

CE - Coastal Environment

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*; and
- 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 the Natural Environment Values chapters which contain policies and rules relating to overall protection of sensitive, *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.

The Council has prepared the document *Kāpiti Coast: Choosing Futures – Coastal Strategy* (2006). The Strategy is not a detailed plan of action but a high level guidance document for management of the coast. It will be referred to where relevant, when making decisions on *resource consent* applications required by the District Plan. The District Plan is a major tool for implementing the Strategy.

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 Wellington Regional Policy Statement (WRPS) requires that District Plans identify the landward extent of the *coastal environment* using criteria set out in Policy 4. 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 WRPS. The area where the *coastal environment* is dominant is shown on the District Plan maps.

Natural Character 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 (section 6(a) of the Resource Management Act 1991 (*RMA*)). Policy 13 of the NZCPS provides guidance on the preservation of *natural character* in the *coastal environment*, and its protection from inappropriate *subdivision*, use and *development*. 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*.

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

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.

Policy 6 also encourages consolidation of existing coastal settlements and urban areas, within the *coastal environment*. This policy is given effect to in the *Residential Zones* 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 *Residential Zones* but also to assist in retaining the natural character and amenity of the *beach* (see GRZ-R6).

Management Approach

As noted above, the extent of the area where the *coastal environment* is dominant has been mapped in the District Plan Natural Features 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 include:

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

The Natural Environment Values chapters 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 certain rules require *buildings* to not be visible from *the beach*.

Strategic Context

The primary Objectives that this chapter implements are:

- DO-O1 - Tāngata Whenua;
- DO-O2 - Ecology and Biodiversity;
- DO-O3 - Development Management;
- DO-O4 - Coastal Environment;
- DO-O7 - Historic Heritage;
- DO-O9 - Landscapes, Features and Landforms;
- DO-O11 - Character and Amenity Values; and
- DO-O17 - Open Spaces / Active Communities.

DO-O1 Tāngata Whenua

To work in partnership with the *tangata whenua* of the District in order to maintain *kaitiakitanga* of the District's resources and ensure that decisions affecting the natural *environment* in the District are made in accordance with the principles of Te Tiriti o Waitangi (Treaty of Waitangi).

DO-O2 Ecology and Biodiversity

To improve indigenous biological diversity and ecological resilience through:

1. protecting areas of *significant indigenous vegetation* and *significant habitats of indigenous fauna*;
2. encouraging restoration of the ecological integrity of indigenous ecosystems;
3. enhancing the health of terrestrial and aquatic ecosystems; and
4. enhancing the *mauri* of *waterbodies*.

DO-O3 Development Management

To maintain a consolidated urban form within existing urban areas and a limited number of identified growth areas which can be efficiently serviced and integrated with existing townships, delivering:

1. urban areas which maximise the efficient end use of energy and integration with infrastructure;
2. a variety of living and working areas in a manner which reinforces the function and vitality of centres;
3. resilient communities where development does not result in an increase in risk to life or severity of damage to property from natural hazard events;
4. higher residential densities in locations that are close to centres and public open spaces, with good access to public transport;

5. management of development in areas of special character or amenity so as to maintain, and where practicable, enhance those special values;
6. sustainable natural processes including freshwater systems, areas characterised by the productive potential of the land, ecological integrity, identified landscapes and features, and other places of significant natural amenity;
7. an adequate supply of housing and areas for business/employment to meet the needs of the District's anticipated population which is provided at a rate and in a manner that can be sustained within the finite carrying capacity of the District; and
8. management of the location and effects of potentially incompatible land uses including any interface between such uses.

DO-O4 Coastal Environment

To have a coastal environment where:

1. areas of outstanding natural character and high natural character, outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna are identified and protected;
2. areas of outstanding natural character and high natural character are restored where degraded;
3. the effects of inappropriate subdivision, use and development are avoided, remedied, or mitigated;
4. public access to and along the coast to facilitate active and passive recreational use is maintained and enhanced while managing inappropriate vehicle access; and
5. Inappropriate development does not result in further loss of coastal dunes in the area mapped as the coastal environment.

