

Section 6 Coastal Lake And River Management[#]

6.1	General Features	6-1
6.1.1	The Coast	6-1
6.1.2	Rivers and Streams	6-1
6.1.3	Lakes	6-1
6.2	Legislative Considerations	6-3
6.2.1	Resource Management Act	6-3
6.2.2	Harbours Act	6-4
6.3	Management Issues	6-5
6.3.1	Boundary Of The Coastal Marine Area	6-5
6.3.2	Preservation Of The Natural Character Of The Coastal Environment	6-5
6.3.2A	Kaipara Harbour Environment Area	6-6
6.3.3	Activities On Foreshores And Adjacent Coastal Margins	6-8
6.3.4	Public Access To The Coast, Lakes And Rivers	6-9
6.3.5	Riparian Management	6-10
6.3.6	Boating And Other Water Sports Activities	6-10
6.3.7	Management Of Lake Catchment Areas	6-11
6.4	Objectives, Policies And Methods Of Implementation	6-12
6.4.1	Objectives - Coastal, Lake And River Management	6-12
6.4.2	Policies And Methods Of Implementation	6-13
	1 Coastal Management	6-13
	2 Management Of Lake Catchment Areas And River Margins	6-13
	3 Activities On Lakes And Rivers	6-14
	4 Access To Water Bodies	6-14
6.5	Rules - Coastal Zone	6-15
6.5.1	Coastal Zone - Zone Statement	6-15
6.5.2	Coastal Zone - Permitted Activities	6-15
6.5.3	Coastal Zone - Controlled Activities	6-15
6.5.4	Coastal Zone - Discretionary Activities	6-15
6.5.5	Coastal Zone - Environmental Standards	6-16

	1 Buildings And Structures	6-16
	2 Noise Emissions	6-17
	3 Use Of Explosives And Blasting	6-17
	4 Contaminant Discharges	6-18
	5 Protection Of Heritage And Natural Features	6-18
	6 Signs	6-18
	7 Vehicle Access Loading And Parking	6-18
	8 Other Resource Consents	6-18
6.6	Rules - Activities On Kai Iwi Lakes	6-18
6.6.1	Small Motor Craft Prohibited From Lake Kai Iwi	6-18
6.6.2	Navigation And Speed Of Small Motor Craft On Lake Taharoa	6-18
6.6.3	Navigation And Speed Of Small Motor Craft On Lake Waikere	6-18
6.6.4	Access Lanes	6-19
6.6.5	Reserved Areas For Particular Activities	6-19
6.7	Rules – Protection of Coastal Indigenous Pohutukawa	6-19
6.7.1	General Requirements to Protect Coastal Indigenous Pohutukawa	6-19
6.7.2	Application to Prune Coastal Indigenous Pohutukawa	6-19
6.7.3	Non Complying Activities	6-20
6.8	Rules - Financial Contributions For Enhancement or Riparian Protection (Land Use Activities)	6-20
6.8.1	General Requirements For Financial Contributions For Riparian Protection	6-20
6.8.2	Form Of Financial Contributions	6-20
6.8.3	Maximum Amount Of Financial Contributions	6-20
6.8.4	Matters To Be Considered When Assessing Financial Contributions	6-20
6.9	Rules – Earthworks in Kaipara Harbour Environment Area	6-21
6.9.1	General Requirements	6-21
6.9.2	Kaipara Harbour Environment Area – Earthworks Management Plans	6-21

[#] Updated August 2005

6.1 General Features

6.1.1 The Coast

The Kaipara District is endowed with an extensive and varied coastline of open beaches and enclosed estuary and harbour areas. Its west coast comprises around 100 kilometres of sandy beach stretching from the Waipoua River mouth to the entrance of the Kaipara harbour. Its east coast has around 10 kilometres of sandy beach between Bream Tail and the Mangawhai estuary. Both beach areas are backed by sand dunes or sandstone cliffs supporting a variety of grass and other plant species. Along the west coast the sand dunes extend several kilometres inland enclosing numerous lakes and marshland areas. Both coasts are relatively stable although subject to some short term accretion and erosion.

The Kaipara harbour is one of the major features of the district being an important transport route in its early development. It is the largest internal waterway in the country having a shoreline of around 700 km, some 250 km of which borders the Kaipara district. The harbour is broken by numerous tidal inlets, bays and beaches. Mangroves fringe much of the harbour. It is a popular fishing area with both commercial and recreational interests. Marine farms are established in the more protected areas of the harbour.

6.1.2 Rivers and Streams

The land in the district is broken by numerous rivers and streams. The Northern Wairoa River is the most extensive, running from the foothills of the Tangihua Ranges to the Kaipara harbour. It is subject to tidal influence for much of its length. The Manganui River has the largest catchment area taking in some 450 square kilometres including some land in the adjacent Whangarei district. Other major rivers and streams include:

- Waipoua River, Waima River and Opouteke Stream
- Waihaupai, Ngakiriparauri and Kai Iwi streams
- Kaihu, Awakino and Tangowahine Rivers
- Tauraroa River, Pikiwahine and Tauraroa Streams

- Omaru River and Te Awaoteaowhi Stream
- Matakohe, Pahi, Paparoa and Hakaru Rivers

Most of the rivers have their outlets in the Kaipara harbour. Few have outlets discharging directly onto the coast like in the lower North Island. Flows in the rivers vary considerably because of localised rainfall patterns and the underlying geology. The rivers are of considerable value to the district serving as a source of water for various activities including stock watering and horticultural irrigation and having a flood control function. Some are also used for fishing, boating and other recreational activities.

6.1.3 Lakes

Numerous freshwater lakes are found along the west coast of the district. The lakes have been formed in consolidated sand dunes of relatively recent geological origin. They are in three main locational groups - Kai Iwi, Redhill and Pouto. The major lakes in the groups are as follows:

- Kai Iwi Lakes - Kai Iwi, Taharoa, Waikere and Shag
- Redhill Lakes - Kapoai, Parawanui and Wainui
- Pouto Lakes - Rototuna, Rotopouua, Humuhumu, Mokeno, Rotootuauro (Swan), Kanono, Kahuparere, Rotokawau Waingata

The lakes vary considerably in size with the majority between 5 ha and 35 ha. Lake Taharoa is the largest covering 237 ha. They are relatively shallow, most being less than 15 metres deep. The lakes generally have no surface inflows or outlets and rely on direct rainfall as their principal water input. They are prone to nutrient enrichment from farm runoff and the like.

The lakes are home to a unique collection of plant and animal life. They provide habitat for species of freshwater crayfish, mussel and fish as well as plants such as the rare grasslike herb *Hydatella inconspicua*. Trout have been introduced into the Kai Iwi lakes and are managed for recreational fishing purposes. The lakes are generally free of oxygen weed and other potentially noxious plants.

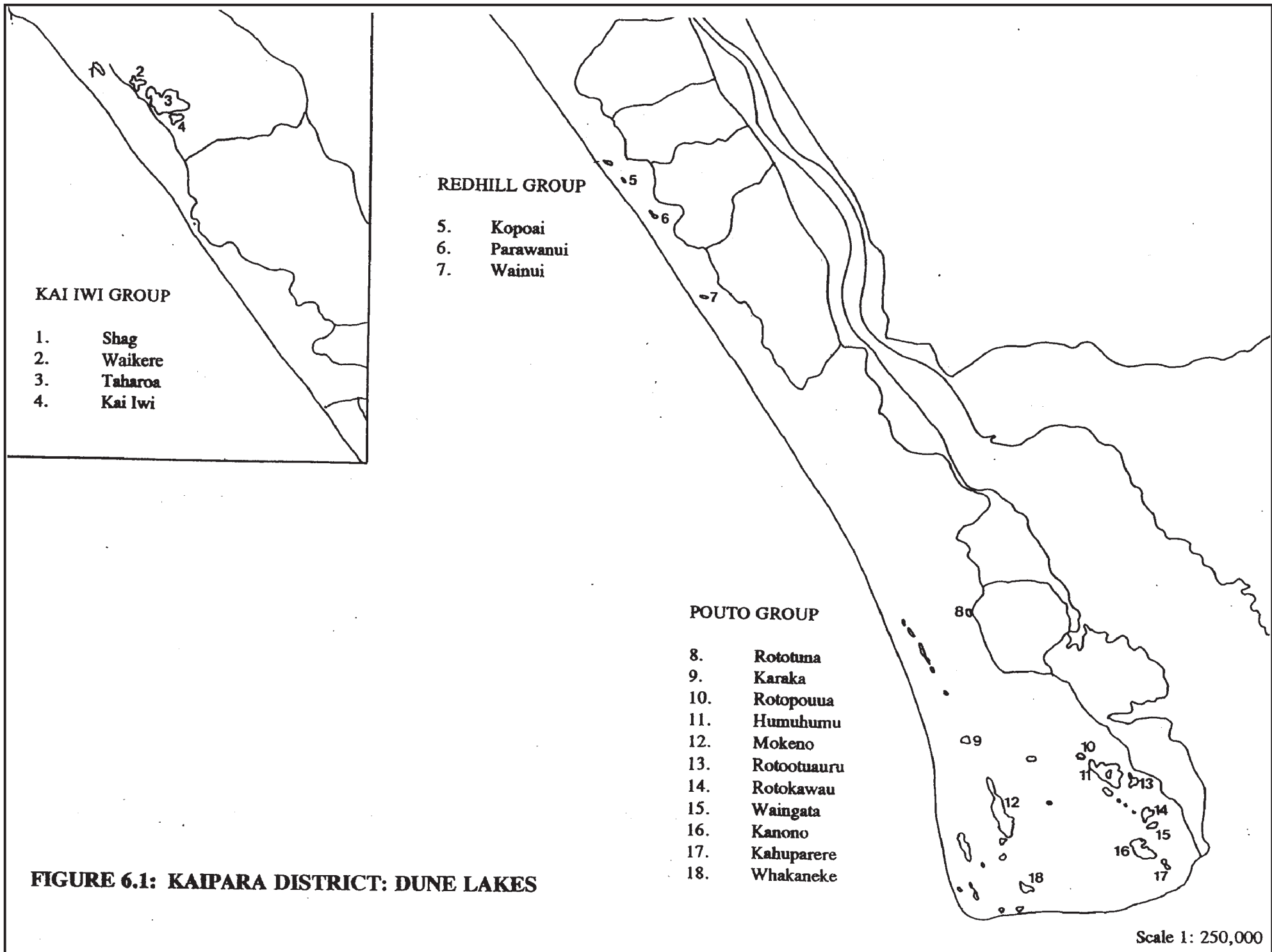


FIGURE 6.1: KAIPARA DISTRICT: DUNE LAKES

Lakes Kai Iwi, Taharoa and Waikare are situated within the 538 ha Taharoa Domain Recreation Reserve. They are a major recreational attraction being used for boating, fishing, water-skiing, yachting and other activities.

6.2 Legislative Considerations

6.2.1 Resource Management Act

The Resource Management Act repealed both the Soil Conservation and Rivers Control Act and the Water and Soil Conservation Act and made substantial amendments to the Harbours Act. It established a new legislative framework for management of the coast, lakes, rivers and other water bodies. The most significant of these changes concerned management of what is now known as the coastal marine area, i.e. the area between mean high water springs and the outer limit of the territorial sea.

The responsibility for management of the coastal marine area rests with the Regional Council and the Minister of Conservation. The Regional Council is required to prepare and administer a Regional Coastal Plan, the purpose of which is assist both parties manage the coastal marine area in accordance with the sustainable management purpose of the Act. The Regional Council publicly notified a proposed plan in December 1994. Matters covered in the proposed plan include:

- Coastal Activities - the occupation of water space and development of any associated structures including - aquaculture (marine farms), boating facilities (moorings, jetties, wharves), mineral extraction, navigational aids/public utilities, reclamations, recreation, marine reserves/conservation areas.
- Coastal Water Quality - water quality and control of discharges of contaminants into coastal waters.
- Coastal Hazards - hazard identification and mitigation measures.
- Noise Impacts of Coastal Activities - control of noise emissions from coastal activities.

- Taking of Coastal Waters - the taking and use of coastal waters.

The proposed regional coastal plan contains regional rules which prohibit, regulate or allow activities in a similar manner to district rules in district plans as provided for under Section 58 of the Act. The Minister of Conservation has special powers under this same section to specify restricted coastal activities which are also in the plan. Such activities require Ministerial consent and involve those which:

- have or are likely to have a significant or irreversibly adverse effect on the coastal marine area; or
- occur or are likely to occur in an area having significant conservation value.

The Regional Council also currently administers a Transitional Regional Coastal Plan. It comprises several 'instruments' or control mechanisms developed under previous statutes, including a general authorisation governing discharges of waste into coastal waters. It also contains a schedule of restricted coastal activities which apply during the transitional period. This plan is administered in conjunction with special transitional provisions in Part IV of the Act.

The Regional Council is also primarily responsible for managing the district's freshwater resources including its lakes, rivers and streams. Section 30 of the Act lists amongst the functions of the Regional Council:

- Setting objectives, policies and methods in relation to management of the regions water resources.
- Controlling the taking, use, damming and diversion of water, and the quantity, level and flow of water in any water body.
- Controlling contaminant discharges into water.
- Controlling the introduction of plants onto any bed of a water body.

The functions are similar to those that the Regional Council had under the Soil Conservation and Rivers Control and Water and Soil Conservation Acts. In this regard the Council also has in place a Transitional Regional Plan which contains several instruments carried over from these statutes, including:

- A General Authorisation for the Use of Natural Water, under the Water and Soil Conservation Act 1967. This specifies those activities involving the taking of water and discharge of waste into water which are permitted as of right. It sets minimum 'bottom line' standards relating to these activities across the region.
- A Bylaw for the Protection of Watercourses and Defences against Water, under the Soil Conservation and Rivers Control Act 1941. This places restrictions on certain activities in and around all rivers in the region.

The provisions in the Traditional Regional Plan need to be seen alongside these in the proposed Regional Water and Soil Plan - Section 1 (Discharges and Land Management) which was notified in April 1995. It also contains some rules on discharges of contaminants to land and water. These rules will not have full effect until submissions on the plan are dealt with and the plan is declared operative.

The Regional Council is also responsible under Section 13 of the Act for controlling activities which affect lake and river beds including:

- Any use, erection, reconstruction, placement, alteration, extension, removal, or demolition of any structure or part of any structure in, on, under, or over the bed; or
- Any excavation, drilling, tunnelling, or other disturbance of the bed; or
- Any introduction or planting of any plant or part of any plant (whether exotic or indigenous) in, on, or under the bed; or
- Any deposit of any substance in, on, or under the bed; or
- Any reclamation or draining of the bed.

Controls on these activities are also expected to be the subject of regional rules in forthcoming Regional Plans.

The only direct management responsibility which the District Council has in respect of water bodies is that concerning activities on the surface of rivers and lakes, eg. boating and water-skiing. Section 31 lists one of the functions of District Councils as "the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes". This matter is discussed in Section 6.3.5.

6.2.2 Harbours Act

The Harbours Act 1950 deals with other aspects of harbour management, which are not resource management related. Under Part IV of the Act the Northland Regional Council has harbour responsibilities in respect of the Mangawhai harbour and those parts of the Kaipara harbour which lie within the Northland Region. It is charged with various navigation, safety and pilotage functions including:

- management of public wharves
- placement and management of navigation aids
- removal of wrecks and other obstructions
- pilotage of certain vessels
- anchorage, mooring and speed of boats
- reservation of foreshore and water areas for particular activities and events

The Regional Council has powers to promulgate and administer bylaws relating to some of the above matters need to be seen alongside these in the proposed Regional Water and Soil Plan - Section 1 (Discharges and Land Management) which was notified in April 1995. It also contains some rules on discharges of contaminants to land and water. These rules will not have full effect until submissions on the plan are dealt with and it is declared operative.

6.3 Management Issues

6.3.1 Boundary of the Coastal Marine Area

The district plan and associated planning jurisdiction of the Council extends only to mean high water springs mark. The coastal marine area, i.e. the foreshore and seabed between mean high water springs and the outer (12 mile) limit of the territorial sea together with the associated coastal waters come under the control of the Regional Council and Minister of Conservation. They are subject to the provisions of the Transitional Regional Coastal Plan.

The definition of coastal marine area in Section 2 of the Act states that where it crosses a river its landward boundary shall be set at a point which is 1 km upstream of the river mouth or five times the width of the mouth whichever is the lesser. There is however no specific definition of river mouth in the Act which simply states that it shall be that agreed and set by the Minister of Conservation, Regional Council and District Council. The three parties have reached an agreement on the coastal marine area where they cross the various rivers in the district. The boundaries are shown on the planning maps.

The boundaries take into account criteria developed at national, regional and local levels. The main criteria used in setting the boundaries were:

- Physical - principally the presence of an 'obvious' river mouth marked by changes in the gradient width or direction of a river.
- Legal - presence of a road, property of other legally defined boundary which crosses or adjoins a river.
- Environmental - principally the presence of extensive mangroves or other plants characteristic of a marine environment.

6.3.2 Preservation of the Natural Character of the Coastal Environment[#]

Section 6 of the Act lists as one of the matters of national importance the preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use and development. The key term 'coastal

[#] Updated August 2005

environment' is not defined in the Act but is generally taken to include land which has a physical catchment-based relationship to the coast and contributes to its amenity and open space values.

The requirement in Section 6 is very similar to that in Section 3 of the former Town and Country Planning Act, the main difference being substitution of the word 'inappropriate' for 'unnecessary' subdivision use and development. The preservation of the natural character of the coastal environment from such activities has traditionally been sought through zoning. Land in and around existing settlements has been zoned for principally residential activities and the remainder zoned for predominantly rural activities. Rural coastal zones with a conservation emphasis have been established with particular controls on residential development and subdivision and in some cases forestry, quarrying and other activities.

The concept of attempting to preserve the natural character of the coastal environment through zoning is considered a reasonable one although it has some limitations. The most significant of these concerns establishing where the 'coastal environment' extends to, i.e. its inland boundary, and then determining what elements of its naturalness are particularly valued and in turn threatened by activities. In the latter regard concerns have for instance been expressed about the effect of pine plantations on the 'natural' landscape character of the coastal environment, especially in areas adjacent to the Kai Iwi Lakes. Although the landscape in such areas has been extensively modified by farming it is generally considered to be in a largely natural state.

The Council has incorporated the concept of a special Coastal zone into the district plan. It is intended meet to the requirements in Section 6 of the Act and complement similar zones applying to coastal land in the adjoining Far North, Rodney and Whangarei districts. The range of activities listed is limited to those which are considered compatible with a coastal location and enable the open character of the landscape to be largely maintained. It is not intended to stifle development of the land but provide for managed change. More stringent controls are placed on land use and subdivision activities than in the Rural zone.

The natural values of the district's Coastal environment are in part defined by the many mature indigenous pohutukawa trees which occur within close proximity to the Coastal Marine Area. These trees make a significant contribution to the natural amenity values of the district's coastline. The relevant rules of the Plan apply to all

parts of the district within 100 metres of Mean High Water Springs in order to give appropriate protection to pohutukawa that contribute to the natural values of the coastal environment.

The Coastal zone covers land along both the east and west coasts which has a distinctive 'open' rugged natural character. It does not extend around the Kaipara and Mangawhai Harbours where the land has a rolling more modified landscape character with fewer significant natural features. The land around the Kaipara and Mangawhai Harbours is also significantly different to that along the east and west coasts in terms of cultural values, geology, ownership, settlement patterns and use to warrant differentiation in the district plan. The inland boundary of the Coastal zone generally follows property or road boundaries and includes some areas which have little physical relationship of the coast. The most environmentally sensitive land within the zone is identified as the Coastal Environment Area on the planning maps. It takes in the most visually prominent land as well as associated areas which are prone to erosion or have significant indigenous vegetation. Land use and subdivision consent applications within the Coastal Environment Area will be more rigorously assessed and associated assessment criteria have been incorporated into the plan.

The 'natural character' values of the land on the lower Molesworth Peninsula which borders the Mangawhai Harbour have been recognised in terms of the Rural-Residential zone which applies to it. The land contains a variety of exotic and native vegetation which give it an attractive, if not entirely natural, character. The zone provisions for this land are directed at enhancing the area's landscape values whilst providing for further rural residential development.

6.3.2A Kaipara Harbour Environment Area[#]

The natural character of land around the Kaipara Harbour is recognised through a policy area overlay with associated rules, including resource consent assessment criteria. The special provisions were developed as a result of the Kaipara Harbour Fringes Planning Study (1998). The Kaipara Harbour Environment Area covers land in the Rural and Maori Purposes zones which has natural character, but which varies considerably from place to place according to landform, aspect, contour, vegetation cover and extent of building development.

Most of the land in the Kaipara Harbour Environment Area is in pasture or exotic forest. It contains a number of 'farm' related buildings and other structures. The

Kaipara Harbour Fringes Planning Study (1998) considered the area as a whole had varied natural character values and high value landscapes were confined to a relatively small number of more discrete features or units.

The Kaipara Harbour is the largest harbour in New Zealand. It is a complex estuarine system with high ecological values. The Department of Conservation's Northland Conservation Management Strategy (1999-2009) states that "it is internationally important as a major roosting and breeding area for coastal and estuarine wading birds such as godwits and New Zealand dotterel. The harbour mouth is very dynamic in contrast to the intricate sheltered estuaries, narrow peninsula, saltmarshes, salt meadows, mangroves and tidal mudflats of the inner harbour." (Volume 1 pg 77). Only the northern 'half' of the harbour lies within the Northland region, with southern parts being in the Auckland region. The Northland Regional Policy Statement recognises the need for provisions in policy statements, regional plans and district plans, to be integrated, particularly those involving management of the coastal marine area.

The Northland Regional Council, in conjunction with the Department of Conservation, is responsible for managing all activities in the coastal marine area, i.e. the foreshore, seabed and coastal waters below mean high water springs (MHWS). The Regional Council also has functional responsibility under the Act for controlling the use of all land above MHWS for the purposes of soil conservation, water quality and mitigating natural hazards. A variety of methods are used by the Regional Council for carrying out this function, including regional plan rules on earthworks and contaminant discharges, industry codes of practice, a land management advisory service, support for land care groups, soil conservation plans for high erosion risk areas and catchment management plans. The District Council supports the Regional Council's broad ranging approach, and sees catchment management plans as an effective method for managing cross boundary issues.

The Kaipara District Landscape Assessment (1999) commissioned by the Northland Regional Council identified 16 outstanding landscape features and units (none of which are adjacent to the Kaipara Harbour) and 15 significant landscape features and units (nine of which are adjacent to the Kaipara Harbour). The nine significant landscape features and units adjacent to the harbour identified in the assessment are estimated to cover approximately 150ha or 0.7% of the estimated 23,000ha in the Kaipara Harbour Environment Area. As the boundaries of the significant landscape features and units around the harbour have not been precisely determined and the

[#] Updated August 2005

'affected' landowners consulted, the assessment findings have not been used as a basis for any district plan provisions. This matter is further discussed in Section 8.1.6 - Kaipara District Landscape Assessment. Figure 8.3 in this section shows the approximate extent of the significant landscape features and units which have been identified around the Kaipara Harbour.

The inland boundary of the Kaipara Harbour Environment Area has been defined largely from aerial photographs, topographic maps and in this sense not precisely fixed. It generally takes in the most visually prominent land on the seaward side of the first enclosing ridge back from the coast along with any associated areas of forest, or shrubland which contribute to the natural character and amenity (primarily landscape) values of the harbour.

Where small peninsulas and headlands extend out into the harbour and the land to the top of the ridge provides the enclosure to the harbour on either side, then the entire peninsula landform has been included within the area. Where small valleys extend inland the line has been taken across the valley at the point where it loses a coastal influence, rather than following the valley further inland and away from the influence of the coast. The land within and adjacent to existing settlements has also been excluded from the policy area.

The policies, rules and guidelines for the Kaipara Harbour Environment Area focus on the potential effects of land use activities and subdivision on natural character. The policies are directed at providing for ongoing primary production activities on the land but with an emphasis on protection and enhancement of cultural, ecological and landscape features, particularly at the time of subdivision. The Kaipara Harbour Fringes Planning Study (1998) found that subdivision and building development over recent years has had negligible impact on the overall natural character of the area and it has remained largely intact despite some localised changes, including forestry and papakainga housing. The most significant 'threats' to the natural character of the area were identified as inappropriate earthworks and clearance of indigenous forest and shrubland remnants. Controls on these activities form part of the policy area provisions.

The rules on earthworks have been developed primarily from a natural character perspective. They recognise that the effects of earthworks are related much more to the surface area and cut/fill involved than the volume. In this regard they are different to the rules in the Proposed Regional Water and Soil Plan administered by

the Regional Council which will have natural hazard - soil conservation - water quality basis. Under the Act the Regional Council has specific responsibility for "controlling the use of land for the purposes of soil conservation, the maintenance and enhancement of the quality of water on water bodies and coastal waters and the avoidance or mitigation of natural hazards". The District Council is aware of some public concerns about the possible effects of earthworks in both riparian and 'inland' areas on the water quality and habitat values of the harbour but believes these are best dealt with by the Regional Council. The joint plan and resource consent processing provisions in the Act provide opportunities for these matters to be addressed by the two organisations.

The rules are not intended to prevent earthworks but to ensure that those which are of a relatively 'large' scale and which have the potential to 'scar' the landscape are appropriately designed and rehabilitated. The 1000m² area 'threshold' means that consent will be required for earthworks involving significant new tracking or roading, say 200-250 meters long and 4-5 metres wide, or formation of large building sites and driveways (except when carried out as part of an approved subdivision). The 2 metre high cut or fill 'threshold' has a length component (greater than 50 metres). It is intended to 'catch' cuts and fills which are likely to be most visible and adversely affect natural character. Earthworks of the above nature also have the potential to result in significant sediment losses to watercourses and the harbour. The means by which sedimentation is to be prevented will be assessed in conjunction with the Regional Council.

Guidelines for 'small' scale earthworks have also been incorporated into the subdivision consent and land use consent assessment criteria. The latter criteria apply to activities which require land use consent, e.g. jetties and visitor accommodation facilities.

The earthworks rules are not intended to deal with the potentially adverse effects of earthworks on archaeological sites, historic places and wahi tapu. Many of these features are not recorded and those which are (e.g. middens) can be as small as 5-10m². Administering a set of earthworks rules which effectively require land use consents for 'day to day' farming, forestry and building related earthworks throughout the whole Kaipara Harbour Environment Area is unlikely to meet the requirements in Section 32 of the Act.

This approach also recognises that all archaeological sites (both recorded and unrecorded) are 'protected' under the Historic Places Act and there are penalties for

people who damage or destroy them (without the consent of the Trust). The Act also makes provision for other features, notably historic places, historic areas and wahi tapu to be registered and protected, and this approach is considered more effective. The Council will encourage iwi and other organisations with cultural and heritage interests in the harbour fringes, to use these provisions. It will also encourage, and where necessary require, people seeking subdivision and land use consents to consult with iwi and the N.Z. Historic Places Trust and provide specialist cultural and heritage reports with applications.

All resource consent applications within the Kaipara Harbour Environment Area are subject to special information requirements regarding the 'known' cultural and heritage values of the site, and need for specialist investigations and advice. This recognises that the harbour fringes were extensively settled by Maori and contain pa and other significant cultural features. Archaeological site surveys of the harbour margins have to date been confined to a few areas and there is likely to be a large number of unrecorded sites. Such sites can be damaged or destroyed by earthworks. The rules (information requirements) are intended to heighten public awareness of existing and potential sites, the provisions in the Historic Places Act and the need to incorporate heritage protection and enhancement measures into development proposals.

The Council recognises that the land use (earthworks) consent 'thresholds' are set relatively high and will not cover small scale tracking and building site preparation works which can in some circumstances be very damaging. Some control over these activities is exercised at the time of subdivision and guidance is also given with building consents. Publicity and landowner education on the sensitivity of prominent landforms and other features likely to contain archaeological or cultural sites is seen as the most effective method for dealing with small scale earthworks.

The Kaipara Harbour Environment Area provisions do not particularly restrict building development. The Kaipara Harbour Fringes Planning Study (1998) found that farm dwellings and accessory buildings were part of the present 'working' rural landscape and attempts to limit them in either number, size or height over a large area of land was not justified. The Council will continue to monitor the appropriateness of the present rules in the Rural and Maori Purposes zones and if necessary make changes.

The Kaipara District Council considers that combined with the subdivision rules in the underlying zones (principally allowing lots of 4 hectares minimum or an average

minimum of 4 hectares for farm and forest parks and conservation lots), the controls on earthworks and indigenous vegetation clearance within the Kaipara Harbour Environment Area, coupled with the appropriate location and design of buildings, will avoid, remedy or mitigate adverse effects on the overall natural character of that area.

Such subdivision is also a mechanism for protection and enhancement of the remnant bush, shrubland and wetland areas. With appropriate provision of infrastructure, settlement of the area and support for community services will be important for the future economic and social well being of the district.

Subdivision involving lots of 4ha minimum area, farm and forest parks and conservation lots are provided for in the Kaipara Harbour Environment Area. This level of subdivision and the associated plan rules mean it will not adversely affect the overall natural character value of the area. Such subdivision is also the best mechanism for protection and enhancement of the remnant bush shrubland and wetland areas. Progressive settlement of the area and support for community services is seen as important for the future economic and social wellbeing of the district.

6.3.3 Activities on Foreshores and Adjacent Coastal Margins

The zoning approach developed in respect of management of the coastal environment is a fairly broad brush one. It provides a basic framework for controlling insensitive or potentially damaging building, excavation, land clearance, and subdivision related activities which are carried out on private properties. It provides little effective control over activities on reserves and other public open spaces, some of which can also damage or detract from the natural character of the coast. Such activities include:

- use of motorbikes and other vehicles, especially on sand dune areas
- access to and uncontrolled grazing of livestock
- deposition of rubbish and other materials

The Council has in place bylaws which control recreation related activities on some of the major coastal reserves like the Kopuru Beach Domain. However they are specific to the reserves concerned and there is a need to look at a more

comprehensive bylaw or set of rules in this plan which apply to reserves under the control of the Department of Conservation and all reserve and public open space areas under the Council's control. Such controls should be tied in with similar instruments which apply to adjacent public foreshore areas under the control of the Regional Council. The Council intends investigating the matter further with the Regional Council, Department of Conservation and appropriate iwi authorities and taking appropriate initiatives.

6.3.4 Public Access to the Coast, Lakes and Rivers

Section 6 of the Act also lists as one of the matters of national importance, "the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers". The Kaipara district has an extensive coastline and numerous lakes and rivers, a substantial proportion of which are accessible to the public. Large blocks of land have been acquired generally by the Crown, for reserve purposes along the coast and around major lakes like the Kai Iwi-Taharoa-Waikere group.

Most of the major reserves along the east and west coasts are strategically situated adjacent to settlements. Scattered between are much smaller 'reserve' strips which are generally only 20 metres wide. The three principal types of reserve strips are:

- areas reserved from sale by the Crown under the Land Act 1908 and other related legislation.
- esplanade reserves set aside upon subdivision under the Local Government Act 1974 and previous legislation.
- areas set aside as legal roads, including Crown grant roads, under various statutes.

A preliminary examination of coastal margins indicates that around 35% of it is in public ownership, principally as reserves. Table 6.1 gives a general summary of the tenure situation along the east and west coasts and around the Kaipara and Mangawhai harbours. No study has been carried out of river and lake margins because of the extensive nature of the waterbodies involved This is however planned as part of a wider exercise intended to identify river and lake margins of high conservation and/or public access value and where esplanade reserves will in future be sought by the Council.

One of the most effective methods of ensuring public access, especially to the coast, is to secure land along it as an esplanade area when it is subdivided. Under the Act the Council has the powers to require that 20 metre wide esplanade reserves or strips be set aside along the margins of the coast, any lakes (over 8 ha) and any rivers and streams (over 3 metres wide) at the time of subdivision. The preliminary study of coastal margins shows that many of them can be considered to have high public access values. The principal exceptions are the inner arms of the Kaipara Harbour and parts of the Mangawhai Harbour which are fringed by mangroves and other dense plant communities. They are relatively inaccessible to the public and likely to remain so. Roads and walkways have been developed at strategic points along the two open coasts and around the Kaipara and Mangawhai harbours. In several associated areas the progressive development of a coastal esplanade reserve network is considered a worthy objective.

Table 6.1 Kaipara District: Coastal Margins: Land Tenure

Coastal Margin	Tenure	Length (km) (approx.)	%
West Coast	Crown	21	22
	Freehold	19	20
	Maori	6	6
	Road/Reserve	51	53
	Total	96	100
East Coast	Crown	0.5	5
	Freehold	2.0	21
	Maori	--	--
	Road/Reserve	7.0	74
	Total	9.5	100
Mangawhai Harbour	Crown	1	5
	Freehold	12	55
	Maori	--	--
	Road/Reserve	9	40
	Total	22	100
Kaipara Harbour	Crown	9	3
	Freehold	177	70
	Maori	28	11
	Road/Reserve	40	16

Source: Department of Survey and Land Information - Cadastral Plans

The maintenance and enhancement of public access to the various lakes and rivers in the district is much more difficult to achieve. Many of the lakes and rivers are situated in or pass through large farm or forestry blocks and are relatively remote from adjacent roads and other public areas. This being the case the rationale for seeking esplanade areas around the actual margins of the waterbodies is from a public access perspective, not as great. It is possible that in some situations access strips to the waterbodies could be obtained through the subdivision process or directly negotiated with land owners as provided in Section 237B of the Act.

Many of the lakes and rivers in the district have little or no recreational attraction and providing public access to and around them is unlikely to be justified. The Council considers attention needs to be focussed on those rivers and lakes which are used by recreational fishermen, shooters, trampers and the like and associated access strips and esplanade reserves acquired where necessary. This targeted approach is in line with the Act and will ensure that land is not unnecessarily alienated. Esplanade areas will only be sought along those water margins which are of high recreational or public access value. