
Chapter 1 – Introduction and Interpretation and Chapter 4 Coastal Environment – changes recommended in officer’s closing statement

Changes recommended to Chapter 1 and Chapter 4 are shown in the following way:

Changes contained in the section 42A report version:	black
Changes recommended as a result of expert conferencing:	green
Further changes recommended in response to evidence:	blue
Minor updates to reflect identification of defined terms:	orange

Recommended deletions are identified as struckthrough and additions are underlined.

Comments boxes identify either the submission that gave rise to a recommended amendment (for changes contained in the section 42A report version) or the source of further recommended amendments as a result of expert conferencing or evidence.

1 Introduction and interpretation

Coastal environment means the dominant coastal environment area mapped in the District Plan Maps and any area that meets the criteria listed in Policy 4.1, to which the objective and policies of the New Zealand Coastal Policy Statement is are relevant. This includes all areas of sand dunes (and interdune wetlands) and coastal escarpments.

Comment [FL1]: Expert conferencing

DRAFT

4 Coastal Environment

The primary objective (set out in Chapter 2) to be implemented by this chapter is objective 2.4; the following objectives are also relevant due to the objectives' integrated nature:

- 2.1 Tāngata whenua
- 2.2 Ecology and Biodiversity
- 2.3 Development Management
- 2.5 Natural Hazards
- 2.8 Strong Communities
- 2.9 Landscapes

Introduction

The *coastal environment* is important to residents and visitors to the District and there are a number of issues relating to management of activities and development within this area which need to be addressed through District Plan policies and methods.

This chapter addresses the following:

- the extent of the *coastal environment*;
- the preservation of *natural character* in the *coastal environment*;
- the maintenance and enhancement of public access to and along the coast

The chapter sets out general policies which primarily relate to the identification and protection of coastal natural character and processes. This section also needs to be read in conjunction with Chapter 3: Natural Environment which contains policies and rules relating to overall protection of sensitive natural features, *significant indigenous vegetation* and habitat and landscapes.

The Council will take a leadership role in the management of the *coastal environment* in Kāpiti; however, other public organisations, private entities, developers and individuals also play important roles in the protection and enhancement of coastal values. The following policies are the primary means by which all of these stakeholders are to implement the relevant objectives including the *coastal environment*, biodiversity, *open space*, and character and amenity objectives.

4.1 Coastal Environment

Extent of coastal environment

The New Zealand Coastal Policy Statement (NZCPS) relates to all land and activities in the *coastal environment*, therefore it is necessary to define its extent in the District to provide certainty for the Council and the community.

Policy 1 of the NZCPS 2010 states that the extent of the *coastal environment* varies from region to region. The *coastal environment* includes the coastal marine area and islands within the coastal marine area, as well as areas where *coastal processes*, influences or qualities are significant, inter-related coastal marine and terrestrial systems, including the intertidal zone, physical resources and built facilities, including *infrastructure*, that have modified the *coastal environment* and places containing:

- coastal vegetation and the habitat of indigenous coastal species including migratory birds;
- elements and features that contribute to the natural character, landscape, visual qualities or *amenity values*; and
- items of cultural and historic heritage in the coastal marine area or on the coast.

Policy 4 of the proposed Wellington Regional Policy Statement (WRPS) requires that District Plans identify the landward extent of the *coastal environment* using criteria set out in policy 4. The operative Wellington Regional Policy Statement does not specify that the extent of the *coastal environment* be defined. In order to define the extent of the *coastal environment* the Council commissioned The Isthmus Group to undertake a landscape and ecological study which identified land subject to *coastal processes* and coastal landscapes consistent with the criteria in Policy 4 of the proposed WRPS. The extent is shown on the District Plan Natural Features maps.

Natural character in of the coastal environment

The preservation of natural character in the *coastal environment* and its protection from inappropriate *subdivision, use and development* is a matter of national importance in (section 6(a) of the Resource Management Act 1991 (RMA)). Policy 13 of the NZCPS requires provides guidance on the preservation of *areas of high natural character* in the *coastal environment*, and its protection from inappropriate *subdivision, use and development* including by the identification of *areas of outstanding natural character and areas of high natural character*. Policy 14 of the NZCPS promotes the restoration or rehabilitation of natural character of the *coastal environment* including identifying areas for restoration, providing policies and methods in the District Plan and through imposing *conditions* on *resource consents and designations* *subdivision and development proposals*. The policy suggests possible restoration approaches for degraded areas.