DO-O7 Historic Heritage

To protect *historic heritage* in the District for the social, cultural and economic wellbeing of the Kapiti Coast community and future generations, including:

1. supporting the contribution of *historic heritage features* and their values to the identity, character and amenity of places and landscapes;
2. recognising and protecting *tangata whenua historic heritage*, including *waahi tapu and other places and areas significant to Maori*; and
3. providing for appropriate use and *development* of natural and physical resources with *historic heritage* values, while ensuring any adverse environmental *effects* are avoided, remedied or mitigated.

DO-O9 Landscapes, Features and Landforms

To protect the District's identified *outstanding natural features and landscapes* from inappropriate *subdivision*, use and *development*; and

1. maintain or enhance the landscape values of *special amenity landscapes* and identified significant landforms; and
2. avoid, remedy or mitigate adverse *effects* of *earthworks* on natural features and landforms.

DO-O11 Character and Amenity Values

To maintain and enhance the unique character and amenity values of the District's distinct communities so that residents and visitors enjoy:

1. relaxed, unique and distinct village identities and predominantly low-density residential areas characterised by the presence of mature vegetation, a variety of built forms, the retention of landforms and unique community identities;
2. vibrant, lively *town centres* supported by higher density residential and mixed use areas;
3. neighbourhood *centres*, village communities and employment areas characterised by high levels

- of amenity, accessibility and convenience;
- 4. productive rural areas, characterised by openness, natural landforms, areas and corridors of *indigenous vegetation*, and *primary production activities*; and
- 5. well managed interfaces between different types of land use areas (e.g. between living, working and rural areas and between potentially conflicting land uses, so as to minimise adverse *effects*).

DO-O17 Open Spaces / Active Communities

To have a rich and diverse network of *open space* areas that:

1. is developed, used and maintained in a manner that does not give rise to significant adverse *effects* on the natural and physical *environment*;
2. protects the District's cultural, ecological and *amenity values*, while allowing for the enhancement of the quality of *open space* areas;
3. supports the identity, health, cohesion and resilience of the District's communities; and
4. ensures that the present and future recreational and *open space* needs of the District are met.

The rules in this chapter apply to all land and activities in all *zones* unless otherwise specified. Provisions in other chapters of the Plan may also be relevant.

Policies

CE-P1 Coastal Environment Characteristics

Recognise the extent and characteristics of the *coastal environment* including:

1. areas or landforms dominated by coastal vegetation or habitat of indigenous coastal species;
2. landform affected by active *coastal processes*, excluding tsunamis;
3. elements or features, including coastal escarpments, that contribute to the natural character, landscape, visual quality or *amenity value* of the coast; and
4. *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.

CE-P2 Identify Natural Character

Natural character in the *coastal environment* is identified and mapped in the District Plan using the following criteria:

1. For areas of outstanding *natural character* and areas of high *natural character*:
 - 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; and
 - e. places or areas that are wild or scenic including the presence of vegetation (especially native vegetation) and other ecological patterns; and
2. In addition to the features listed above in 1, areas of outstanding *natural character* will have the following characteristics:
 - a. they are exceptional, pre-eminent and clearly superior to areas of high *natural character*; 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*.

Explanation

This policy is to give effect to the NZCPS 2010 and the WRPS.

CE-P3 Preservation of Natural Character

Preserve *natural character* in the *coastal environment*, and protect it from inappropriate *subdivision*, use and *development*, including by:

1. avoiding adverse *effects* of activities on *natural character* in areas of outstanding *natural character*;
2. 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*;
3. reinstating dunes which function as natural buffers where practicable;
4. providing managed public access ways to *the beach* and foreshore and limiting damage to dunes from unmanaged access;
5. regulating encroachment of permanent *structures* and private uses onto the *beach* or public land;
6. removing existing unnecessary *structures* and associated *waste* materials from *the beach*; and
7. retaining a natural *beach* and foreshore including a dry sand *beach* where practicable.

Explanation

This policy is to give effect to the NZCPS 2010 and the WRPS.

CE-P4 Restore Natural Character

Promote restoration of the *natural character* of the *coastal environment* where practicable, by:

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

Explanation

This policy gives effect to the NZCPS.

CE-P5 Amenity and Public Access

Maintain and enhance *amenity values* in the *coastal environment*, such as *open space* and scenic values, and provide opportunities for recreation and the enjoyment of the coast, including the enjoyment of a high tide dry *beach* by the public. 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.

