

Thames-Coromandel District Council

Proposed District Plan Appeals

Proposed amendments to Coastal Environment Line and Natural Character overlays

Rationale and criteria for location of Coastal Environment Line and Natural Character overlays

In response to appeals against the location of the Coastal Environment Line ("CEL") and Natural Character overlays ("NCOs") in the Decisions Version of the Proposed District Plan, the Thames-Coromandel District Council is proposing amendments to the CEL and NCOs which will enable the Council to meet its obligations under the Resource Management Act 1991 ("RMA").

The proposed changes to the CEL and NCOs were notified to affected landowners on 15 June 2018.

Some people have sought further information as to the rationale for, and criteria applied in determining, the location of the CEL and NCOs. This information is provided below, but if you have further specific questions about how the proposed changes affect your property, please call the Council on (07) 868 0269.

Council must identify the Coastal Environment Line and areas of high and outstanding natural character

Under the RMA, the Council has to recognise and provide for the preservation of the natural character of the Coastal Environment and protect the Coastal Environment from inappropriate subdivision, use and development as a matter of national importance.

The government also has to have a national coastal policy statement in place at all times, which guides the use and development of the coastal environment and assists the Council in meeting its obligations under the RMA. The current coastal policy statement is the New Zealand Coastal Policy Statement 2010 ("NZCPS").

Both the regional and district plans must give effect to, or implement, the NZCPS.

Under the Waikato Regional Policy Statement ("WRPS"), the Council has to identify (by mapping or otherwise) the CEL in the District Plan. The Council is allowed to either adopt the WRPS CEL or identify its own, as determined by further detailed investigation.

The WRPS CEL has been mapped at an indicative level only and in most cases is significantly further inland than the CEL being proposed by the Council. The CEL being proposed by the Council is based on closer investigation and a greater level of information than the WRPS CEL.

The NZCPS requires the Council to identify (by mapping or otherwise) the areas of at least high natural character. The WRPS requires the council to identify the areas of high and outstanding natural character, using the criteria set out in the WRPS.

What is the Coastal Environment?

The definition of Coastal Environment comes from the NZCPS and the WRPS.

The NZCPS says the following about identifying the Coastal Environment:

Policy 1 Extent and Characteristics of the Coastal Environment

- (1) *Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.*
- (2) *Recognise that the coastal environment includes:*
 - (a) *the coastal marine area;*
 - (b) *islands within the coastal marine area;*
 - (c) *areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;*
 - (d) *areas at risk from coastal hazards;*
 - (e) *coastal vegetation and the habitat of indigenous coastal species including migratory birds;*
 - (f) *elements and features that contribute to the natural character, landscape, visual qualities or amenity values;*
 - (g) *items of cultural and historic heritage in the coastal marine area or on the coast;*
 - (h) *inter-related coastal marine and terrestrial systems, including the intertidal zone; and*
 - (i) *physical resources and built facilities, including infrastructure, that have modified the coastal environment.*

Policy 1 does not explain how to define the limits of the Coastal Environment, but current best practice in this area suggests that it should encompass those areas in which coastal processes, landforms and vegetation are prominent and in which there is a strong sense of interaction with the Coastal Marine Area (CMA), which is the area below mean high water springs.

The WRPS defines the Coastal Environment as "the environment where the coast is a significant part or element", comprising at least those matters set out in the list above.

Who identifies the Coastal Environment and what rationale and criteria are applied?

The Council engaged an expert landscape architect to identify the extent of the Coastal Environment and the location of the CEL. In order to do so, the Council's expert identified the following criteria (based on the guidance from the NZCPS) for identifying the extent of the Coastal Environment:

A. Areas that are physically linked to the Coastal Marine Area (i.e., the area below Mean High Water Springs) ("CMA"):

1. *Areas that are directly subject to wave action and tidal inundation / movement and which contain / define the inter-tidal margins of the CMA;*
2. *Coastal drainage systems, including estuarine environments; and*
3. *Landforms and vegetation cover that are directly affected / modified by exposure and proximity to the CMA – through wind action, wave action and salt exposure.*

B. Areas whose character is substantially defined by their proximity to the CMA:

4. *Areas within which the CMA is a dominant to significant visual entity;*
5. *Locations whose landscape character and amenity is clearly influenced by proximity to, and a sense of connection with, the CMA; and*

6. *Locations within which items of cultural and historic heritage are found that are linked to, or within the CMA.*

In other words, the extent of the Coastal Environment has been determined by identifying those areas which derive much of their character from a strong degree of visual interaction with the CMA and that also convey a sense of being shaped (especially in terms of their vegetation cover) by physical processes associated with proximity to the sea, having regard to the local context.

Based on those criteria, the Council's expert used contour maps to identify key landforms and other 'break points' which define the landward extent of the Coastal Environment, including:

- (a) Major coastal ridgelines;
- (b) Coastal escarpments;
- (c) Secondary ridgelines enclosing harbours, estuaries and other areas of impounded water; and
- (d) The point of transition between coastal plains and terraces with adjoining hill country and ridges.

The Council's expert has endeavoured to limit the extent of changes to the Coastal Environment Line, while still ensuring that the requirements of the NZCPS and the WRPS are being fulfilled.

Who identifies the areas of high and outstanding natural character and what criteria are applied?

The NZCPS sets out a range of matters that contribute to natural character, including both physical and perceptual/experiential attributes relating to landform and its legibility, experiential qualities such as sounds and smell of the sea, places that are wild, the natural darkness of the night sky, and ecological aspects such as vegetation type/cover and habitat diversity/intactness.

The WRPS sets out the criteria to be applied in assessing natural character units as follows.

BIO-PHYSICAL CHARACTERISTICS:

Land Forms (Geology / Geomorphology): reflecting the degree to which the natural terrain, headlands, coastal slopes, reefs, shoals, dunes, beaches and other natural geomorphic 'systems' remain intact.

Vegetation Cover & Type(s): reflecting both the physical extent of 'native' vegetation cover and the indigenous content and integrity of that cover: a higher proportion of **endemic** vegetation cover – e.g. from salt marsh to mature coastal / podocarp forest – connotes greater naturalness; conversely a preponderance of production forestry, horticultural planting or other 'exotic' vegetation are associated with a modified / developed environment. Similarly, the greater presence and proportion of the coastal environment that is covered by native species the greater its naturalness.

Sea / Estuarine Water Bodies: the greater the presence of the sea and/or estuarine water bodies, and the more intact and unmodified those marine bodies are – including their inter-tidal margins / edges – the more 'natural' a coastal environment is likely to be.

Land Uses / Activities / Structures: reflecting the degree to which human activities, structures, buildings, development and land / bush clearance impose their own values on the coastal environment and modify it: the greater that effect, the less natural a coastal environment will be.

Habitat Value: the greater the ecological / habitat value of any coastal environment, the more likely that the related presence of wildlife (e.g. gannets, seals, penguins) will evoke a strong sense of naturalness.

Natural Processes: the clear presence of tidal activity, estuarine flows, vegetative succession, natural (not man-induced) erosion, the greater the feeling that the coastal environment is still largely shaped by natural systems; conversely, man-made structures, developments and activities – such as culverts and coastal defences – are likely to diminish such values.

PERCEPTUAL VALUES:

Wildness / Remoteness: reflecting the degree to which the coastal environment is perceived as being remote from **urban** / suburban New Zealand and imbued with qualities that make it seem wild and / or connoting 'wilderness'.

Experiential Attributes: related to the sounds, smells and the appreciation of other sensory attributes that contribute to the feeling of being at the seaside, within an area dominated by natural elements and processes.

Context / Setting: reflecting the qualities of, and degree of interaction with, other parts of the coastline and the degree to which that interaction enhances or compromises the naturalness of the more immediate coastal environment.

Transient / Dynamic Attributes: related to seasonal / daily change, weather patterns, the motion of water, surf breaks, waterfalls, tidal flows, the presence of wildlife and the degree to which such exposure enhances the relative naturalness of the coastal environment.

Night-time Values: reflecting the extent to which lights, noise, perceived activities and exposure to the sky's star-field affect the perceived naturalness of the coastal environment.

The Council's experts have undertaken an assessment of the natural character of the Coastal Environment in accordance with the criteria set out in the WRPS and identified those areas which, in their opinion meet the criteria for, either high or outstanding natural character.