These policies have been given effect to by identifying and mapping *areas of outstanding natural character* and *areas of high natural character* in the *coastal environment* which are shown on the Natural Environment Maps, to enable protection from inappropriate *subdivision, use and development* and *promotion of* restoration to occur as part of future development of these areas.

Public access

The maintenance and enhancement of public access to and along the coastal marine area is a matter of national importance in the RMA. Policy 19 of the NZCPS requires that councils recognise the public expectation of and need for *walking* access to and along the coast and that Councils avoid, remedy or mitigate any loss of *public* walking access as a result of *subdivision, use or development* and *identify opportunities to* enhance or restore *public* walking access.

This policy is given effect to by providing for access to the coast as part of *subdivision* of land adjacent to the coastal marine area or coastal esplanade reserves including taking esplanade reserves where none currently exist. Rules include providing esplanade reserves and requiring public accessways as part of *subdivision* and including coastal access routes/ways on District Plan maps.

Land uses

Comment [NY2]: 202-HHH
Department of Conservation

Comment [FL3]: Minor correction discovered as part of consideration of closing statement

Comment [FL4]: Evidence: Joan Allin, para 134

Comment [NY5]: 451-L Rob Crozier and Joan Allin

Comment [NY6]: 451-L Rob Crozier and Joan Allin

Comment [FL7]: Evidence: Joan Allin, para 134

Comment [FL8]: Evidence: Joan Allin, para 134

Comment [FL9]: Evidence: Joan Allin, para 134

Comment [NY10]: 451-1 Rob Crozier and Joan Allin

Comment [NY11]: Consequential amendment as a result of 485-D and 485-5 Frank and Vicki Boffa

Comment [FL12]: Evidence: Joan Allin, para 134

Comment [FL13]: Evidence: Joan Allin, para 136

Policy 6 of the NZCPS recognises that the provision of *infrastructure*, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals, are activities important to the social, economic and cultural well-being of people and communities.

The NZCPS Policy 6 also encourages consolidation of existing coastal settlements and urban development, in existing urban areas, within the coastal environment, outside of areas subject to coastal hazard risks, rather than allowing development to extend into areas which have high natural character, heritage or amenity values. This policy is given effect to in the living and infrastructure chapters of this District Plan. Coastal yards apply to Te Horo, Peka Peka and Waikanae Beaches, not only for the amenity of the Living Zones but also to assist in retaining the natural character and amenity of the beach (see Chapter 5 Living Zones).

Comment [FL14]: Evidence: Joan Allin, para 141

Comment [FL15]: 762-F Lydia Johnston

Comment [FL16]: 451-L Rob Crozier and Joan Allin, 762-B Lydia Johnston

Management Approach

As noted above, the extent of the *coastal environment* has been mapped in the District Plan maps. From a development management perspective, the presence of this coastal environment area, gives additional weight to consideration of effects and the need to ensure adverse effects are avoided, remedied or mitigated.

There are particular features which sit within this *coastal environment* which have also been mapped. These more detailed *sensitive natural* features include:

- areas of *outstanding natural character* and *areas of high natural character*;
- *ecological sites*; and
- *outstanding natural landscapes* or *significant special amenity landscapes*;

Additional features which have been mapped are:

- *Ecological domains*. This includes the salt zone ecological domain. The salt zone ecological domain covers the area of land where coastal processes presently predominate and includes all land within approximately 500 metres of the sea.
- *dominant ridgelines* and *dominant dunes* are also mapped to prevent buildings locating on the dune ridges and to keep building heights below ridgelines.

Comment [FL17]: Evidence: Joan Allin, para 143

Chapter 3 - Natural Environment - includes general policies relating to the management of these features. The Coastal Environment chapter contains additional policies and rules which relate to managing particular aspects which relate to *coastal processes* and features, such as dunes. Some of these features are relevant to rules found in other chapters. For example, within the rural zones (Chapter 7 – Rural Environment) certain rules require buildings to not be visible from *the beach*.

