

OTARA-TIROHANGA DUNE
SECTION OF THE PROPOSED
MOTU CYCLE TRAIL

ASSESSMENT OF LANDSCAPE
AND VISUAL EFFECTS

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OPOTIKI DISTRICT COUNCIL AND
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C/- P.O. BOX 44
OPOTIKI 3122



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PROJECT TEAM

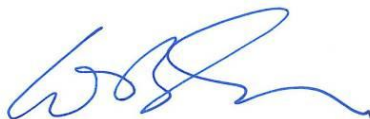
Richard Hart - Report author.

William Shaw - Technical advice and discussion.



R.W. Hart
Registered Landscape Architect
Richard Hart Ltd

Reviewed and approved for release by:



W.B. Shaw
Director/Principal Ecologist
Wildland Consultants Ltd

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1. INTRODUCTION, BRIEF, AND PROPOSAL

Opotiki District Council and the Department of Conservation commissioned Wildland Consultants Ltd to prepare an assessment of landscape and amenity values and potential effects of the coastal component of the 'Motu Trails' Trail. The coastal component extends approximately 8.6 km east of Snell Road, Opotiki, to 800 m west of the Waiaua River (Figure 1). The trail will occupy a corridor of public land made up of District Council unformed road reserve and land administered by the Department of Conservation. The track will be constructed to a width of 2.2 m using a 100 mm deep layer of compacted aggregate. Subject to final design, the trail alignment will be located between 5-60 m landward of the coastal dune scarp typical of this section of coast. The actual route is being designed by Frame Group Ltd, based on criteria to minimise earthworks/indigenous vegetation disturbance, and to maximise views towards the coast.

This assessment includes evaluation of permanent and temporary effects on landscape and amenity values and will be used to support the resource consent application for the earthworks and vegetation disturbance associated with establishment of the trail.

The proposal is described more fully in the resource consent application, and detailed plans and profiles are provided in the Frame Group drawings. The intention is to have a balance of cut and fill earthworks.

Construction of the trail is a discretionary activity within Opotiki District, because it involves the clearance of more than 100 m² of coastal vegetation. The trail also requires a resource consent from the Bay of Plenty Regional Council because it exceeds the threshold quantities for permitted earthworks.

2. BIOPHYSICAL SETTING

2.1 Topography

The site sits within a stretch of coastline immediately to the east of Opotiki township. This section of coastline is called Hikuwai beach and extends from the Waioeka-Otara River Mouth to Opape Beach, a distance of about 12 km, and is a typical white sand east coast beach. The beach is quite steeply-sloping, and the dunes have predominantly steep north-facing seaward faces. The dunes rise from sea level to about 15 m and typically extend 150-200 m inland. The underlying natural dune landform is largely intact.

Eastwards of the Otara River mouth, two watercourses exit through the dunes before the Tirohanga Stream, with another watercourse between Tirohanga and the Waiaua Stream. These waterways all meander through the dunes and along the beach, and are commonly lined with driftwood from the hinterland forests.

South of the dunes there is a band of coastal plains which rise to 'Tablelands', and a locally dominant hill, Hanaia (284 m), about 2 km inland of Tirohanga. This landscape extends further south, back into the mountainous hinterland and along the east coast.

