



CHAPTER
08

COASTAL PROTECTION
AND ACTIVE RESERVE ZONES

*Ngā Papa Rāhui-a-Tahatika me
Ngā Papa Rēhia ki Tai*

8 Coastal Protection and Active Reserve Zones

Refer to Chapters 11 to 20 for additional rules that may apply to these zones. Other objectives and policies related to the coastal environment, including the Rural Coastal and Rural Ōhiwa zone, are contained in Chapter 17.

8.1 OBJECTIVES AND POLICIES

Objective CP1 To preserve the natural character of the coastal environment and provide for the protection of significant natural features and landscapes in the CPZ and protect it from inappropriate subdivision, use and development.

Policy 1 To ensure the integrity of the **CPZ**, characterised by open space, and a high level of natural character and amenity, remains intact by;

- preserving the integrity of those features which give the zone its natural character and amenity, including, the cultural landscape and values and coastal wetlands and dune systems;
- avoiding the adverse effects of coastal erosion and inundation;
- avoiding adverse effects on the natural character and amenity that may result from the establishment of activities in the zone; and
- encourage the restoration and enhancement of coastal and river margins in the zone.

Policy 2 To protect areas of high natural character and significant landscapes, **historic heritage**, ecological and conservation values.

*Objective CP2 To efficiently use the **Whakatāne River edge in the urban area as public open space with minimal buildings and structures.***

Policy 1 To maintain and enhance public access to and along the Whakatāne riverbank from the Landing Road bridge to "The Heads".

Policy 2 To ensure development along the western side of the Whakatāne River, from the Landing Road bridge to the coast, is sympathetic to the River's natural character and enhances public access to the river while managing land uses within the **CPZ** to maintain open spaces and natural character values.

Policy 3 To maintain and improve the open space visual character of the river edge adjoining the Whakatāne River, including its use for passive outdoor recreational and water sport activities, and **places of assembly**, by limiting the size, scale and location of **buildings** and activities.

Policy 4 To respect the cultural values associated with Mātaatua and Wairaka Parks and the vista across the reserve to the Whakatāne River by avoiding **buildings** and structures on the reserve that are incompatible with these values.

Policy 5 Recognise that the flood protection infrastructure is an integral component of the Whakatāne River edge environment.

Objective CP3 The maintenance, enhancement and development of open space and recreation areas for a wide range of conservation, recreational and community opportunities.

Policy 1 To enable a wide range of activities that reflect the values of the land and reserve purpose, and catering to the needs of users, whilst managing the effects on those

living within the surrounding environs.

- Policy 2 To enable the development of intensive activity nodes in which activities are clustered within reserves and other public open space areas.
- Policy 3 Recognising Reserve Management Plans and other public policy guidance documents in open space management and development.
- Policy 4 To create a mix of connected accessible open spaces that are safe and vibrant community focal points.

8.2 RULES

The following standards and terms apply to permitted, controlled, and restricted discretionary activities and will be used as a guide for discretionary and non-complying activities.

Non-compliance with any rule will make the activity Discretionary unless otherwise stated in the rule.

Refer to Chapters 11 to 20 for additional rules that may apply to these zones.

8.2.1 Height

8.2.1.1 No **building** shall exceed the following vertical height above **ground level**:

Zone	Maximum Height as a Permitted Activity	Maximum Height as a Discretionary Activity
Active Reserve and Coastal Protection Zone	6 metres	9 metres

Table 8:1 Heights Above Ground Levels

8.2.2 Natural Light

8.2.2.1 No part of any building shall exceed;

- a. a height equal to 2.7m plus the horizontal distance between that part of the **building** and the nearest site boundary (including boundaries with public roads); or
- b. a height beyond the natural light plane (as defined above) up to a maximum of 1m parallel to the plane with a maximum vertical face area of 5m² (area that is seen by the adjoining neighbour), where the adjoining neighbour has provided written consent to the additional height and that written consent has been lodged with the **Council**.

8.2.2.2 For the purposes of Rule 8.2.2.1 the nearest site boundary shall be, where applicable, the midpoint of any adjacent right-of-way or **access leg** or **access lot**.

8.2.2.3 For **dwellings** that are attached, this rule shall not apply to the adjoining walls of the **building**.

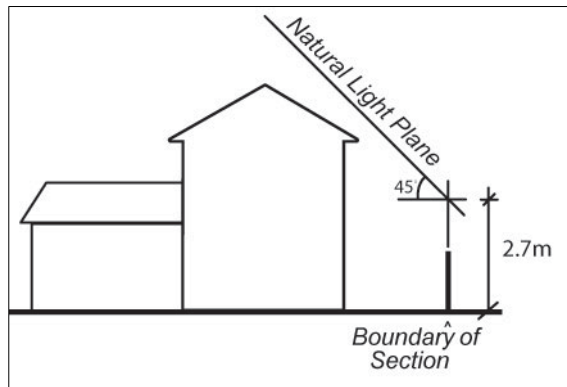


Figure 8.1 Natural Light Plane

8.2.2.4 Non-compliance with the Rules in 8.2.2, shall be a Restricted Discretionary activity (see criteria in 8.4.1).

8.2.3 Distance to Boundary (Yards)

8.2.3.1 No building shall be located within 4m of any boundary provided that;

- a. the eaves of any building may project up to 600mm over any yard;
- b. where a planning map indicates proposed road widening or land to be used for other roading purposes, yards shall be measured from the position of the new boundary of the site as if the road widening or other roading work had been undertaken, and legal transfer of the affected land to a roading authority had occurred;
- c. all buildings shall be set back from MHWS mark a minimum distance of 20 metres plus the prescribed yard listed above; and
- d. all buildings shall be located at least 20 metres from the bank or margin of a lake whose bed has an area of 8 hectares or more (consistent with Section 230 of the RMA); and

8.2.3.2 Non-compliance with Rule 8.2.3.1 shall be a Restricted Discretionary activity (see Criteria in 8.4.2).

8.2.4 Fencing

8.2.4.1 A retaining wall shall be no higher than 2m provided that a retaining wall shall be no higher than 1.5m if located within a side or rear yard, unless the affected landowner has given written approval to a greater height, with a maximum of 2m and that written approval has been lodged with the Council.