4.1.1 Coastal Environment - General Policies

Policy 4.1 – Identify Coastal Environment extent

The extent of the coastal environment is identified as being any area meeting any one or more of and mapped in the District Plan, using the following criteria:

- aa) areas mapped in the District Plan as being part of the 'dominant coastal environment'
 - a) areas or landforms dominated by coastal vegetation or habitat of indigenous coastal species;
 - b) landform affected by active coastal processes, excluding tsunami;
 - c) landscapes elements or features, including coastal escarpments, that contribute to the natural character, landscape, visual quality or amenity value of the coast; and
 - d) sites, structures, places or areas of historic heritage value adjacent to, or connected with, the coast, which derive their heritage value from a coastal location.

Reference

Objectives
2.2, 2.4 &
2.9

Comment [FL18]: Expert conferencing

Explanation

The Council commissioned Isthmus Group Limited to undertake a study in 2011 to identify the extent of the *coastal environment*, mapped using the criteria in Policy 4 of the proposed WRPS. In order to give effect to both the NZCPS and the proposed WRPS this plan includes this area in the District Plan Natural Features Maps showing the extent of the coastal environment which was This extent creates certainty about the area of land to which the NZCPS and the coastal environment provisions of the District Plan refer.

Policy 4.2 – Identify natural character

Areas of outstanding natural character and areas of high natural character and natural coastal features in the coastal environment are identified and mapped in the district plan District Plan using the following criteria:

- a) natural elements, systems, processes and patterns, which are relatively unmodified;
- b) the presence of water (lakes, rivers, sea), geological and geomorphological features;
- c) natural landforms and landscapes which are legible and uncluttered by structures or 'obvious' human influence including the natural darkness of the night sky;
- d) places dominated by natural patterns such as the natural movement of water and sediment;
- e) places or areas that are wild or scenic including the presence of vegetation (especially native vegetation) and other ecological patterns.

Reference

Objectives
2.4, 2.9
2.11

Comment [NY19]: Consequential amendment as a result of 485-D and 485-5 Frank and Vicki Boffa

Comment [NY20]: 451-M Rob Crozier and Joan Allin, 191-41 Landlink Ltd

Comment [NY21]: 451-L Rob Crozier and Joan Allin

Explanation

This policy is to give effect to the NZCPS 2010 and Policy 3 of the proposed WRPS. The Council commissioned Isthmus Group Limited to undertake a study in 2011 to identify and map the extent of areas of high natural character in the coastal environment. Natural coastal features including dominant sand dunes (in rural and open space zones) have been mapped and have specific rules and standards which apply to them in this plan.

Comment [NY22]: 202-FFF Department of Conservation

Changes recommended in section 42A report and in response to expert conferencing and evidence - [4-6] -

Policy 4.3 – Areas of outstanding natural character

Areas of outstanding natural character in the coastal environment are identified and mapped in the District Plan, using the criteria listed in Policy 4.2, but on the basis that:

- a) **they are exceptional, pre-eminent and clearly superior to areas of high natural character identified under Policy 4.2; and**
- b) **they have a combination of elements, patterns and processes that are exceptional in their intactness, integrity and lack of built structures and other modifications compared to areas of high natural character identified under Policy 4.2.**

Reference

Objectives
2.4

Comment [NY23]: Consequential amendment as a result of 485-D and 485-5 Frank and Vicki Boffa

Policy 4.4 – Activities in the coastal environment, including in areas of outstanding natural character

Manage activities in the coastal environment to preserve natural character by:

- a) **avoiding adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character;**
- b) **avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects of activities on natural character in all other areas of the coastal environment.**

Reference

Objectives
2.4

Comment [FL24]: Consequential amendment as a result of 485-D and 485-5 Frank and Vicki Boffa

Policy 4.35 – Protection Preservation of natural character

Preserve Areas of outstanding natural character and areas of high natural character in the coastal environment, significant natural coastal features and habitat will be protected by and protect it from inappropriate subdivision, use and development including by:

- aa) **avoiding adverse effects of activities on natural character in areas of outstanding natural character;**
- ab) **avoiding significant adverse effects, and avoiding, remedying or mitigating other adverse effects of activities on natural character in all other areas of the coastal environment;**
- a) **reinstating dunes which function as natural buffers for as much of the coast as where practicable;**
- b) **providing managed public access ways to the beach and foreshore and avoiding limiting damage to dunes from unmanaged access;**
- c) **avoiding regulating encroachment of permanent structures and private uses onto the beach or public land;**
- d) **removing existing unnecessary structures and associated waste materials from the beach;**
- e) **preventing managing new activities which have adverse effects on natural character values;**
- f) **retaining a natural beach and foreshore including a dry sand beach where practicable possible.**

Refer

Objecti
2.2, 2.4
& 2.11

Comment [FL25]: Evidence: Helen Marr for Director-General of Conservation (paragraphs 47-49), Caroline Watson for Greater Wellington (paragraph 4.3.11), Joan Allin (paragraph 300)

Comment [NY26]: 202-GGG Department of Conservation

Comment [NY27]: 451-N Rob Crozier and Joan Allin

Comment [NY28]: 202-HHH Department of Conservation

Comment [FL29]: Evidence: Helen Marr for Director-General of Conservation (paragraphs 47 – 49), Caroline Watson for Greater Wellington (paragraph 4.3.11)

Comment [NY30]: 202-III Department of Conservation

Comment [NY31]: 451-N Rob Crozier and Joan Allin, 762-J Lydia Johnston

Comment [FL32]: Evidence: Joan Allin (paragraph 310)

Explanation

Changes recommended in section 42A report and in response to expert conferencing and evidence - [4-7] -

This policy is to give effect to the NZCPS 2010 and Policy 3 of the proposed WRPS. The coastal environment of the Kāpiti Coast includes some significant areas which have a high degree of natural character. These include areas which are inland as well as on the coastal margin itself. These areas are remnants of the original coastal habitats in the District and are particularly significant as there is very little of these dune and wetland habitats remaining in the Wellington region and New Zealand. Along the coastal areas between Peka Peka and Te Horo, where there is relatively little settlement retention of the natural character of the beach is particularly valued by the community. Avoiding the location of structures where they can be seen from the beach itself is important.

Comment [NY33]: 202-NNN
Department of Conservation

Many activities on the beach and foredunes can significantly affect the natural character of the beach, including private access tracks and structures which encroach into public land. A key problem is damage to coastal vegetation and dieback which then leads to erosion of the dunes and dune blowouts.

Natural dune systems, where native sand-binding plants (spinifex and pingao) predominate, provide an effective buffer against coastal erosion. Where land is taken for coastal esplanades, planting with sand-binding plants will enhance the ability of the land to buffer erosion. Restoration planting of private land adjacent to the coast also has the potential to provide a buffer.

Policy 4.46 – Restore natural character

Subdivision and development in the coastal environment will support Promote restoration of the natural character of the coastal environment through, where practicable:

- creating or enhancing indigenous habitats and ecosystems, using local genetic stock;
- encouraging natural regeneration of indigenous species, while effectively managing weed and animal pests;
- rehabilitating dunes and other natural coastal features or processes, including saline wetlands and intertidal saltmarshes;
- restoring and protecting riparian and intertidal margins; or
- removing redundant coastal structures and materials that do not have heritage or amenity values; or
- redesign of structures that interfere with ecosystem processes.

Reference

Objectives
2.2, 2.9

Comment [FL34]: Evidence: Joan Allin, paragraph 319

Comment [NY35]: 451-P Rob Crozier and Joan Allin and 762-N Lydia Johnston

Comment [NY36]: 208-B Transpower, 451-P Rob Crozier and Joan Allin and 762-N Lydia Johnston

Explanation

This policy gives effect to policy 13 and 14 of the NZCPS. The areas which have a high potential for restoration were identified in a study undertaken in 2010. The rules which implement this policy enable a greater level of development if large scale restoration or protection of natural areas is undertaken as part of subdivision or development.