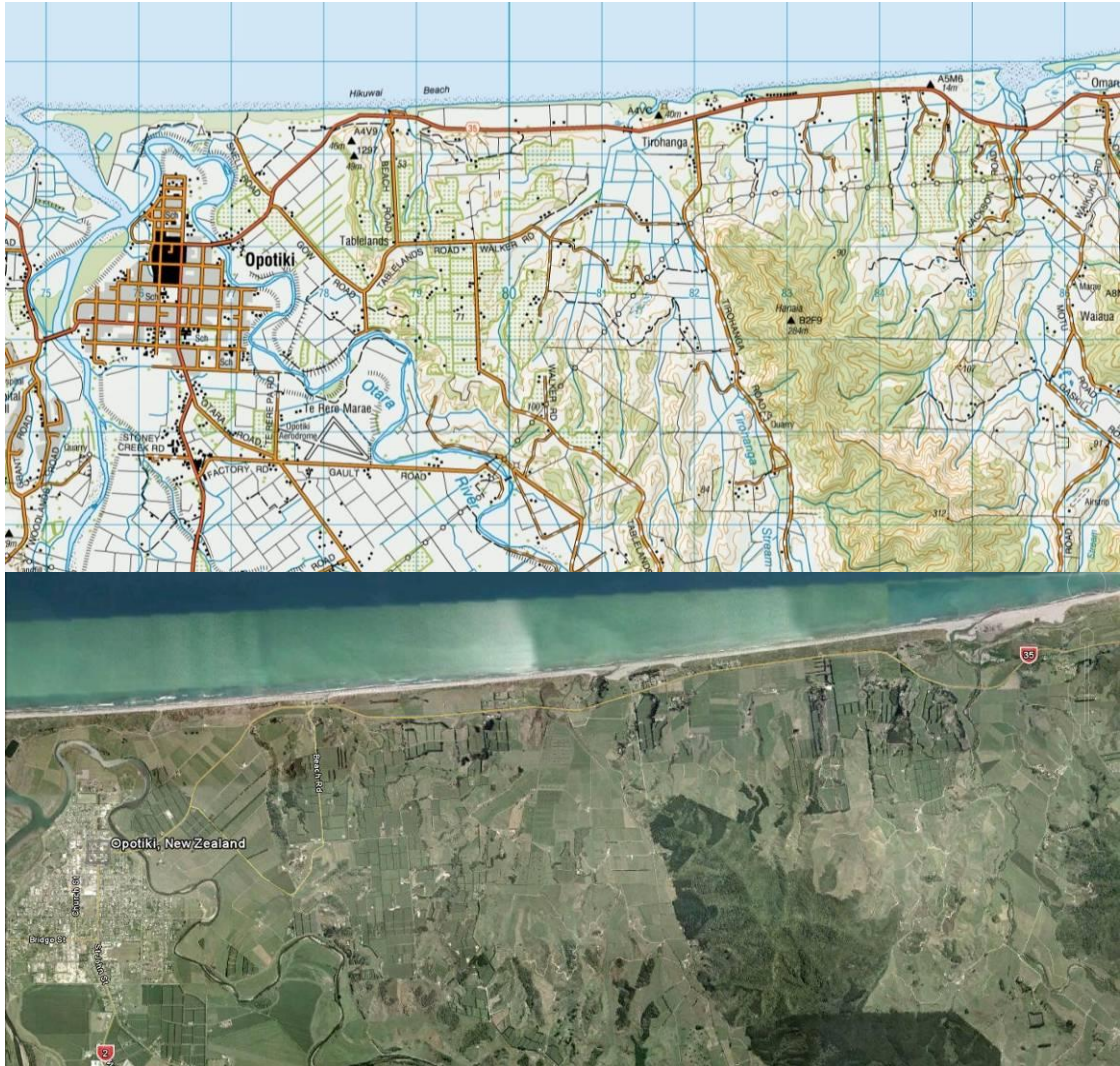


Figure 1: Topographic map (extract from NZMS260 series) and Google Earth aerial photograph of the coastline.



Figure 2: Typical dune at Tirohanga - vegetation predominantly pohuehue and sea couch.



Figure 3: Tirohanga Conservation Area, looking towards East Cape.



Figure 4: State Highway 35, looking west to Tablelands.



Figure 5: Beach Road, looking towards Hikuwai Beach access (public toilets left of centre).

2.2 Vegetation and fauna

The vegetation is described in a separate ecological report compiled by the Department of Conservation. In summary, the vegetation comprises a mixture of indigenous and exotic species along the dunes. The dunes are not of particularly high

ecological value, having been heavily grazed in the recent past, but are still nevertheless recognised as being of significant ecological value.

The section of coastline from the mouth of the Waioweka River eastwards to Omarumutu includes three sites previously recognised (Wildland Consultants 1999 and 2006) as being ecologically significant:

- Hikuwai Beach;
- Tirohanga Dunes and Wetland;
- Tirohanga Pā.

The Waioweka Estuary, west Hikuwai Beach and the proposed trail, is also recognised as having significant ecological values (Wildland Consultants 2006).

Dune vegetation comprises a mixture of indigenous and exotic species but is quite degraded. Pohuehue (*Muehlenbeckia complexa*) is the main indigenous species, with a range of weedy species present (e.g. boxthorn, marram, lupin, kikuyu, sea couch). Damage from recreational users is ongoing.

New Zealand dotterel are known to breed at the mouth of the Waioweka River and also at Tirohanga. Wetlands provide habitat for bittern, crakes, fernbird, and banded rail (Wildland Consultants 2006).

The dunes will provide habitat for indigenous lizards and invertebrates. One weka was sighted during the site visit.



Figure 6: State Highway 35, with farmland to the left and the dune formation to the right.

South of the dunes, across the main road (SH35), the land use is predominantly pasture, with farms extending across the coastal plains. Higher ground at Tablelands, Beach Road, and Tirohanga Road is predominantly shelterbelts and kiwifruit orchards.

There are localised areas of indigenous vegetation on the inland side of SH35, two recorded as being of ecological significance, one along the Tirohanga Stream and the

other on the western Tablelands escarpment, both of which are outside the trail alignment and are unaffected.

2.3 Land development and built form

Much of the site is modified and the dunes were apparently grazed until relatively recently. The general locality, inland of the dune system, has been cleared and drained, mainly for dairy farming. Various rural dwellings, cowsheds, and farm buildings are scattered through these farmed areas.



Figure 7: State Highway 35, showing farmland and buildings and Hanaia to the south.

More recently, kiwifruit orchards have been developed on the elevated plateau areas which have highly productive, free-draining, volcanic soils. Smaller blocks have been subdivided for lifestyle blocks, with localised areas of higher density rural lifestyle housing.



Figure 8: Elevated land developed as orchards and lifestyle blocks.