CE-P6 Natural Coastal Processes

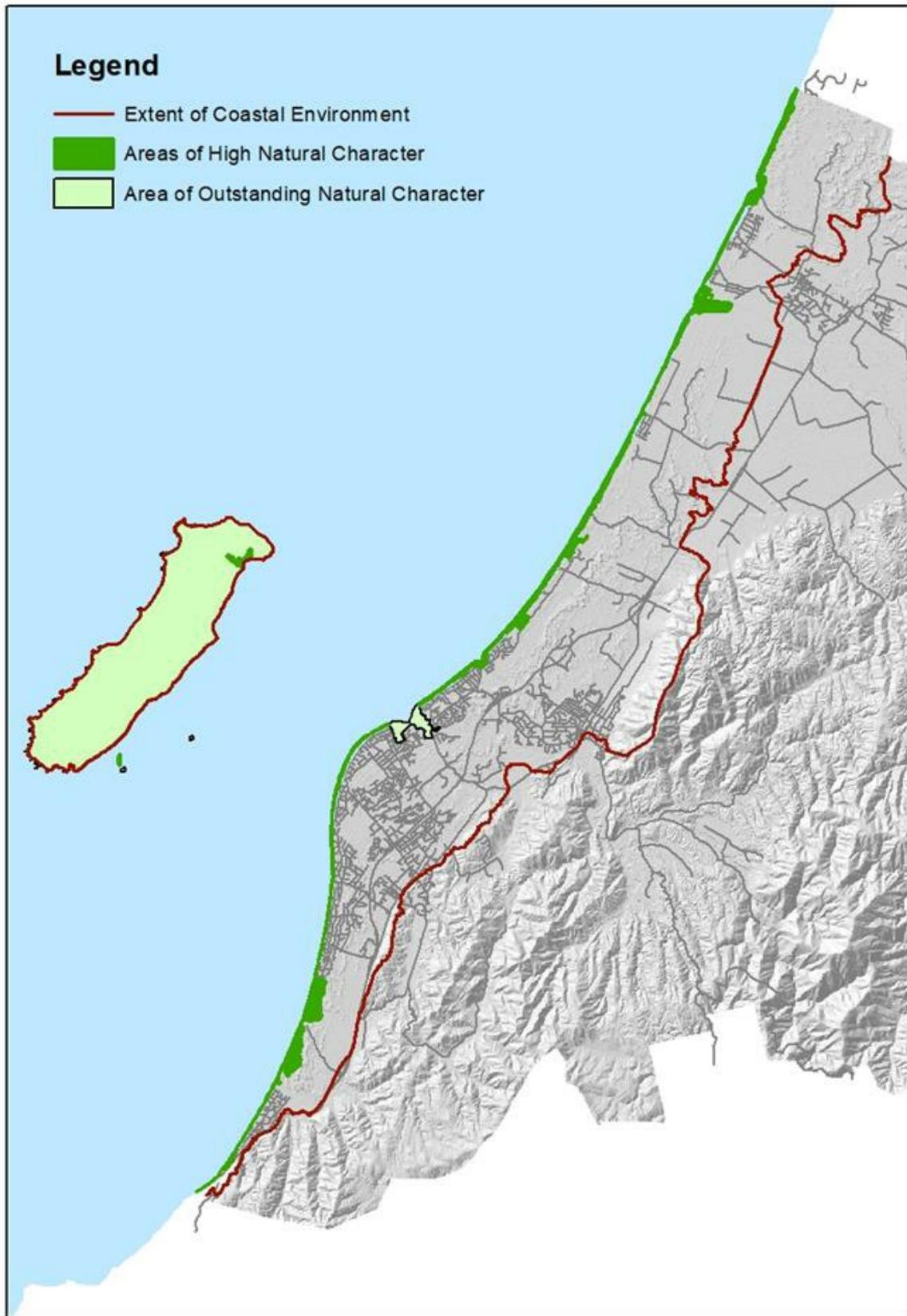
Natural shoreline movement will be accommodated where practicable and the resilience of coastal communities will be increased by using best practice coastal management options, including:

1. dune management;
2. inlet management; and
3. engineering measures.