8.2.4.2 All fencing along the common boundary of the lot and the CPZ, or within the CPZ shall be a maximum height of 1.2m and be;

- a. constructed using timber, post and rail comprising round posts and three rails, and
- b. painted in earth tones or left to naturally weather.

8.2.4.3 A complying fence or retaining wall may comply with Rule 8.2.4.2 be constructed on a legal boundary or within any yard.

8.2.4.4 Non-compliance with the rules in 8.2.4 shall be a Restricted Discretionary activity.

8.2.5 Whakatāne Riverbank Reserve (Greenway Concept)

8.2.5.1 Any **building** of less than 10m² GFA in the Whakatāne Riverbank Reserve area, as shown on the Planning Maps, shall be a Permitted activity.

8.2.5.2 Any building of less than 50m² GFA in the Whakatāne Riverbank Reserve area and provided for in a management plan under the Reserves Act 1977, shall be a Permitted activity.

8.2.5.3 Any **building** of greater than 10m² GFA in the Whakatāne Riverbank Reserve area, to be used for recreation, water activity, or emergency service purposes, or of greater than 50m² GFA and provided for in a management plan under the Reserves Act 1977, shall be a Discretionary activity.

8.2.5.4 All other **buildings** shall be Non-complying activities.

Advice Note: Activities within the Whakatāne River Bank Reserve area may also require approval from the Bay of Plenty Regional Council under the provisions of the Floodway and Drainage Bylaw 2008 and any subsequent revisions (see also Chapter 18.2.2)

8.2.6 Retail Activities – Port Ōhope Structure Plan.

8.2.6.1 Total retail activity up to 30m² GFA in the area identified “Retail” on the Port Ōhope Structure Plan is a Permitted activity.

8.2.6.2 Total retail activity greater than 30m² and less than 750m² GFA in the area identified “Retail” on the Port Ōhope Structure Plan is a Controlled activity.

Advice Note: See also Chapter 2 (Strategic) and Activity Status Table 3.4

8.3 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

8.3.1 Retail Activities - Port Ōhope Structure Plan

8.3.1.1 Council shall exercise its control over;

- a. measures to protect and enhance the coastal margin along the foreshore;
- b. the measures to maintain coastal vegetation in reserve areas, to retain ecological corridors, and to enhance coastal habitat;
- c. the means by which coastal natural character and landscape values will be protected, including retention of natural dune features and coastal habitat;
- d. the means by which the north-south visual and physical corridor will be enabled;
- e. the means by which street permeability and pedestrian networks, optimal solar orientation, and preservation of view shafts are achieved;
- f. the extent to which local retail is located nearest to harbour road frontage, and other commercial uses are clustered around the public open space;
- g. ensuring community activities are associated with the port and or harbour related uses;
- h. the measures to be put in place to ensure other outcomes shown on the Ōhope Structure Plan are achieved; and

- i. the type of retail and commercial uses to be provided and the extent to which they are related to recreation and visitor facilities; and
- j. The sensitivity of any lawfully established existing uses to the actual or potential adverse effects of the proposed activity.

8.4 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

8.4.1 Natural Light (see Rules in 8.2.2)

8.4.1.1 Council shall restrict its discretion to;

- a. amenity of sites and public areas nearby (including but not limited to transport corridors) in terms of;
 - i. shadowing;
 - ii. physical domination;
 - iii. privacy;
 - iv. noise;
 - v. lighting;
 - vi. visual character and variety through variation in building form and building materials (including but not limited to building facades and roof forms);
 - vii. spaciousness, as experienced from residential buildings and streets nearby;
 - viii. landscaping; and
 - ix. screening.

8.4.2 Distance to Boundaries (see Rules in 8.2.3)

8.4.2.1 Council shall restrict its discretion to;

- a. amenity of sites and contiguous public areas nearby (including but not limited to transport corridors) in terms of;
 - i. shadowing;
 - ii. physical domination;
 - iii. privacy;
 - iv. noise;
 - v. lighting;
 - vi. public safety;
 - vii. visual character and variety through form and building materials (including but not limited to facades and roof forms);
 - viii. landscaping;
 - ix. screening; and
 - x. safe access to and egress from the site.

8.4.3 Fencing (see Rules in 8.2.4)

8.4.3.1 Council shall restrict its discretion to;

- a. amenity on sites and public areas nearby (including but not limited to transport corridors) in terms of;
 - i. passive surveillance;
 - ii. physical domination; and
 - iii. spaciousness and openness.

8.5 ASSESSMENT CRITERIA—DISCRETIONARY ACTIVITIES / NON-COMPLYING ACTIVITIES

See Section 3.7.