Policy 4.57 – Amenity and public access

Subdivision and development in the coastal environment will maintain and enhance amenity values in the coastal environment, such as open space and scenic values, provide opportunities for recreation and the enjoyment of the coast, including the enjoyment of a high tide dry beach by the public, and public access to and along the coast will be maintained and enhanced while minimising any significant adverse effects on the public's use and enjoyment of the coast.

Reference

Object
2.2, 2.9

Comment [NY37]: 202-QQQ
Department of Conservation

Comment [FL38]: Evidence: Joan Allin (paragraphs 320 and 322)

Comment [FL39]: Evidence: Caroline Watson for Greater Wellington (paragraph 4.5.4)

Explanation

Changes recommended in section 42A report and in response to expert conferencing and evidence - [4-8] -

The coast and beach are highly valued by the community for recreation and scenic values. Pedestrian access to and along the coastal marine area is a matter of national importance in the RMA and it is becoming more difficult in southern areas as *the beach* can only be accessed for a short time around the low tide. The use of *the beach* can have adverse effects on coastal systems. For example dune plants can be destroyed by uncontrolled pedestrian access across dunes. Rules which implement this policy include providing esplanade reserves and requiring public access ways as part of subdivision and including coastal access routes/ways on District Plan Maps.

Policy 4.68 – Natural coastal processes

Natural shoreline movement will be ~~accommodated~~ addressed where practicable and the resilience of coastal communities will be increased by using the best practice coastal management options, including ~~some~~ a strategic approach involving one or a combination of the following:

- a) dune management;
- b) inlet management;
- c) engineering measures

Explanation

The Kāpiti Coast includes large sections of coast, including urban areas in Ōtaki, Te Horo, Peka Peka and Waikanae which have a natural dune system adjacent to *the beach*. However there are significant parts of the coast which are now armoured with *coastal protection structures*. A combination of management techniques will be required to retain and restore the natural shoreline functions to parts of the coast.

In the areas where dunes are present, these can be enhanced by restoration planting (see Policy 4.7 below). The inlets (stream and river mouths) are the most dynamic areas on the coast due to the interaction of river and coastal processes. In these areas mechanical excavation and river training works can be used to maintain a natural function. In the armoured sections of the coast, options are more limited.

Policy 4.79 Natural dunes

Natural dune systems will be protected and enhanced, (including through restoration) as a buffer for coastal hazard effects and natural dune function will be enabled to migrate inland in response to shoreline retreat where practicable.

Explanation

Natural dune systems which have native sand binding plants (spinifex and pingao) can assist in buffering against the shorter term effects of periodic storm related coastal erosion. These natural dune buffers can recover from this type of erosion and provide a robust buffer to development located behind the dunes. The depth of the dune system and the type of vegetation present is important to this role.

This policy should be read in conjunction with Policy 3.3 (Protection) and policies 7.4 (Rural Character), 9.5 (Protect Natural buffers) and 9.6 (Public Open Space).

Reference

Objectives
2.2, 2.4

Comment [NY40]: 202-2 Department of Conservation

Comment [FL41]: Evidence: Helen Marr for Director-General of Conservation (paragraphs 60-61), Caroline Watson for Greater Wellington (paragraph 4.6.4)

Reference

Objectives
2.2, 2.9

Comment [NY42]: 202-8 Department of Conservation,

Comment [FL43]: Evidence: Helen Marr for Director-General of Conservation (paragraph 60), Joan Allin (paragraphs 333-336)

Comment [NY44]: 232-A Nga Hapu O Otaki

Comment [NY45]: 451-A Rob Crozier and Joan Allin

4.3 Rules and Standards

Summary Table

The following table is intended as a guide only and does not form part of the District Plan. Refer to specified rules for detailed requirements. Pe refers to Permitted Activities, C to Controlled Activities, RD to Restricted Discretionary Activities, D to Discretionary Activities, NC to Non-Complying Activities and Pr to Prohibited Activities.

