– Coastal Environment Overlay

19 June 2025

Commissioners

Greg Hill (Chair)

Wikitōria Tāne

Allan Goddard

Phil Brodie

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1. Introduction

1. This Decision Report relates to all the submissions received by the Waitomo District Council (Council) on Chapter 32 – Coastal Environment and Schedule 13 – Coastal Environment Overlay. This includes related provisions within the Proposed Waitomo District Plan (PDP) such as Definitions (Chapter 9).
2. The chapter seeks to manage the coastal environment in an integrated manner and to give effect to the New Zealand Coastal Policy Statement 2010 (NZCPS) (to the extent this plan is able given it is a land use plan) and the Waikato Regional Policy Statement (WRPS). The coastal environment chapter manages three environments:
 - The coastal environment overlay broadly demarks the area where coastal processes influence the terrestrial environment.
 - Areas of high/very high natural character which 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.
 - This chapter also sets out provisions for implementing the Waitomo District **Council's functions and duties in relation to coastal hazards**, which include erosion, inundation and flooding.

2. Hearing arrangements

3. The hearing was held in person and online **on 16 and 17 July 2024 in Council's** offices at 15 Queen Street, Te Kuiti. All of the relevant information pertaining to this hearing (i.e., Section 42A Reports, legal submissions and evidence) is **contained on Council's website**.
4. The following parties submitted on this Chapter.

Submission No	Submitter
53	Department of Conservation
47	Royal Forest and Bird protection Society of New Zealand Incorporated
10	Waikato Regional Council
46	Federated Farmers
17	Waka Kotahi NZ Transport Agency
31	Transpower New Zealand Limited
03	Heritage New Zealand Pouhere Taonga
38	Te Tokanganui-a-noho Whare

Submission No	Submitter
50	Te Nehenehenui Trust
FS03	Department of Conservation
FS19	PF Olsen
FS20	Sheryl Paekau
FS23	Te Nehenehenui
FS05	Federated Farmers
FS30	Transpower New Zealand Limited

5. The Panel heard from Ms Sarah Knott, Mr Luis Alejandro Cifuentes and Mr Rick Liefing of the Waikato Regional Council, and Ms Frances Casey, Mr Peter Match and Chris Irons for Federated Farmers, at the hearing on 16 July 2024. Evidence was not presented at the hearing on this Chapter by any other party.

3. Submitter evidence

6. In their verbal evidence and in response to questions from the Panel, the WRC witnesses raised the following matters:

7. There is inconsistency in the application and intent of the coastal hazard areas with regards to terminology and approach. Mr Liefing requested the following amendments in his evidence:

- the following inconsistencies between CE-P14.4 and NH-R5.3 be resolved.
- Use of a defined AEP in NH-R5.3, no AEP defined in CE-P14.4.
- No inclusion of climate change in NH-R5.3 whereas climate change is included in CE-P14.4.
- No defined freeboard or clear methodology to inform a finished floor level in CE-P14.4.

8. Mr Liefing sought an explanation for why only a part of the coastal hazard area is considered and included for Awakino, and requested the following amendment to the overview:

In Kiritihere 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.

9. He also requested a **definition for an 'extreme coastal inundation event' or removing the word 'extreme' from CE-P14.4.**

10. In their verbal response to questions from the Panel, **the Federated Farmer's** witnesses:

- Sought an amendment to CE-P1.3 and CE-P13.5 to provide for existing use rights for farming operations within the coastal environment and coastal hazard areas. In Mr **Match's** evidence he also addressed issues of

access across private property and requested greater flexibility for building sizes, earthwork volumes etc for existing and lawfully established activities at a level of operation that he considered were more realistic for farming operations.

11. The other submitters on this Chapter did not appear at the hearing. However, it is noted that they either submitted evidence accepting the recommendations in the Section 42A Report, or have accepted the further amendments in the Section 42A Addendum or the reasons why their relief sought was rejected.

4. Panel decision

12. Having considered the submissions and evidence presented, the Panel **acknowledged the general support for the PDP's amended provisions.**
13. The Panel agrees with the aim of the Chapter, which is to set out the approach to managing the coastal environment in an integrated manner and to give effect to 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. The panel found that:
 - It is necessary to ensure that activities in the coastal environment are appropriate in relation to the level of natural character and that new activities and development should be consolidated within existing locations that have been developed or modified, and where possible the potential for restoration, rehabilitation or enhancement of natural character to mitigate the adverse effects of an activity should be provided for.
 - The values and character of the areas of outstanding natural character identified in SCHED10 are recognised and protected from inappropriate subdivision, use and development, and the qualities and values of the high and very high natural character areas identified in SCHED11 are recognised, protected and enhanced.
 - It is necessary to 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, and avoiding new subdivision, use and development in coastal hazard areas where it will increase the risk to or vulnerability of people or communities.
14. In considering the request from Mr Liefing to make the following amendments:
 - the inconsistencies between CE-P14.4 and NH-R5.3 be resolved.
 - use of a defined AEP in NH-R5.3, no AEP defined in CE-P14.4.
 - no inclusion of climate change in NH-R5.3 whereas climate change is included in CE-P14.4.
 - no defined freeboard or clear methodology to inform a finished floor level in CE-P14.4.
15. The Panel notes that the terminology used in the Plan is consistent with the terminology used the higher order policy documents (WRPS and the NZCPS), and

that it would not be appropriate to use terminology that is inconsistent with those documents.

16. In relation to the request to have a defined AEP that is used in NH-R5.3 in CE-P14.4, the Panel considers it would not be appropriate to use such specific metrics in a Policy. Also, the Panel notes that the matters raised by WRC would likely be provided for in APP1.3, which specifies the level of assessment required for a resource consent application that is within a coastal hazard area.
17. The Panel considers that the requested change to the overview as set out below is acceptable, and notes agreement between the Section 42A Report writer and WRC on this amendment.

In Kiritihere 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.

18. The Panel does not agree with the request from WRC that a definition be provided **for an 'extreme coastal inundation event' or remove the word 'extreme' from CE-P14.4**, as it considers that it is not necessary to provide a specific definition for what is considered extreme coastal inundation, as it is considered that use of the word extreme does not change the intent of the policy.
19. The Panel notes the concerns raised by Federated Farmers in relation to ensuring that existing farming activities are allowed to continue in the coastal environment, given the importance of farming activities to the Waitomo district and its economy. However, in considering the requested amendments by Federated Farmers, the Panel agrees with the recommendations and analysis as set out in the Section 42A Report and Section 42A Addendum and does not consider any amendments should be made as a result of the evidence submitted for the following reasons:
 - In respect of providing for lawfully established farming activities, this matter is enshrined in section 10 of the RMA.
 - The activities and buildings provided for in the coastal environment are considered to be sufficient for farming purposes (i.e. tanks and silos, buildings up to 300m² are permitted, earthworks and farm quarrying are not restricted in the coastal environment overlay – the general rural zone rules apply and removal of indigenous vegetation outside of a significant natural area is permitted up to 1 hectare per calendar year (beyond that amount a restricted discretionary consent is required).
20. Otherwise, unless stated in the Panel decision above, the Panel has elected to adopt the recommendations in the Section 42A Report and the Section 42A Addendum Report on this chapter.

5. Conclusion

21. The Panel accepts the recommendations in the section 42A reports and where noted above, the evidence filed by the submitters. The reasons for this are those set out in the section 42A reports, the evidence, and provided in this Decision; collectively forming the section 32AA assessment informing this Decision.
22. Overall, the Panel is satisfied that the provisions of chapter, as amended, will provide a suitable framework for managing the coastal environment in an integrated manner and to give effect to the NZCPS and WRPS.

23. The Panel accepts, accepts in part, or rejects the submissions as set out in the Section 42A Report and the Section 42A Addendum.

For the Hearing Panel

A handwritten signature in black ink, appearing to read "Greg Hill", followed by a period.

Greg Hill, Chair

Dated: 19 June 2025

6. Appendix 1 – Submitter Table

Coastal Environment – Submission points in order of s42A report

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
53.53	Department of Conservation (DOC)	Support	Whole chapter	Retain as notified, except where specific changes are requested below.	Accept in part
03.150	Heritage New Zealand Pouhere Taonga (NZHPT)	Support	CE-P8	That CE-P8 is retained.	Accept
38.80	Te Tokanganui-a-noho Whare (TTRMC)	Support	CE-P8	Retain CE-P8 as notified.	Accept
FS20.109	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Kohanganui Whare be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land.	Accept
50.23	Te Nehenehenui	Support	CE-P8. Restricted discretionary criteria relating to 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	Retain the following provisions in the Coastal environment chapter: CE-P8. Retain the restricted discretionary criteria relating to 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.	Accept
FS20.221	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te	Accept

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
				Nehenehenui Trust be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land	
FS20.237	Sheryl Paekau	Support in part		I seek that this submission be given consideration and take into account the barriers that Maaori must overcome in order to use their land sustainably in the future.	Accept
38.81	TTRMC	Support	CE	Retain the restricted discretionary criteria relating to 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 in the Coastal Environment chapter	Accept.
FS20.110	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Kohanganui Whare be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land.	Accept
18.27	Auckland Waikato Fish and Game (AWFG)	Support	CEH-R1 and CEH-R2	Retain as notified.	Accept
17.76	Waka Kotahi	Support	CEH-R6	Retain as notified.	Accept
47.152	F&B	Support with amendment	Overview	Amend the overview of the Coastal Environment chapter to add an explanation of how the plan gives effect to the NZCPS particularly with respect to which chapters address	Reject

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
				<p>Policies 11, 13, 14 and 15 of the NZCPS.</p> <p>And</p> <p>Make amendments to the overview of the Coastal Environment chapter as needed to give effect to the NZCPS.</p> <p>And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p>	
47.153	F&B	Support with amendment	Overview CEHA 2	<p>Amend the wording of CEHA 2 as follows:</p> <p>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 of <u>the projected increase in sea level, as determined by national guidance, but expected to be not less than 1m by 2120.</u></p> <p>And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p>	Reject.
10.110	WRC	Amend	CEHA-2 (page 2)	<p>Amend the wording so that it is consistent with the wording used in CE-P22.2. For example: "The Coastal Erosion Hazard Area 2 (CEHA 2) which is the area likely to be</p>	Reject