CE-P7	Natural Dunes
Natural dune systems will be protected and enhanced (including through restoration) and natural dune function will be enabled where practicable.	

Rules

CE-R1	Public access and amenity <i>structures</i> in areas of outstanding natural character or areas of high <i>natural character</i> located within the Rural, Natural Open Space or Open Space zones.
Permitted Activity	<p>Standards</p> <ol style="list-style-type: none"> 1. Permitted public access and amenity <i>structures</i> must be one of the following: <ol style="list-style-type: none"> a. rubbish bin with capacity of 100L or less; b. public seating not exceeding 2000mm in length, 600mm in width and 900mm in <i>height</i> above <i>original ground level</i>; c. bollards with a <i>height</i> of 900mm or less above <i>original ground level</i>; d. fencing of less than 1.5m of <i>height</i> above <i>original ground level</i>; and e. gates of less than 1.5m in <i>height</i> above <i>original ground level</i>. 2. <i>Earthworks</i> for the installation or construction of <i>structures</i> 1a) to e) above, must not exceed more than 2m² of disturbance.
CE-R2	<p><i>Buildings</i> or <i>earthworks</i> in areas of outstanding <i>natural character</i> or areas of high <i>natural character</i> located within the Rural, Natural Open Space or Open Space zones which are not a <i>permitted activity</i> in CE-R1, or <i>earthworks</i> associated with activities permitted under NH-FLOOD-R4, NH-FLOOD-R6 and NH-FLOOD-R7.</p> <p>The following are excluded from this rule:</p> <ol style="list-style-type: none"> 1. <i>Minor Buildings</i>; 2. <i>Earthworks</i> associated with <i>extractive industries</i> (see EW-EXT); 3. <i>Earthworks</i> associated with the removal or replacement of underground fuel storage tanks; and 4. "earthworks" as defined in and regulated by the <i>NESPF</i>.
Discretionary Activity	



CE-Figure 1 - Areas of *high natural character*, areas of outstanding *natural character* and the

extent of the coastal environment

District Plan 1999 Provisions

As a result of the withdrawal of coastal hazard provisions from the Proposed District Plan in 2014 and 2017, there are specific coastal hazard-related provisions in the District Plan 1999 that remain operative and in force until they are replaced through a Schedule 1 of the Resource Management Act 1991 process. These provisions are provided below.

No definitions listed in Part 1 of this Plan apply to the provisions in this section. Only the relevant definitions from the District Plan 1999, which are listed below, apply to the provisions in this section.

C.9 - Coastal Environment

C.9.1

Policy 2

Discourage the development of buildings and other significant assets in areas which may be prone to Coastal erosion or the effects of sea level rise, unless the structures:

- have a significant community benefit and need to be located in the coastal environment; and
- do not adversely effect the natural character of the coastal environment; and
- are relocatable

Policy 3

In respect of residential buildings, control the location of buildings within areas subject to coastal erosion

Policy 4

Discourage coastal protection works on the Coastal Marine Area interface where they are not already present and encourage management options such as managed retreat and coastal renourishment rather than hard engineering works when protection works are sought.

C.15 - Natural Hazards

C.15.1

Objective 1.0

To manage activities and development within natural hazard prone areas so as to avoid or mitigate the adverse effects of natural hazards.

Policy 4

Ensure there are flood and erosion free building sites within newly created allotments.

Policy 7

Avoid and/or mitigate the potential adverse effects of flooding and erosion from major rivers and the sea on:

- human life, health and safety
- private or community property,
- flood mitigation works, and
- other natural and physical resources

when planning for and making decisions on new subdivision, use and development within river

corridors and adjacent to the sea.

Policy 8

Recognise the ability of natural features (such as sand dunes and river berms) to buffer development from natural hazards through performance standards including minimum setbacks for new and relocatable buildings.

D.1 - Residential Zone Rules and Standards

D.1.1 Residential Zone Rules

D.1.1.1 Permitted Activities

The following are Permitted Activities:

(xviii)

All other activities, excluding retailing, which are not listed as CONTROLLED, DISCRETIONARY, NON-COMPLYING or PROHIBITED and which comply with all the permitted activity standards.