Uses/Activities	Rule	Pe	C	RD	D	NC	Pr
Coastal Environment							
<i>Subdivision</i> in the <i>coastal environment</i> which meets standards	4A.3.3 and Zone rules		●	●			
<i>Subdivision</i> in the <i>coastal environment</i> which does not meet standards	Zone rules					●	
<i>Subdivision</i> of land which includes <i>areas of high natural character</i> – which meets standards	4A.3.2			●			
<i>Subdivision</i> of land which includes <i>areas of high natural character</i> – which does not meet standards	4A.5.1					●	
Buildings and earthworks on land identified as <i>areas of high natural character</i> – which meets standards	4A.3.1			●			
Buildings and earthworks on land identified as <i>areas of high natural character</i> – which does not meet standards	4A.5.4					●	
Buildings and earthworks in the <i>coastal environment</i> where activities are not in <i>areas of high natural character</i> which do not meet standards.	4A.4.1				●		

Rules and Standards Table (general)

Rule 4A.0. Applicability of Rules 4A.1 – 4A.5

Rules 4A.1 to 4A.5 shall apply to all land within the *coastal environment* to activities in any Zones unless otherwise specified.

- Notes:** [1] Notwithstanding the activity category defined by Rules 4A.1 to 4A.5 for any activity, attention is also drawn to the rules:
- [a] in Chapters 5, 6, 7 and 8 that apply to specific land use Zones in the District – for example the Rural Plains Zone and the Open Space (Recreation) Zone; and
 - [b] in Chapters 3, 4, 9, 10 and 11 that apply to special features identified on the Planning Maps – for example listed Historic Heritage items.

[2] ~~Activities that are not in areas of outstanding natural character or areas of high natural character in the coastal environment are subject to the zone rules in other chapters of the District Plan.~~

The rules in these chapters may identify the activity as (or result in the activity being) a different activity category than expressed below. Additional clarity on activity category determination is provided in Chapter 1 (Section 1.1)

Comment [NY46]: 101-A William Garlick, 190-B Ken Moselen, 280-C Bryce Wilkinson, 458-J Salima Padamsey, 451-C Rob Crozier and Joan Allin, 664-F Ian Sheen

Comment [FL47]: Evidence: Joan Allin (paragraphs 338-351)

Rule 4A.1. Permitted Activities

The following activities are **permitted** activities, provided that they comply with all corresponding permitted standards (unless otherwise specified).

Permitted Activities	Standards	Reference
1. <u>Public access and amenity structures in <i>areas of outstanding natural character</i> and <i>areas of high natural character</i>.</u>	1. <u>Permitted public access and amenity structures must be one of the following:</u> <ul style="list-style-type: none"> a. <u>Rubbish bin with capacity of 100L less;</u> b. <u>Public seating not exceeding 2000mm in length, 600mm in width and 900mm in height;</u> c. <u>Bollards with a height of 900mm or less;</u> d. <u>Fencing of less than 1.5m of height above ground;</u> e. <u>Gates of less than 1.5m in height.</u> 2. <u>Earthworks for the installation or construction of structures 1(a) to (e) above, must not exceed more than 2m² of disturbance.</u>	Policies 4.3, & 4.5

Comment [NY48]: 432-F Stephen Lang, 451-N, 451-O and 451-T – Rob Crozier and Joan Allin, 738-3 Denis and Jan Toohey and 762-C, 762-M and 762-O Lydia Johnston

4A.2 Controlled Activities

The following activities are **controlled** activities, provided that they comply with all corresponding controlled standards (unless otherwise specified).

Controlled Activities	Standards	Matters over which Council reserves control	Reference
<p>1. Earthworks and vegetation clearance on dunes undertaken for the purpose of dune restoration and the associated removal of non-native plant species</p> <p>Note: in some instances a consent may also be required from the Wellington Regional Council.</p>	<ol style="list-style-type: none"> The finished foredune slope shall be no greater than 15 degrees. Only non-indigenous species shall be permanently removed from the site. Indigenous plants shall be relocated and replanted within 20 metres of their original location prior to earthworks being undertaken. A maximum of 100m³ of earthworks can be undertaken in any 12 month period. No open earthwork areas shall emit dust. Public access to and along <i>the beach</i> shall be maintained. 	<ol style="list-style-type: none"> Method and timing of dune works. Extent of any impact on immediately neighbouring areas. Timing of replanting and species to be used. Visual and amenity effects. Dust control measures. Ecological effects. Public safety. 	<p>Policies 3.3, 4.3, 4.4</p>

4A.3 Restricted Discretionary Activities

The following activities are **restricted discretionary** activities, provided that they comply with all corresponding restricted discretionary standards (unless otherwise specified).