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
				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 of the <u>projected increase in sea level, as determined by national guidance, but being not less than 1m by 2120.</u> "	
10.111	WRC	Amend	CFHA (page 3)	<p>Provide reasoning for why only a part of the coastal hazard area is considered and included for Awakino.</p> <p>In addition, WRC recommends amending the wording of the following sentence:</p> <p>"In Awakino, Marokopa and Kiritehere the upstream area is also the 1% AEP floodplain is based off the 1% AEP <i>coastal or river flooding</i> extent because ... "</p>	Accept in part
47.150	F&B	Oppose	General	<p>Amend the CE chapter to include policy direction and rules that avoid significant adverse effects and remedy or mitigate other adverse effects on natural character, landscapes and features in the coastal environment that are not identified as outstanding or high/very high.</p> <p>And</p> <p>Any consequential changes or</p>	Reject

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
				alternative relief to achieve the relief sought.	
47.151	F&B	Oppose with amendment	General	Amend the Coastal Environment chapter to combine the objectives and policies so that there is only one set and numbers are consecutive for objectives and then policies. Retain the use of subheadings as relevant. And Any consequential changes or alternative relief to achieve the relief sought.	Reject
46.65	FF	Oppose with amendment	Objectives and policies Coastal Hazards	Amend objectives and policies for Coastal Hazards to recognise and provide for: the functional need of certain activities to be in areas where the resource is located; and existing and lawfully established activities to continue to operate. And Any consequential amendments required as a result of the relief sought.	Reject
FS23.235	TNN	Oppose		Oppose where this conflicts with cultural values	Accept
53.54	DOC	Oppose	CE-O1	Replace the proposed CE-O1 with the following or with words to like effect: <u>The natural character of the coastal environment is protected from inappropriate subdivision, use and</u>	Reject

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
				<u>development</u>	
47.154	F&B	Oppose with amendment	CE-O1	Amend CE-O1 to set out that natural character will be protected. And Any consequential changes or alternative relief to achieve the relief sought.	Reject
FS05.119	FF	Oppose		Decline the relief sought	Accept
FS30.47	Transpower	Oppose in part		Transpower is not opposed to amendment to O1 to give effect to the NZCPS Policy 13, however should the objective be amended, seeks amendment to also refer to 'inappropriate subdivision, use and development	Accept
46.64	FF	Support with amendment	CE-O2	Amend CE-O2 to clarify that the wording encompasses on-going farming operations; And Retain CE-O2 if it encompasses on-going farming operations. Or Amend CE-O2 so that it specifically refers to the on-going operation of existing and lawfully established activities such as farming. And Add a policy for natural character which provides for the on-going operation of existing and lawfully established activities such as	Reject

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
				farming within natural character areas; And Any consequential amendments required as a result of the relief sought.	
53.61	DOC	Seeks clarification	CE-O5	Amend CE-O5 as follows or with relief to like effect: Ensure that coastal communities are resilient to the risks that natural hazards <u>and climate change</u> 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.	Reject
FS19.166	PF Olsen	Support in part		Allow submission points as amended to apply to all primary industry	Reject
53.55	DOC	Support in part	CE-P1	Amend CE-P1 with following or with words to like effect: When considering the appropriateness of subdivision, land use or development activities, ensure the natural character qualities of the coastal environment are preserved by: Encouraging any new activities to consolidate within and around	Accept in part

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
				<p>existing developments or in locations where the natural character values have already been compromised; and</p> <p>Avoiding the sprawl of development along the coastline; and</p> <p>Assessing the functional and operational need of the activity being located in the coastal environment; and</p> <p>Recognising the potential for restoration, rehabilitation or enhancement of natural character to mitigate the adverse effects of an activity; and</p> <p>Ensuring sufficient development setbacks are in place; and</p> <p>Ensuring any earthworks in close proximity to the coastline are restricted to <u>activities that have a functional or operational need to locate in the coastal environment</u> 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</p> <p>Avoiding significant adverse effects of subdivision, use and development where it would damage, diminish or</p>	

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
				<p>compromise natural character or public access to the coastline and <u>avoid remedy or mitigate other adverse effects</u>; and</p> <p>Allowing for seawall maintenance and repair and enabling seawalls where they protect public infrastructure; and</p> <p>Encouraging alternatives to hard protection structures; and</p> <p>. Avoiding activities that damage the stability of coastal dune systems; and</p> <p>. Avoiding developments in locations that are of significance to mana whenua; and</p> <p>. Ensuring that activities are carried out in a way that maintains or enhances water quality in the coastal environment; and</p> <p>. Providing for the continued operation of lawfully established farming activities; and</p> <p>. Recognising and protecting the following natural elements, patterns, processes and experiential qualities which contribute to natural character of the coastal environment:</p> <p>Areas in their natural states or close</p>	

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
				<p>to their natural state; and</p> <p>Coastal landforms and landscapes; and</p> <p>Coastal physical processes, including the movement of water and sediment; and</p> <p>Biodiversity; and</p> <p>Biological processes and patterns; and</p> <p>Water flows and levels, and water quality; and</p> <p>The experience of the above elements, patterns and processes.</p>	
47.155	F&B	Oppose with amendment	CE-P1	<p>Amend CE-P1 to give effect to Policy 13 of the NZCPS.</p> <p>And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p>	Reject
47.156	F&B	Support with amendment	CE-P1.1	<p>Amend CE-P1.1 as follows:</p> <p>Encouraging any new activities to consolidate within and around existing developments, or, in <u>areas that are identified as not having significant natural values</u>, locations where the natural character values have already been compromised.</p> <p>And</p>	Reject

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
				Any consequential changes or alternative relief to achieve the relief sought.	
10.112	WRC	Amend	CE-P1.1	Amend the wording to (or similar): "Encouraging any new activities to consolidate within and around existing developments, or in <u>areas that are identified as not possessing significant natural values</u> locations where the natural character values have already been compromised."	Reject
FS03.49	DOC	Support		Allow	Accept
47.157	F&B	Support with amendment	CE-P1.8	Amend CE-P1.8 as follows: ... where they protect public infrastructure, <u>but not providing seawalls for the protection of private property</u> ; and And Any consequential changes or alternative relief to achieve the relief sought.	Reject
10.113	WRC	Amend	CE-P1.8	Amend the wording to (or similar): "8. Allowing for seawall maintenance and repair and enabling seawalls where they protect public infrastructure, <u>but not providing sea walls for the protection of private property</u>; and"	Reject

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
FS03.50	DOC	Support		Allow	Reject
17.74	Waka Kotahi	Support	CE-P1.8	Retain as notified.	Accept
46.62	FF	Support with amendment	CE-P1	Retain clauses 3 and 13 in CE-P1. And Amend CE-P1 clause 7 to address the issues related to public access across private property and the related health and safety issues. And Any consequential amendments required as a result of the relief sought.	Reject.
31.71	Transpower	Amend	Chapter and CE-P1, P3, P5, P6 and P7	Amend Chapter 32 - Coastal Environment to recognise the National Grid, specifically CE-P1, CE-P3, CE-P5, CE-P6 and CE-P7, to give effect to the NPSET in the event that the specific Chapter 19 National Grid policies do not prevail. And Any consequential amendments.	Reject
FS03.66	DOC	Oppose in part		Disallow in part	Accept
53.56	DOC	Support	CE-P2	Retain as notified.	Accept
46.63	FF	Oppose with amendment	CE-P2	Add a new clause to CE-P2 as follows: <u>6. Engage with private landowners over which public access is sought so that a formal agreement can be reached on what suitable and appropriate public access should be</u>	Reject

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
				<u>developed.</u> And Any consequential amendments required as a result of the relief sought.	
FS23.234	Te Nehenehenui	Oppose		Oppose where this conflicts with cultural values	Reject
53.57	DOC	Support in part	CE-P3	Amend CE-P3 as follows or with words to like effect: Protect indigenous biodiversity, including <u>but not limited to</u> significant natural areas, located in the coastal environment overlay by: Avoiding adverse effects on: <u>indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;</u> <u>taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;</u> <u>indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;</u>	Reject

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
				<p><u>habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;</u></p> <p><u>areas containing nationally significant examples of indigenous community types; and</u></p> <p><u>areas set aside for full or partial protection of indigenous biological diversity under other legislation;</u></p> <p>Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:</p> <p>Areas of predominately indigenous vegetation in the coastal environment; and</p> <p>Habitats in the coastal environment that are important during the vulnerable life stages of indigenous species; and</p> <p>) 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</p> <p>) Habitats of indigenous species that</p>	

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
				<p>are important for recreational, commercial, traditional or cultural purposes; and</p> <p><u>Habitat, including areas and routes, important to migratory species; and</u></p> <p>) Ecological corridors, areas and routes important to indigenous and migratory species.</p> <p>Maintaining <u>Protecting</u> or enhancing:</p> <p>The habitats of wading/coastal birds including breeding, feeding, roosting sites; and</p> <p>Whitebait spawning areas;</p> <p>Recognising that adverse effects on indigenous biodiversity within the coastal environment are cumulative and controlling <u>minimising</u> these adverse effects to protect and enhance indigenous biodiversity.</p>	
10.114	WRC	Amend	CE-P3.1(i)	<p>Amend the wording to (or similar):</p> <p>"(i) Areas containing nationally significant examples of indigenous flora or fauna community types; and"</p>	Reject
FS03.51	DOC	Support		Allow	Accept
10.115	WRC	Amend	CE-P3.2(i)	<p>Amend the wording to (or similar):</p> <p>"Areas of predominately indigenous vegetation in the coastal</p>	Reject

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
				environment; and"	
FS03.52	DOC	Support		Allow	Accept
10.116	WRC	Amend	CE-P3.3(ii)	Amend the wording to (or similar): "(ii) <u>Inanga/Whitebait</u> spawning areas;"	Accept
47.158	F&B	Oppose with amendment		Delete CE-P3. Or Amend CE-P3 to clarify why this is included in the CE chapter when biodiversity is addressed in the ECO chapter. And Any consequential changes or alternative relief to achieve the relief sought.	Reject
03.149	NZHPT	Support	CE-P5	That CE-P5 is retained.	Accept
53.58	DOC	Support in part	CE-P5	Amend CE-P5 as follows or with words to like effect: Controlling Minimising activities in the coastal environment which would result in outcomes such as: An increased threat from animal and plant pests; and/or An increase in noise, visual and physical disturbance adversely	Reject

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
				affecting indigenous species; and/or Adverse effects on the cultural values and spiritual relationships of mana whenua	
53.59	DOC	Support in part	CE-P6	Amend CE-P6.6 as follows or with words to like effect: 6. Avoiding or minimising the removal of indigenous vegetation; and	Reject
FS05.147	FF	Oppose		Decline the relief sought	Accept
47.159	F&B	Oppose with amendment	CE-P6	Amend CE-P6 to include wording of NZPCS Policy 13(1)(a).	Reject
47.160	F&B	Oppose with amendment	CE-P7	Amend CE-P7 to include wording of NZPCS Policy 13(1)(b). And Amend CE-P7 to ensure that policy direction in this respect is extended to all natural character that is not outstanding. And Any consequential changes or alternative relief to achieve the relief sought.	Reject.
03.151	NZHPT	Support	CE-P9	That CE-P9 is retained.	Accept
10.117	WRC	Oppose	CE-P9	Amend the wording to: "Provide for the appropriate use of natural resources—assets , including land and water, within areas of outstanding, high and very high natural character by:"	Reject

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
47.161	F&B	Oppose	CE-P9	Delete CE-P9.	Reject
FS19.97	PF Olsen	Oppose		Disallow submission point	Accept
53.60	DOC	Support in part	CE-P9	Amend CE-P9.3 and CE-P9.4 as follows or with relief to like effect: 3. — Allowing for limited vegetation removal for scientific purposes; and Allowing for limited earthworks and vegetation removal for the purposes of track maintenance and establishment of fence lines.	Reject
53.62	DOC	Support with amendment	CE-P13	The term "coastal edge" , used in clause 5 is not defined in the PDP. The D-G seeks clarification as to it's meaning and requests that it receives a definition, is mapped or otherwise deleted.	Reject
10.118	WRC	Amend	CE-P14.4	Provide a definition for an 'extreme coastal inundation event' or removing the word 'extreme' from the policy: "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;"	Reject
10.119	WRC	Amend	CE-P17	Amend the wording to: "Provide for the restoration of coastal	Accept

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
				ecosystems by local authorities <u>or contractors and beachcare groups endorsed by local authorities</u> . 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. "	
FS23.52	TNN	Oppose		<p>Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the taiao as guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto's Environmental Management Plan.</p> <p>Where submission points do not align with this, or have the potential to negatively impact on iwi, hapu, whanau cultural values, sites, the taiao and all taonga within TNN area of interest, TNN opposes and requests that Waitomo District Council consider this when finalising the review.</p>	Reject
17.75	Waka Kotahi	Support in part	CE-P19.4	Waka Kotahi seeks clarification on if Council consider that protection of Regionally Significant Infrastructure (i.e. the State Highway) would be considered a public benefit at a regional scale.	Accept

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
46.66	FF	Oppose with amendment	Rules	Amend rules in Coastal Environment to provide for more realistic building sizes, earthwork volumes etc for existing and lawfully established activities and operations. And Any consequential amendments required as a result of the relief sought.	Reject
FS03.96	DOC	Oppose in part		Disallow	Accept
FS23.236	TNN	Oppose		Oppose where this conflicts with cultural values	Accept
53.63	DOC	Support with amendment	CE-R6	Amend CE-R6 with the following or with relief to like effect: CE-R6 Areas of high/very high natural character RDIS	Reject
27.48	Hort NZ	Oppose with amendment	CE -R8 Earthworks	Amend CE-R8 to include ancillary rural earthworks as a permitted activity.	Reject
FS23.88	Te Nehenehenui	Oppose in part		Te Nehenehenui have stated support for other submitters submission points that may be in conflict with this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for.	Accept
53.64	DOC	Support with	CE-R8, CE-R9, CE-R10,	Add a new or amend the relevant	Reject.

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
		amendment	CE-R12, CE-R13 Matters of discretion	<p>matters of discretion with the following or with relief to like effect:</p> <p><u>Measures to avoid significant adverse effects and avoid remedy, or mitigate other adverse effects of activities on...</u></p> <p>This relief is to be added to any matters of discretion that address effects on indigenous biodiversity, vegetation clearance, high or very high natural character and landscape.</p>	
FS19.48	PF Olsen	Oppose		Disallow submission point	Accept.
27.49	Hort NZ	Support with amendment	CE-R15 Indigenous vegetation removal	<p>Delete CE- R15. And Add a new rule to the Coastal Environment chapter as follows:</p> <p><u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-1</u></p> <p><u>The earthworks or indigenous vegetation clearance is:</u></p> <p><u>required for the repair or maintenance</u></p> <p><u>required to provide for safe and reasonable clearance for existing overhead power lines.</u></p> <p><u>necessary to address a risk to public health and safety.</u></p> <p><u>for removal of unwanted organisms</u></p>	Reject.

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
				<u>under the Biosecurity Act 1993.</u> <u>for the sustainable non-commercial harvest of plant material for rongoā Māori.</u>	
FS23.89	Te Nehenehenui	Oppose in part		Te Nehenehenui have stated support for other submitters submission points that may be in conflict with this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for.	Accept
21.14	NZDF	Support with amendment	New Rule CE Table 1 (natural character)	<p>Add new a rule to the Coastal Environment chapter under CE- Table 1 (natural character) as follows:</p> <p><u>CE-Rx: Any building or structure that is associated with Temporary Military Training Activities</u></p> <p><u>Activity status: PER Where:</u></p> <ul style="list-style-type: none"> <u>The structure is in place for a maximum period of 31 consecutive days (excluding set up and pack down activities).</u> <u>No permanent structures are constructed (unless the building or structure and its use comply with all other permitted activity rules).</u> 	Reject
21.15	NZDF	Support with	New Rule CEH - Table1	Add new Rule to the Coastal Environment chapter under CEH -	Reject

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
		amendment	(setbacks, earthworks and seawall),	<p>Table 1 (setbacks, earthworks and seawall) as follows:</p> <p><u>CE-Rx: Any building or structure that is associated with Temporary Military Training Activities</u></p> <p><u>Activity status: PER Where:</u></p> <p><u>. The structure is in place for a maximum period of 31 consecutive days (excluding set up and pack down activities).</u></p> <p><u>. No permanent structures are constructed (unless the building or structure and its use comply with all other permitted activity rules).</u></p>	
21.16	NZDF	Support with amendment	New Rule CEH Table 2 (coastal hazard areas).	<p>Add new Rule to the Coastal Environment chapter under CEH - Table 2 (coastal hazard areas) as follows:</p> <p><u>CE-Rx: Any building or structure that is associated with Temporary Military Training Activities</u></p> <p><u>Activity status: PER Where:</u></p> <p><u>. The structure is in place for a maximum period of 31 consecutive days (excluding set up and pack down activities).</u></p>	Reject

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
				<u>No permanent structures are constructed (unless the building or structure and its use comply with all other permitted activity rules).</u>	

7. Appendix 2 – Decisions Version of the Chapter

Coastal environment | Taiao Takutai

Natural character and coastal hazards

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 [SCH13](#) 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 Kiritihere and Marokopa, a simplified 2D model is employed to identify these areas and in Awakino the area is estimated, 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

CE-O1. Ensure that activities in the coastal environment are appropriate in relation to its level 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 and operational need 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 activities that have a functional or operational need to locate in the coastal environment, 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) **Indigenous taxa listed as 'Threatened' or 'At Risk' in the New Zealand Threat Classification System lists or taxa listed as threatened by the international Union of Nature and Natural Resources;** and
 - (ii) Areas of predominately indigenous vegetation in the coastal environment; and
 - (iii) Habitats in the coastal environment that are important during the vulnerable life stages of indigenous species; and
 - (iv) 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
 - (v) Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes; and
 - (vi) 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) Inanga/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 outcomes such as:

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. 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

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-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 commercial forestry.

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

1. Ensuring that significant adverse 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 commercial forestry only where there is a clear and on-going land stability benefit and the ensuing operations avoid, remedy, or mitigate effects on 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

- CE-O5. 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-O6. Avoid new subdivision, use and development in coastal hazard areas where it will increase the risk to or vulnerability of people or communities.
- CE-O7. 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-O8. 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 or contractors and beachcare groups endorsed 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 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.

Coastal environment - natural character

CE - Table 1 – Activities Rules

Buildings

	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-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.		
	NC	RDIS	PER

	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 RDI S, 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 m ² but less than or equal to 300 m ² in size.		
	NC	DIS	PER
CE-R4.	Any building that is greater than 8 m in height and/or greater than 300 m ² in size.		
	NC	DIS	RDI S
	<p>Where the activity status is RDI S, 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 (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 		

	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
	(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 20 October 2022		
	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 50,000 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 50,000 litres		
	NC	RD IS	RD IS
	Where the activity status is RD IS, the matters over which discretion is restricted are: (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		

	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
	(f) Measures to avoid, remedy or mitigate adverse effects of the activity on the landscape or coastal environment.		
Note: All buildings and structures, must also comply with NATC-R2, CEH-R1 and CEH-R2.			

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)		
	PER: Where less than or equal to 100 m ³ per holding per calendar year	PER: Where less than or equal to 500 m ³ per holding per calendar year (general rural & natural open space zones only) Otherwise see the earthworks chapter	N/A see earthworks chapter
	NC: Where greater than 100 m ³ per holding per calendar year	RDIS: Where greater than 500 m 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 		

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
	<div>(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</div> <div>(j) Measures to maintain slope stability or prevent exacerbation of any pre-existing deep-seated land instability; and</div> <div>(k) The method of sediment retention and sediment runoff control to be adopted; and</div> <div>(l) Measures to avoid, remedy or mitigate damage to coastal and riparian vegetation or soil; and</div> <div>(m) Measures to avoid, remedy or mitigate the adverse effect of the activity on the landscape; and</div> <div>(n) Measures to control the effect on air quality from objectionable particulate matter.</div>		
<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 Commercial 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> <p>(a) Whether the location and scale of the activity detracts from the landscape; and</p> <p>(b) The extent to which the activity impacts ridgelines or coastal headlands; and</p> <p>(c) Measures taken to avoid large batter slopes or retaining walls; and</p> <p>(d) Whether the activity is setback from riparian and coastal margins; and</p> <p>(e) The protection of existing vegetation and/or mitigation/enhancement planting to assist the visual integration; and</p> <p>(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</p> <p>(g) The location, timing, design and density of soil disturbance and vegetation removal activities; and</p>		

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
	<div>(h) Any measures necessary to rehabilitate the land following the completion of the activity; and</div> <div>(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</div> <div>(j) Measures to maintain slope stability or prevent exacerbation of any pre-existing deep-seated land instability; and</div> <div>(k) The method of sediment retention and sediment runoff control to be adopted; and</div> <div>(l) Measures to avoid, remedy or mitigate damage to coastal and riparian vegetation or soil; and</div> <div>(m) Measures to avoid, remedy or mitigate the adverse effect of the activity on the landscape; and</div> <div>(n) Measures to control the effect on air quality from objectionable particulate matter.</div>		
<div>Note: All earthworks must also comply with NATC-R4 and CEH-R3.</div> <div>Note: This rule prevails over the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 in areas of outstanding, very high and high natural character.</div>			
CE-R10.	Quarrying activities and mineral prospecting and exploration		
	PR	<div>See zone rules for mineral prospecting and exploration</div> <div>NC: Quarrying activities</div>	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

The rules apply to all zones			
Rule	Areas of outstanding natural character	Areas of high/very high natural character	Coastal environment
CE-R12.	Commercial forestry afforestation		
	NC	RDIS	See the NES for Commercial 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 (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 (f) The benefits of afforestation in respect of ecological and geological values of the coastal landscape; and (g) Measures to avoid, remedy or mitigate damage to ecological and geological values of the coastal landscape. <p><i>Note: This rule prevails over the Resource Management (National Environmental Standards for Commercial 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.	Commercial forestry harvesting		
	NC	RDIS	See the NES for Commercial 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 and extent of harvesting on landscape values; and (b) Whether the harvesting activity is setback from riparian and coastal margins; and (c) The location, timing, design and density of soil disturbance and vegetation removal activities and any rehabilitation measures proposed; and (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 (e) The effects of harvesting in respect of slope stability or exacerbation of any pre-existing deep-seated land instability; and (f) The effects on soil erosion post-harvest; and (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 (h) The extent of adverse cumulative effects at a catchment scale; and 			

<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 Commercial 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>			
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 5000 m 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 5000 m 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) Adverse effects associated with the clearance of indigenous vegetation including on indigenous species and their habitats; and(d) Whether the vegetation removal is setback from riparian and coastal margins; and(e) The location, timing, design and density of soil disturbance and vegetation removal activities; and(f) Any measures necessary to rehabilitate the land following the completion of the activity; and(g) 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(h) Measures to maintain slope stability or prevent exacerbation of any pre-existing deep-seated land instability; and(i) The method of sediment retention and sediment runoff control to be adopted; and(j) Measures to avoid, remedy or mitigate damage to coastal and riparian vegetation or soil; and(k) 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, wilding pines, or when required in emergency situations such as the recovery of stock) 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 Commercial 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 10 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: RDI S

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: 	<p>Activity status where compliance is not achieved: DIS</p>

<p>(i) Under the direction or control of the Department of Conservation, Waikato Regional Council or Waitomo District Council; or</p> <p>(ii) To maintain or construct perimeter fences for stock exclusion; or</p> <p>(iii) For maintenance purposes on or within 2 m of existing roads, tracks or water intake/discharge structures; or</p> <p>(iv) As part of maintenance of existing drains.</p> <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>	
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
<p>Activity Status: RDIS</p> <p>Where:</p> <ol style="list-style-type: none"> 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. <p>Where the activity status is RDIS, the matters over which discretion is restricted are:</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) 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. 	
CEH-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 .	
<p>The rules apply to all zones</p> <p>Where there is a conflict between rules in this plan, the rules in this table prevail</p>	
CEH-S1.	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 20 October 2022 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-S2.	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-S3.	Construction of park facilities	
<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 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
<p>The following rules apply to the Coastal Flood Hazard Area (CFHA) and Coastal Erosion Hazard Area 2 (CEHA 2) in all zones</p>		
CEH-S4.	Earthworks	
<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The maximum volume of filling above natural ground level must not exceed 20 m³ per site and or exceed a maximum cumulative volume of filling and excavation of 50 m³ 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-S5.	Buildings no more than 30 m ² and farm buildings	
<p>Activity Status: PER</p> <p>Where:</p> <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. 		Activity status where compliance is not achieved: DIS

CEH-S6.	Buildings housing a sensitive activity	
Activity Status: DIS Where: <ol style="list-style-type: none"> 1. The activity is an addition to an existing building or construction of a new relocatable building. 		Activity status where compliance is not achieved: NC
The following rules apply to the Coastal Erosion Hazard Area 1 (CEHA 1) in all zones		
CEH-S7.	Accessory buildings and shipping containers	
Activity Status: PER Where: <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. 		Activity status where compliance is not achieved: DIS
CEH-S8.	Earthworks	
Activity Status: RDIS Where: <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 2. The earthworks must be designed and supervised by an appropriately qualified and experienced coastal scientist or coastal engineer; and 3. A site-specific coastal hazard assessment is required. <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 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. 		Activity status where compliance is not achieved: NC

CEH-S9.	Construction of all other buildings	
<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>		Activity status where compliance is not achieved: PR
CEH-S10.	Additions to an existing building	
Activity Status: NC		Activity status where compliance is not achieved: N/A

SCHED13 –Coastal Environment Overlay |Taiao Takutai

Unique Identifier	Map Ref	Site Name	Location	Site Type	Description of Values
Coastal Environment Overlay	-	Coastal Environment Overlay	As mapped	Coastal Environment Overlay	<p>Assessment of coastal natural character commences with the delineation of the inland extent of the coastal environment. The Natural Character Study of the Waikato Coastal Environment (TR 2016/05) undertaken by Waikato Regional Council (WRC) adopted the extent of the coastal environment defined by Waikato Regional Policy Statement. Typically, the inland boundary of the coastal environment coincides with what is commonly referred to as 'the first dominant ridgeline'. In flatter coastal landscapes (such as dunes and coastal estuaries), the evidence of coastal features (e.g. dunes, coastal species) and processes (e.g. coastal erosion) are key determinants. Much of the coastline of the Waitomo District is characterised by large-scale, steep coastal cliffs and hill systems (for example: along the southern side of Kawhia Harbour; the stretch of coastline between Kiritehere and Tapirimoko Point; the stretch of coastline south of Ngarupupu Point through to the Awakino). For these areas, the first dominant ridgeline technique is the appropriate method for determining the extent of the coastal environment. In other locations and particularly around bays and lower lying stretches of the coast (for example in the vicinity of Taharoa, Marokopa, Nukuhakari Bay, Waikawau and Awakino), coastal features and processes inform the delineation of the inland boundary of the coastal environment. The alignment of the WRC coastal environment 'line' was amended by Waitomo District Council where it did not follow a logical geomorphological</p>

Unique Identifier	Map Ref	Site Name	Location	Site Type	Description of Values
					boundary and/or showed a disparity between the WRC coastal environment line and coastal features (eg dunes), coastal processes (eg areas of erosion) or significant natural area features.

8. Appendix 3 – Section 32AA Evaluation

24. A Section 32AA evaluation is only required for any changes that are proposed to the provisions of this plan since the original Section 32 evaluation report for the proposal was completed. The Section 32AA evaluation must be undertaken at a level of detail that corresponds to the scale and significance of the changes.

Overview

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 Kiritihere 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.

25. Section 32AA: It is considered that given the amendment is to the overview, and the change is considered to be minor in nature and scale and such a Section 32AA evaluation is not required.

Policies

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 and operational need 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 activities that have a functional or operational need to locate in the coastal environment ~~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.

26. Section 32AA: The proposed amendment clarifies the application of the policy point. As notified, CE-P1.6 ensures any earthworks close to the coastline are **restricted to 'limited activities'**. **The proposed change clarifies what these 'limited activities' might be, ie those** with a functional or operational need to locate in the coastal environment. The amendment affords a much clearer interpretation of the policy and is consistent with the approach also used in CE-P1.3. The amendment is considered to be minor in nature and scale and such a Section 32AA evaluation is not required.

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) [Inanga](#)/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.
27. Section 32AA: **The proposed amendment adds the Māori translation for whitebait.** The amendment has no bearing on the rule or policy framework and accordingly, a Section 32AA evaluation is not required.
- CE-P17. Provide for the restoration of coastal ecosystems by local authorities [or contractors and beachcare groups endorsed 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.
28. Section 32AA: The proposed amendment clarifies the intent of a policy that contractors and beachcare groups endorsed by local authorities are envisaged as part of the team of people entrusted to undertake restoration works in the coastal environment. In fact, all restoration works are encouraged provided that the works are designed and supervised by an appropriately qualified coastal scientist or coastal engineer. The amendment affords a much clearer interpretation of the policy and is consistent with the approach also used in other chapters. The amendment is considered to be minor in nature and scale and such a Section 32AA evaluation is not required.