D.1.1.3 Discretionary Activities

The following are Discretionary Activities:

(B)(i)

All activities which are not listed as NON-COMPLYING or PROHIBITED and all other activities which do not comply with one or more of the permitted activity or controlled activity standards.

D.1.2.1 Permitted Activity Standards

Yards

The minimum yard requirements for any site shall be:

(iii) Coastal Building Line Restriction

Paraparaumu, Raumati, Paekākāriki - 20 metres as shown on Districtwide and Urban Plan Features Maps 8, 11, 14 and 16.

(iv) Relocatable Buildings:

Buildings within the relocatable area, as defined in Part Q of this Plan and shown on Districtwide and Urban Plan Features Maps 11, 14, 16 and 19, between 20 metres and 50 metres, shall be relocatable. Section 36 of the Building Act 2004 may be implemented for new and relocated buildings in areas subject to coastal erosion or flooding to indemnify Council against possible damages.

Part Q - Definitions

Allotment shall have the same meaning as in the Resource Management Act 1991.

Boundary means the perimeter of an area of land capable of being disposed of separately, including a legal or cross lease boundary.

Building includes any dwelling (see definition for dwelling), structure or part of a structure, whether temporary or permanent, movable or immovable, but does not include:

- Fences of 2 metres or less in height, and tennis court fences of any height, where the fence is not used for advertising or for any purpose other than a fence or a wall.
- A fence for the containment of stock.
- Retaining walls that are 1.5m or less in height

- Residential chimneys and television aerials associated with a dwelling house.
- Detached structures (including temporary structures) less than 2.4 metres in height and less than 8m² in floor area where they are located at least 1 metre from any adjoining property boundary. Water tanks are classed as detached structures
- Patios and decks (including their handrails) with a finished floor level of less than 1 metre in height and at least 1 metre from any adjoining property boundary.
- Any vehicle, trailer, tent, caravan or boat, whether fixed or movable which is not occupied.
- Sealed surfaces.
- Domestic swimming pools less than 1 metre above existing ground level.
- Fire hose drying towers with a maximum height of 15m on New Zealand Fire Service property.

Development means the construction or alteration of buildings; the erection of structures; excavation of land; any land disturbance or land filling or reclamation of land or the construction of earth retaining structures; and any construction of artificial surfaces or platforms.

Dwelling means a building, part of a building, or residence whether temporary or permanent, including a mobile home (e.g. caravan, motor home, house truck and camper) that is capable of, or is, being used as one household unit for the purposes of residential activities, and which includes kitchen and bathroom facilities. Note: For further clarification refer to the definitions of household unit and residential activity.

Existing - in relation to buildings and uses means lawfully in existence:

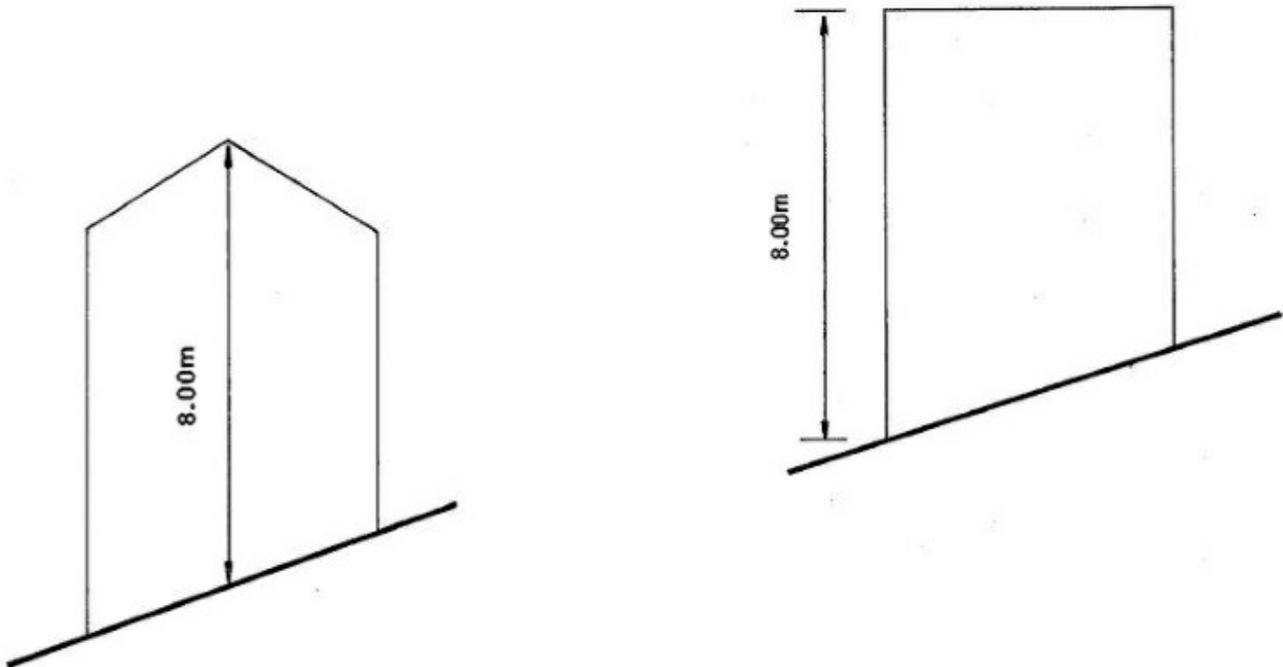
- Before the rule became operative or the Plan was notified.
- The effects of the use are the same or similar in character, intensity and scale to those which existed before the rule became operative or the Plan was notified,

or

- The use was lawfully established by way of a designation, and
- The effects of the use are the same or similar in character, intensity and scale to those that existed before the designation was removed

Height in relation to any building means the vertical distance between the highest point of the building and the ground level immediately below that point.

The ground level for this purpose shall be the level prior to any excavation of a building platform or earthworks, except that where earthworks have been completed and approved as part of a prior landuse or subdivision consent that approved ground level shall become the ground level. In the measurement of height, the following shall be excluded: chimneys, ventilator shafts, water tanks, stairways or elevators, aerials, telecommunication antennas, steeples, turrets and such other finials and similar parts of the building as constitute only decorative fixtures, provided that the maximum dimension thereof parallel to any boundary of the site shall not exceed 3 metres.



Household includes every household unit whether of one or more persons.

Household Unit means a unit of residential activity which is self contained. For the purposes of this definition:

- a building used for emergency or refuge accommodation shall be deemed to be one household unit;
- one household unit has one kitchen and at least one bathroom. If two kitchens and more than one bathroom are present (except if in a family flat), there will be two household units; and
- a household unit may include one, but no more than one, family flat.

Note: For further clarification refer to the definitions of dwelling and residential activity.

Kitchen means a room or part of a room that contains fixed cooking and food preparation facilities, including a sink unit, which is used for food preparation and cooking.

Natural Hazard means any atmospheric, or earth, or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.

Relocatable Area means that area between the Coastal Yard and the line parallel to and 30 metres eastward of the Coastal Yard and extending from the intersection of Wharemauku Road and Marine

Parade at Paraparaumu Beach to the southern boundary of the District, more particularly delineated on Paraparaumu Urban Zone Maps 11, 16, 21 and 26 and Paekākāriki Urban Zone Maps 1-3 and shown thereon as “30m Relocatable Area”.

Relocatable Building means any building, generally of timber framing, but excludes any structures that have cast in situ concrete walls, concrete block walls, brick and stone walls (including brick veneer). Provided that such structures will be permitted if certified by a qualified structural engineer to be of a specific design which would enable at least the greater part of the building to be relocated if required.

Residential Activity means the use of premises for any domestic or related residential purpose by persons living in the premises alone or in family or non-family groups, including emergency and refuge accommodation (whether any person is subject to care, supervision or not), but does not include work from home, hotels, motels, camping grounds, motor camps or other premises where residential accommodation for six or more travellers is offered at a daily tariff or similarly specified time.

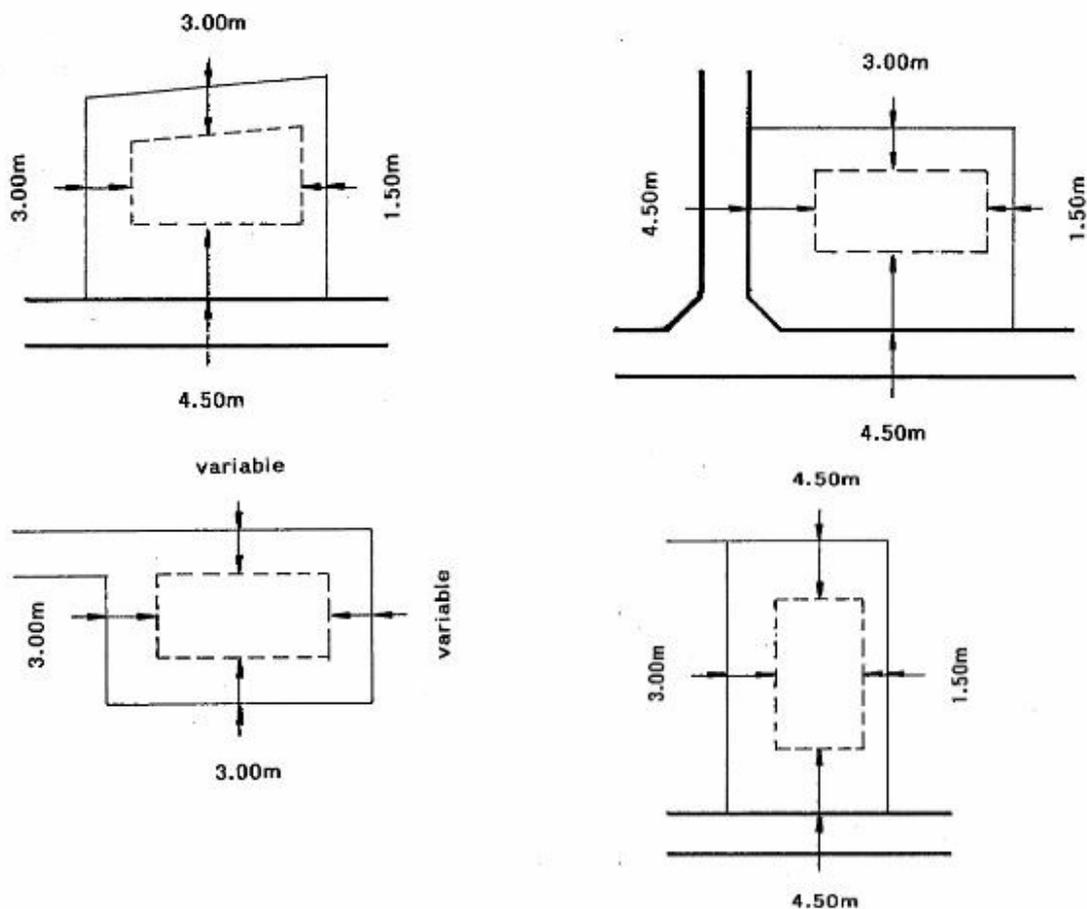
Residential Building is any building or part of a building used or intended to be used for residential purposes.

Site means an area of land capable of being disposed of separately.

Subdivision shall have the same meaning as in the Resource Management Act 1991 and includes boundary adjustments.

Yard means a part of a site which is required by this Plan to be unoccupied and unobstructed by buildings from the ground upwards, except as otherwise provided by this Plan.

- **Coastal Yard** means a yard between the seaward title boundary or the toe of the foredune, seaward edge of the vegetation line or foreshore protection works where these are within the title and a line parallel thereto extending across the full width of the site.
- **Front Yard** means a yard between the street line and a line parallel thereto and extending across the full width of the site.
- **Rear Yard** means a yard between the rear boundary of the site and a line extending parallel thereto extending across the full width of the site.
- **Side Yard** means a yard between a side boundary of the site and a line parallel thereto, extending:
 - i. From the front yard to the rear yard.
 - ii. If there is no front yard, from the front boundary of the site to the rear yard.
 - iii. If there is no rear yard, from the front yard or boundary as the case may be to the rear boundary of the site.



Maps

Districtwide and Urban Zones and Features Maps 8, 11, 14, 16, 19 remain in effect. Relevant features of these maps are included in the GIS associated with this eplan, under the heading District Plan 1999 Features.