Restricted Discretionary Activities	Standards	Matters over which Council will restrict its discretion	Reference
1. Buildings and <i>earthworks</i> on land in the coastal environment which has been identified as having areas of high natural character in District Plan Maps <u>except earthworks associated with activities permitted under Rules 9B1.4, 9B1.6 and 9B1.8.</u>	<ol style="list-style-type: none"> 1. Building shall be <i>ancillary</i> to a permitted use in the <i>zone</i> (eg <i>habitable buildings</i> and <i>accessory buildings</i> in the residential zone). 2. Height and yard requirements for each <i>zone</i> apply. 3. <i>Earthworks</i> shall not exceed 20m³ or alter the ground by a vertical distance of more than 1 metre. 	<ol style="list-style-type: none"> 1. Scale, location and design of buildings or structures and/or <i>earthworks</i>. 2. Effects on natural character values and/or natural <i>coastal processes</i>. 3. Visual and amenity effects. 4. Extent of <i>earthworks</i>. 5. Ecological and natural character effects. 6. Visibility of activities from the <i>beach</i>. 	Policies 4.1, 4.2, 4.3, 4.4 & 4.6
2. <i>Subdivision</i> of land in the <i>coastal environment</i> which includes <i>areas of high natural character</i> in District Plan Maps	<ol style="list-style-type: none"> 1. No <i>lots</i> shall be created wholly on land identified as having high natural character. 2. No build and no earthworks buffer with a minimum width of 5 metres around the area of high natural character. 3. All <i>zone lot</i> areas and other <i>subdivision</i> requirements are met. 	<ol style="list-style-type: none"> 1. The design and layout of the subdivision including <i>earthworks</i>. 2. The degree of compliance with the Kāpiti Coast District Council Subdivision and Development Principles and Requirements 2012. 3. The imposition of <i>financial contributions</i> in accordance with Chapter 12 of this Plan. 4. The imposition of <i>conditions</i> in accordance with sections 108 and 220 of the Resource Management Act 1991. 	Policies 4.1, 4.2, 4.3, 4.4 & 4.6

Comment [FL49]: Evidence: Joan Allin (paragraph 105) and response forecast in Coastal Overview presentation day statement

4A.3 Restricted Discretionary Activities

The following activities are **restricted discretionary** activities, provided that they comply with all corresponding restricted discretionary standards (unless otherwise specified).

Restricted Discretionary Activities	Standards	Matters over which Council will restrict its discretion	Reference
		<ol style="list-style-type: none"> 5. <i>Vehicle access</i> points onto legal road including the State Highway Network and any effects on the transport network. 6. The location of any building site relative to heritage features and <i>sensitive natural features</i>. 7. Adequacy of protection and restoration of natural features and areas. 	
<ol style="list-style-type: none"> 3. <i>Subdivision</i> of land adjacent to the coast or a coastal esplanade 	<ol style="list-style-type: none"> 1. Layout shall provide public access from a legal road to <i>the beach</i> or esplanade unless there is a public road or pedestrian accessway to <i>the beach</i> within 50 metres of the <i>site</i> in urban areas or 100 metres in rural (non-urban areas). 2. All minimum <i>lot</i> areas and other <i>subdivision</i> requirements of the underlying <i>zone</i> are met. 	<ol style="list-style-type: none"> 1. The design and of the <i>subdivision</i> and <i>earthworks</i>. 2. The degree of compliance with the Kāpiti Coast District Council Subdivision and Development Principles and Requirements 2012. 3. The imposition of <i>financial contributions</i> in accordance with Chapter 12 of this Plan. 4. The imposition of <i>conditions</i> in accordance with sections 108 and 220 of the Resource Management Act. 5. <i>Vehicle access</i> points onto legal road including the State Highway Network and any effects on the transport network. 	Policies 4.1, 4.2, 4.3, 4.4 & 4.6

4A.3 Restricted Discretionary Activities

The following activities are **restricted discretionary** activities, provided that they comply with all corresponding restricted discretionary standards (unless otherwise specified).

Restricted Discretionary Activities	Standards	Matters over which Council will restrict its discretion	Reference
		<ul style="list-style-type: none"> 6. The location of any building site relative to the natural hazards, heritage features and <i>sensitive natural features</i>. 7. Adequacy of protection and restoration of natural features and areas. 8. Esplanade reserves. 9. Public access to and along the coast. 	

4A.4 Discretionary Activities

The following activities are **discretionary** activities

Discretionary Activities	Assessment Criteria	Reference
1. Activities which do not comply with one or more of the permitted activity or controlled activity <u>or restricted discretionary activity</u> standards, <u>except earthworks associated with activities permitted under Rules 9B1.4, 9B1.6 and 9B1.8.</u>	1. Consistency with the relevant Plan policies, including (but not limited to): a) Coastal Environment Policies 4.3, 4.4, 4.5, 4.6 and 4.7; b) Natural Environment Policies 3.2, 3.7, 3.8, 3.10, 3.18 and 3.23; c) Hazards Policies 9.2 and 9.4.	Policies 3.2, 3.7, 3.8, 3.10, 3.18, 3.23, 4.3, 4.4, 4.5, 4.6, 4.7, 9.2 & 9.4
2. Earthworks and vegetation disturbance or clearance on dunes that does not meet the conditions of the above controlled Rule 4B.2.1. Note: in some instances a consent may also be required from the Wellington Regional Council.	1. Consistency with the relevant Plan policies, including (but not limited to) Policies 4.3, 4.5, 4.6 and 4.7. 2. Consideration of the following issues: a) Reason for the works proposed; b) Method and timing of dune earthworks; c) Extent of any impact on immediately neighbouring areas; d) The timing of replanting; e) Whether species proposed to be used will enhance or restore natural character; f) Whether the final shape and slope of the dune is natural in appearance.	Policies 4.3, 4.5, 4.6 & 4.7
3. <u>Subdivision</u> of land in the <u>coastal environment</u> which includes <u>areas of outstanding natural character</u> in District Plan Maps	1. <u>Consistency with the relevant Plan policies, including (but not limited to) Coastal Environment Policies 4.3, 4.4, 4.5, 4.6 and 4.7.</u> 2. <u>Effects of the subdivision on the values listed in Schedule 4.2.</u>	<u>Policies 4.3, 4.4, 4.5, 4.6 & 4.7</u>
4. <u>Buildings and earthworks on land in the coastal environment</u> which has been in identified as <u>having areas of outstanding natural character</u> in District Plan Maps	1. <u>Consistency with the relevant Plan policies, including (but not limited to) Coastal Environment Policies 4.3, 4.4, 4.5, 4.6 and 4.7.</u> 2. <u>Effects of the subdivision on the values listed in Schedule 4.2.</u>	<u>Policies 4.3, 4.4, 4.5, 4.6 & 4.7</u>

Comment [NY50]: RMA clause 16 amendment.

Comment [FL51]: Evidence: Joan Allin (paragraph 105) and response forecast in Coastal Overview presentation day statement

Comment [NY52]: Consequential amendment as a result of 485-D and 485-5 Frank and Vicki Boffa

Comment [NY53]: Consequential amendment as a result of 485-D and 485-5 Frank and Vicki Boffa

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4A.5 Non-Complying Activities

The following activities are **non-complying** activities:

Non-Complying Activities	Reference
1. Subdivision of land which has an <i>area of high natural character</i> where the subdivision exceeds one or more of the restricted discretionary standards in Rule 4A.3.2.	Policy 4.3
2. Buildings, structures and earthworks on land in the coastal environment which has been identified as having <i>high natural character</i> in District Plan Maps which do not comply with one or more of the permitted activity or restricted discretionary activity standards.	Policies 4.3 & 4.4

Comment [FL54]: Evidence: Joan Allin (paragraphs 59 and 60)

Comment [FL55]: Evidence: Joan Allin (paragraphs 59 and 60)

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Coastal Environment Schedules

Schedule 4.1 – *Areas of high natural character* and the extent of the coastal environment

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