There is a long-standing campground and two strips of baches (*c.*5 and 20 in number) at Tirohanga. The baches are typical of coastal New Zealand, with every one being different, though they are still mainly of the smaller single level type. There are some larger new residences and various out-buildings. The Tirohanga baches currently have a typical coastal bach character. The campground has an associated petrol station and leased baches cabins.



Figure 9: Tirohanga beach baches and small adjacent wetland.

Hikuwai Beach (see Figure 5) is a major public access point to the beach and allows viewing of the coastline from a vehicle. There is a myriad of vehicle tracks and a public toilet facility at the site. This area is in poor condition with the asphalt surface breaking up and uneven gravelled accessways. Vehicles have formed local tracks.

Other key public access nodes are at Tirohanga Road beside the campground, Snell Road and Pukeariki, Kellys Beach. These access points are standard basic gravel areas, some with areas of grass.

Finally, there have been more recent subdivisions to form lifestyle properties along the State Highway. Many of these are surrounded by young shelterbelts and are screened from the road. There are three properties below the Tablelands plateau, eight beside the Tirohanga Stream, and several at the eastern end of the Tirohanga straight.



Figure 10: Tirohanga campground, and petrol station to right (looking west to Tirohanga Road).

3. NATURAL CHARACTER

Natural character is determined by the underlying landform and related vegetation cover. The context is rural, with the trail alignment being within the coastal dunelands. The natural character of the trail is coastal dunes. The trail traverses a landscape that is a mixture of rural and duneland character, with the latter interspersed locally with holiday accommodation.



Figure 11: View south across farmland to Hanaia and hinterland from Tirohanga dunes.

Many of the elevated properties south of the main road (SH35) enjoy spectacular views across farmland, buildings, and dunes, towards East Cape. Somewhat surprisingly, the adjacent farmland and more distant hinterland, Hanaia, and inland hills dominate views for travellers along State Highway 2. This is because the coast is screened from view, by the dunes, for travellers on SH35 and for most of the low-lying properties.



Figure 12: Eastern end of Tirohanga straight (approximate eastern extent of trail).

Several of the baches are, in places, two deep from the road, and also have views southwards away from the dunes at Tirohanga.



Figure 13: Baches at Tirohanga, viewed from dunes.

The natural character along the length of the trail alignment is coastal duneland. Sites on the dunes share the expansive views of the hinterland, as well as views of the beach and extending along the east coast towards East Cape.

The experience of walking through and along the dunes is quite wild and natural. In many places, the dunes screen out all adjacent buildings and farmland. Where people are absorbed within the dunes, and experiencing the coastline and adjacent hinterland, they can escape the hustle of urban life.

4. VISUAL CHARACTER

4.1 Visual catchment and viewing audience

The visual catchment extends from the Otara River to the Waiau Stream, and from the beach to the hinterland skyline. In practice, the viewing audience is limited to the following:

- road users;
- scattered rural properties (farms and orchards);
- elevated lifestyle properties with coastal views;
- the strip of baches at Tirohanga and lifestyle properties behind the dunes;
- beach users (especially associated with access points, such as Hikuwai and Tirohanga).

5. AMENITY VALUES

Section 2 of the RMA states that amenity values include those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. Along sections of the proposed trail, the obvious natural character of the coastline and dunes provide high levels of amenity value.

Some parts of the dunes are highly degraded and the trail will provide an opportunity to improve the quality of the habitat, including the naturalness and aesthetic coherence. Other parts are of higher value, but would still also benefit from ongoing weed and pest control.



Figure 14: Tirohanga dunes. Note various existing tracks along ridge and through dunes.



Figure 15: Grazed section of dunes with low biodiversity values and lesser natural character value.



Figure 16: Tirohanga dunes, showing existing tracks from road to beach and parallel to beach (the proposed trail utilises these where practical).

6. REGULATORY PROVISIONS

There are several statutory documents that contain regulatory provisions relevant to this project, including:

- The Resource Management Act 1991;
- The New Zealand Coastal Policy Statement;
- The Bay of Plenty Regional Policy Statement;
- The Bay of Plenty Regional Coastal Environment Plan;
- The Opotiki District Plan; and
- The Conservation Management Strategy (for East Coast Conservancy).

Various relevant extracts are attached in Appendix 1.

No part of the site is recorded as either an Area of Significant Conservation or Cultural Value, a Regionally Significant Feature or Landscape, or an Outstanding Natural Feature or Landscape in the Bay of Plenty Regional Coastal Environment Plan.

There are two sites of ecological significance being a wetland adjacent to waterways at Tirohanga and the western Tablelands escarpment (SSL-77 & SSL-78 of Sheet 28 Opotiki). Opotiki District Plan does not record any part as a site of significance (Sheet 3 DP), although the Council does have a non-statutory ecological inventory (Wildland Consultants 1999) that recognises most of the site as being of some ecological value.

Construction of the trail is a discretionary activity within the Opotiki District because it involves the clearance of more than 100 m² of coastal vegetation.

The trail requires a resource consent from the Bay of Plenty Regional Council because it exceeds the threshold quantities for permitted earthworks.

Key statutory requirements are:

- Preservation of the natural character of the coastal environment (including native vegetation).
- Maintenance and enhancement of public access to and along the coastal environment.

7. ASSESSMENT OF LANDSCAPE AND VISUAL EFFECTS

Actual and potential landscape and visual effects of the proposal include:

- Effects on natural character;
- Effects on visual character;
- Effects on amenity values.

These are discussed further below:

7.1 Effects on natural character

Changes to the natural dune character involve earthworks to bench a trail through, along, and adjacent to the natural dune formation. Vegetation clearance will result in temporary changes, until vegetation cover is re-established after construction.

Effects on natural character and landscape character will, potentially, result from the following:

- Earthworks cut and fill;
- Vegetation clearance;
- The formed trail itself and cyclists and walkers using the trail;
- The resulting, somewhat altered, vegetation pattern.

Potential adverse effects of the trail will be minor, for the following reasons:

- The proposed earthworks will be kept to a minimum;
- Dune vegetation is already modified by many years of grazing;
- Existing tracks have been worn into the dunes in an uncontrolled manner;
- The trail will be managed so as to enhance indigenous vegetation over time;
- The alignment follows existing tracks where suitable;
- Proposed revegetation measures, combined with natural regeneration, will, over time, mitigate earthworks effects;
- The formed trail will be similar to the existing dune tracks.

The relatively minor effects on natural character and visual amenity are outweighed by the following positive effects:

- the trail creates a significant recreational asset for the community and visitors;
- the trail improves public access to the coastal environment (RMA Section 6(d));

- the trail provides access for Opotiki residents and visitors directly to Hikuwai beach and the river mouth;
- Tangata whenua are supportive of the proposal.

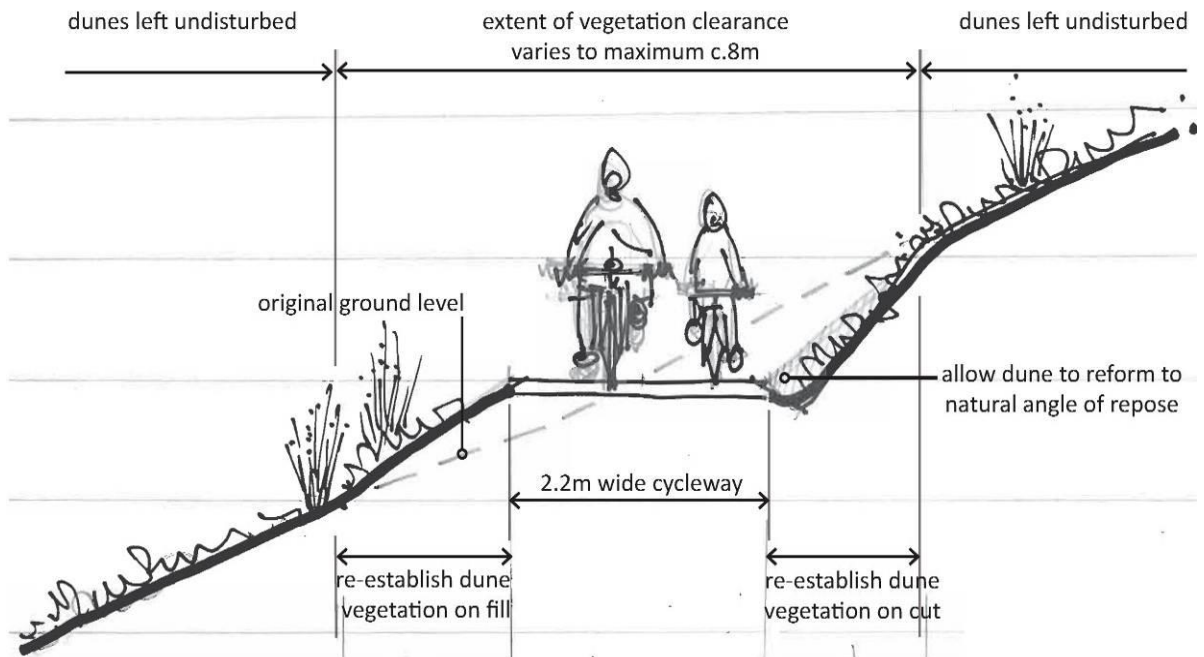
The dune system has an area of about 200 ha (200 m wide × 10 km long) and the trail itself will affect about 1.8 ha. That is, about 1% of the total area is to be affected, and much of this follows existing tracks. This level of change will not affect the overall natural character in any consequential way.

In summary, provided that the effects of vegetation clearance and earthworks are remedied through vegetation re-establishment and weed control, effects on the natural character of the coastal environment will be inconsequential. Further the proposed trail clearly enhances, through its primary purpose as a cycle trail, public access to and along the coastal environment. Similar trails elsewhere have use patterns made up of about half pedestrians and half cyclists. The same ratio of walkers to cyclists is likely to occur here.

To form the trail, it will be necessary to undertake a reasonable amount of vegetation clearance, including pohuehue (*Muehlenbeckia complexa*). This clearance will be for varying widths, up to a maximum of about 8 m. Establishment of a good long-term alignment is desirable, even if this means that some areas of dense *Muehlenbeckia*-dominant vegetation is to be cleared. Consent conditions should include provisions requiring the re-establishment of dune vegetation on all exposed cut and fill slopes, with ongoing weed and pest control along the length of the trail.

Ongoing weed and pest control should result in gradual and continuous improvement to the quality of indigenous vegetation, and a more natural and attractive dune ecosystem. Vegetation will re-establish naturally but should be assisted with massed *Muehlenbeckia complexa* planting. *Muehlenbeckia* is the main indigenous species along this entire section of dunes, is relatively easy to establish, and spreads quickly to cover bare sand. There is little justification, in this situation, to plant other indigenous species. The use of a single species will simplify the revegetation programme, and will fit in well with the existing character of the dune system.

The concept suggested is shown in the following diagram, which is based on the Frame Group sections.



7.2 Effects on visual character

Effects on visual character relate to the effects that people will see as a result of trail construction and operation. The viewing audiences were described earlier as:

- Road users;
- Scattered rural properties (farms and orchards);
- Elevated lifestyle properties with coastal views;
- The strip of baches at Tirohanga;
- Lifestyle properties behind the dunes;
- Beach users (various access points, especially sites such as the Hikuwai toilets).

7.2.1 Visual effects on road users, scattered rural properties, and elevated lifestyle properties to the south

Road users will, potentially, see parts of the trail where it is constructed on south-facing slopes and along the base of the dune system on the road side. Earthworks and the trail surface will be visible for some sections along the length of the trail, along with cyclists and pedestrians using the trail.

Many elevated properties south of the main road have views towards the coast and along the dunes. These properties will see parts of the trail, and people using it. However, they are 200-400 m distant, so will not be directly affected. Furthermore, the activity anticipated is only 5,000 users per year, equating to about 14 people per day. Even if the usage is limited to weekends, this is an average of less than 50 people per day.

Effects on road users and elevated neighbours to the south of the road will be inconsequential and are most likely be beneficial, for the following reasons:

- The trail provides them with improved access to and along the coastal environment;
- Tracks already exist throughout the dune system, but are uncontrolled and unmanaged;
- The overall natural and landscape character will remain substantially unchanged;
- Dune vegetation will be enhanced through weed and pest control, and supplementary planting;
- Earthworks and vegetation clearance will be remedied with revegetation following construction;
- Usage of the trail is projected to be relatively low, an average of only at 14 people per day.

7.2.2 Visual effects on the strip of baches at Tirohanga and lifestyle properties behind the dunes

There will be little effect from the trail itself as it is sited 30-40 m from the nearest dwellings, and aligned to avoid potential visual conflicts with neighbours. However, parts of the trail will be visible, as will pedestrians and users on bicycles.

Effects of trail development and use on visual character are acceptable because:

- The trail is aligned as far away as practical from dwellings;
- Earthworks are to be kept at a minimum;
- The trail margins will be restored into matching dune vegetation;
- The anticipated number of users is low (as discussed above);
- Only a small number of neighbours are affected along the length of the trail (see above).

The Tirohanga Conservation Reserve is Crown land and public access is a permitted activity.

7.3 Effects on amenity values

Section 2 of the RMA defines amenity values to mean those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

Amenity values include enjoyment of views of the landscape and associated recreational amenity, such as beach activities, fishing, and walking.

People will have varying responses, in terms of amenity values, to the proposed trail development. Some people will perceive the trail as a positive addition to the facilities of the area and as an opportunity to enhance the dune vegetation and to obtain improved access for the control of pest plants and animals. Others will have a

contrary view, and will perceive the trail as having the potential to diminish their privacy and security.

Public access to the coastal environment should be maintained and enhanced (c.f. RMA Section 6(d)). Furthermore, there are many existing informal trails through the dunes. The proposed development clearly provides a strong component of overall public benefit.

The dune vegetation is not pristine, and has been grazed. There is considerable potential for aesthetic coherence and pleasantness to be enhanced through improved management of pest plants and animals, and dune restoration works associated with the proposal.

7.3.1 Amenity effects on neighbours

As stated above, neighbours will potentially see parts of the trail and trail users, where it is constructed near their boundaries. This is likely where trail construction is on dune slopes with direct lines of sight southwards into neighbouring properties. There is likely to be some alteration in views and visual amenity of parts of the dune for some neighbours. The trail has been aligned to be as far as possible from neighbours' boundaries, with the trail alignment well seaward side of private property. At Tirohanga, the trail is currently aligned 20-30 m from property boundaries and 30-40 m from the nearest dwellings. The seaward side of the foredunes is prone to wind erosion during storms and has been avoided, to prevent problems with future erosion events.

Several adjacent neighbours are understood to support the proposal, including the Tirohanga campground. Most neighbours are silent on the matter, and choose to neither formally support nor object. Unsolicited objections are most unlikely from the general public on landscape and visual grounds.

Some neighbours in the strip of baches at Tirohanga apparently oppose the trail on the grounds of natural-landscape character, views, and security. Natural character and visual effects are discussed above, and potential effects will be the same for immediate neighbours at Tirohanga, so are not discussed further here.

There are always some neighbours who oppose public access within public lands adjacent to their properties around New Zealand's coastline. This is a natural reaction for some people to any change that potentially affects them personally. However, there are significant public benefits from the proposed trail. This opinion is supported by Section 6(d) of the Resource Management Act, which supports public access to the coastal environment as a matter of national importance. Notwithstanding, it is reasonable that effects on immediate neighbours are remedied and mitigated if they do not wish to enjoy the enhanced coastal access that the trail will provide.

Coastal Reserve Encroachments

About eight neighbours at Tirohanga have mown areas of grass extending into the Tirohanga Conservation Reserve, with one or two extending as far as the proposed trail alignment. This has exposed them to trail users obtaining access or views of their

properties through these park-like lawns. These encroachments have developed over time and such encroachments are not permitted within Crown land, and policies exist to limit and remove them. The Department of Conservation apparently prefers to work co-operatively with neighbours to find a mutually acceptable resolution in these circumstances, but has the option of prosecution if necessary.

Planting should be undertaken to either screen or separate the trail from private property where neighbours desire greater security. In most cases, this will involve planting to revegetate grass-covered areas of encroachment, and neighbours may well object to this approach. Only a few neighbours are potentially affected and it is questionable whose rights (public vs. private) are most affected. There is potentially a large public benefit, with only minor effects on very few neighbours. Meetings with any objectors may be necessary to try and broker a suitable outcome.



Figure 17: Eastern-most bach at Tirohanga.



Figure 18: Google aerial photograph, showing approximate Conservation Reserve boundary (red line) and related encroachments.

Crime Prevention Through Environmental Design

Crime Prevention Through Environmental Design (CPTED) principles promote clear viewing of public amenities and trails as a security benefit. That is, neighbours can observe people's behaviour and report issues that arise. Similarly, trail users will increase public scrutiny in the coastal environment and may discourage inappropriate behaviour towards neighbours. There is, potentially, a mutual benefit for both trail users and neighbours in terms of security. A common (mis)perception is that a trail will only promote inappropriate behaviour.

Overall, potential amenity effects of the trail on adjacent neighbours are minor, for the following reasons:

- The trail will create a significant community recreational asset;
- The trail will improve public access to the coastal environment (c.f. RMA Section 6(d));
- Proposed earthworks are to be kept to a minimum;
- Dune vegetation has already been modified by many years of grazing and encroachments;
- Existing tracks have been worn into the dunes in an uncontrolled manner;
- The trail will be managed so as to enhance indigenous vegetation over time;
- The proposed alignment follows existing tracks where suitable and is sited as far as practicable from neighbours (30-40 m from dwellings);
- Natural revegetation and proposed planting will, over time, mitigate earthworks effects;
- Security will potentially increase, as a result of public observation of properties.

Upgrading of the public access points at Hikuwai and Tirohanga is desirable, to improve visitor perceptions of the trail development. This does not form part of the application, but should be undertaken as resources allow.

7.4 Public access and amenity opportunities

Because existing access points are either basic or in a poor state of repair there are opportunities to improve public amenity, particularly at Hikuwai and Tirohanga. These key access nodes are well used by visitors and locals, and are likely to be utilised by trail users. Left as is these nodes may detract from the trail experience.

There are significant opportunities are for redevelopment of these access nodes, and to provide an increased level of service (better maintenance). This may involve reconstruction of vehicle access and parking areas, drainage works, separation of park areas from vehicles, and upgrading or placement of park furniture items (e.g. tables, bollards, bins).

8. CONCLUSIONS

Natural character along the coastal section of the proposed trail is a relatively consistent strip of coastal duneland. These dunes have expansive views of the

hinterland, as well as views of the beach and open sea, and along the east coast towards East Cape.

Overall, potential effects on natural character and amenity, and any visual effects, will be relatively minor if the following matters are addressed:

- Dune vegetation must be re-established on disturbed ground following construction of the trail. This should be undertaken to the satisfaction of the controlling authority (Opotiki District Council or Department of Conservation).
- An ongoing weed monitoring and management plan should be implemented, to provide ongoing improvement to the dune habitat and character.
- Reserve encroachments at Tirohanga should be addressed.
- Public access should be maintained to a high standard. This may require upgrading of key access points, such as Hikuwai and Tirohanga.

The first two items above should become conditions of any resource consent(s) granted for the project.

REFERENCES

Wildland Consultants 1999: Natural heritage of Opotiki District. *Wildland Consultants Ltd Contract Report No. 185*. Prepared for Opotiki District Council and Environment Bay of Plenty. 559 pp.

Wildland Consultants 2006: Significant indigenous vegetation and significant habitats of indigenous fauna in the coastal environment of the Bay of Plenty Region. *Wildland Consultants Ltd Contract Report No. 1345*. Prepared for Environment Bay of Plenty. Volume 1 - 553 pp, Volume 2 - maps 49 pp.

RELEVANT STATUTORY PROVISIONS

RESOURCE MANAGEMENT ACT 1991**5 Purpose**

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while -
 - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
- (f) the protection of historic heritage from inappropriate subdivision, use, and development:
- (g) the protection of recognised customary activities.

Section 6(f): added, on 1 August 2003, by Section 4 of the Resource Management Amendment Act 2003 (2003 No 23).

Section 6(g): added, on 17 January 2005, by Section 4 of the Resource Management (Foreshore and Seabed) Amendment Act 2004 (2004 No 94).

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to:

- (a) kaitiakitanga:
- (aa) the ethic of stewardship:
- (b) the efficient use and development of natural and physical resources:
- (ba) the efficiency of the end use of energy:
- (c) the maintenance and enhancement of amenity values:
- (d) intrinsic values of ecosystems:
- (e) *[Repealed]*
- (f) maintenance and enhancement of the quality of the environment:
- (g) any finite characteristics of natural and physical resources:
- (h) the protection of the habitat of trout and salmon:
- (i) the effects of climate change:
- (j) the benefits to be derived from the use and development of renewable energy.

Section 7(aa): inserted, on 17 December 1997, by Section 3 of the Resource Management Amendment Act 1997 (1997 No 104).

Section 7(ba): inserted, on 2 March 2004, by Section 5(1) of the Resource Management (Energy and Climate Change) Amendment Act 2004 (2004 No 2).

Section 7(e): repealed, on 1 August 2003, by Section 5 of the Resource Management Amendment Act 2003 (2003 No 23).

Section 7(i): added, on 2 March 2004, by Section 5(2) of the Resource Management (Energy and Climate Change) Amendment Act 2004 (2004 No 2).

Section 7(j): added, on 2 March 2004, by Section 5(2) of the Resource Management (Energy and Climate Change) Amendment Act 2004 (2004 No 2).

NEW ZEALAND COASTAL POLICY STATEMENT

Policy 1.1.1

It is a national priority to preserve the natural character of the coastal environment by:

- (a) encouraging appropriate subdivision, use or development in areas where the natural character has already been compromised and avoiding sprawling or sporadic subdivision, use or development in the coastal environment;
- (b) taking into account the potential effects of subdivision, use, or development on the values relating to the natural character of the coastal environment, both within and outside the immediate location; and
- (c) avoiding cumulative adverse effects of subdivision, use and development in the coastal environment.

Policy 1.1.2

It is a national priority for the preservation of the natural character of the coastal environment to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna in that environment by:

- (a) avoiding any actual or potential adverse effects of activities on the following areas or habitats:
 - (i) areas and habitats important to the continued survival of any indigenous species; and
 - (ii) areas containing nationally vulnerable species or nationally outstanding examples of indigenous community types;
- (b) avoiding or remedying any actual or potential adverse effects of activities on the following areas:
 - (i) outstanding or rare indigenous community types within an ecological region or ecological district;
 - (ii) habitat important to regionally endangered or nationally rare species and ecological corridors connecting such areas; and
 - (iii) areas important to migratory species, and to vulnerable stages of common indigenous species, in particular wetlands and estuaries;
- (c) protecting ecosystems which are unique to the coastal environment and vulnerable to modification including estuaries, coastal wetlands, mangroves and dunes and their margins; and
- (d) recognising that any other areas of predominantly indigenous vegetation or habitats of significant indigenous fauna should be disturbed only to the extent reasonably necessary to carry out approved activities.

Policy 1.1.3

It is a national priority to protect the following features, which in themselves or in combination, are essential or important elements of the natural character of the coastal environment:

- (a) landscapes, seascapes and landforms, including:
 - (i) significant representative examples of each landform which provide the variety in each region;
 - (ii) visually or scientifically significant geological features; and
 - (iii) the collective characteristics which give the coastal environment its natural character including wild and scenic areas;
- (b) characteristics of special spiritual, historical or cultural significance to Māori identified in accordance with tikanga Māori; and
- (c) significant places or areas of historic or cultural significance.

Policy 1.1.4

It is a national priority for the preservation of natural character of the coastal environment to protect the integrity, functioning, and resilience of the coastal environment in terms of:

- (a) the dynamic processes and features arising from the natural movement of sediments, water and air;
- (b) natural movement of biota;
- (c) natural substrate composition;
- (d) natural water and air quality;
- (e) natural bio diversity, productivity and biotic patterns; and
- (f) intrinsic values of ecosystems.

Policy 1.1.5

It is a national priority to restore and rehabilitate the natural character of the coastal environment where appropriate.

Maintenance and Enhancement of Public Access to and Along the Coastal Marine Area

Policy 3.5.1

In order to recognise the national importance of maintaining public access to and along the coastal marine area, a restriction depriving the public of such access should only be imposed where such a restriction is necessary:

- (a) to protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna;
- (b) to protect Maori cultural values;
- (c) to protect public health or safety;
- (d) to ensure a level of security consistent with the purpose of a resource consent; or
- (e) in other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.

Policy 3.5.2

In order to recognise the national importance of enhancing public access to and along the coastal marine area, provision should be made to identify, as far as practicable:

- (i) the location and extent of places where the public have the right of access to and along the coastal marine area;
- (ii) those places where it is desirable that physical access to and along the coastal marine area by the public should be enhanced; and
- (iii) those places where it is desirable that access to the coastal marine area useable by people with disabilities be provided.

Policy 3.5.3

In order to recognise and provide for the enhancement of public access to and along the coastal marine areas as a matter of national importance, policy statements and plans should make provision for the creation of esplanade reserves, esplanade strips or access strips where they do not already exist, except where there is a specific reason making public access undesirable.

BAY OF PLENTY REGIONAL POLICY STATEMENT

9.3.3 Access

9.3.3(a) Objective

The coastal marine area is generally accessible to members of the public.

9.3.3(b) Policies

9.3.3(b)(i) To enhance public usage and enjoyment of the coastal marine area.

9.3.3(b)(ii) To provide for the expansion of existing facilities or the locating of new facilities which would enhance public access to the coastal environment, while ensuring that adverse effects are avoided, remedied or mitigated.

9.3.3(b)(iii) To restrict public access to the coastal marine area only where the restriction is necessary:

- (a) To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- (b) To protect Maori cultural values;
- (c) To protect public health and safety;
- (d) To ensure a level of security consistent with the purpose of a resource consent; or
- (e) In other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.

9.3.3(c) Methods of Implementation

Environment B·O·P and District Councils will liaise to:

9.3.3(c)(i) Include appropriate provision in all plans and strategies for the maintenance and, where appropriate, the enhancement of public access to the coastal marine area except where such access needs to be restricted.

9.3.3(c)(ii) Include appropriate conditions of resource consents for the maintenance and, where appropriate, the enhancement of public access to the coastal marine area except where such access needs to be restricted.

Environment B·O·P will:

9.3.3(c)(iii) Encourage the protection of areas of the coast that either would serve to enhance public access to the coastal marine area or have sensitive values and are under pressure from unrestricted public access.

9.3.3(c)(iv) Encourage public authorities to rationalise the existing situation of many informal access tracks along the coastal environment that cross sensitive dune areas susceptible to coastal hazards.

9.3.3(d) Explanation/Principal Reasons

New Zealand has a long history of public ownership and use of the coastal marine area, and is distinguished by the right of the public to access most of the coast. It is considered highly desirable to maintain and enhance this situation. Furthermore, all persons exercising functions, duties and powers under the Act are required to recognise and provide for, as matters of national importance, the maintenance and enhancement of public access to and along the coastal marine area. The principal means by which this may be achieved are through planning 1 December 1999 Bay of Plenty Regional Policy Statement Coastal Environment documents, consent conditions and in some cases through the acquisition of land.

However, there are sensitive areas of the coast which would be compromised by unrestricted public access. These need to be recognised and provided for, as do other areas where public access is inappropriate for safety or security reasons.

9.4 Anticipated Environmental Results

The anticipated environmental results are:

1. The preservation of the natural character of the coastal environment.
2. The protection of outstanding heritage places within the coastal environment.

3. The protection of significant areas of indigenous vegetation and significant habitats of indigenous fauna within the coastal environment.
4. The maintenance and enhancement of public access to and along the coastal marine area, except in circumstances or areas where such is not appropriate.
5. Recognition of and provision for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga within the coastal environment.
6. Coastal water quality is at least maintained and degraded coastal water quality is enhanced.
7. Maintenance and enhancement of the amenity values of the coastal environment, including recreational, educational, cultural and inspirational experiences.
8. Allowance for development and use of the coastal environment which either complements its natural character or is otherwise appropriate.
9. Avoidance or mitigation of significant adverse effects associated with use and development of coastal resources.
10. Enhanced co-ordination between the public authorities that exercise management responsibilities within the coastal environment.
11. Better integration of the management of the coastal environment with other areas and resources.

OPOTIKI DISTRICT PLAN

Objective 1. The retention, preservation and protection of the distinctive natural character of the Opotiki coastal environment for the enjoyment of the community and visitors to the district.

Policies 1.1 Require setback for structures and buildings from the coast to ensure maintenance of the coastal ecosystem and the natural character of the coastline, and to enable esplanade reserves, or esplanade strips to be set aside for the future.

1.2 Ensure that the subdivision and use of land within the district's coastal areas avoids as far as practicable adverse effects on the coastal ecosystem, water bodies, riparian areas, indigenous vegetation, indigenous habitats, natural character and on areas of historical or cultural value.

Objective 2. Improvement in the public access opportunities to and along the coast which do not depreciate the quality of the coastal environment.

Policies 2.1 Require esplanade reserves or esplanade strips to be set aside along the coast and inland water bodies within the Zone at the time of subdivision, or as conditions of resource consent for land use application. The esplanade areas will be used for conservation purposes, water quality enhancement, habitat protection, or for public access except as otherwise provided for in Te Ture Whenua Maori Land Act 1993.

RULES

3.3.3 Discretionary activities

...8. Disturbance of the following in the Coastal, Coastal Settlement and Ohiwa Harbour zones:

Any pohutakawa tree.....

Coastal dune land vegetation greater than 100 m².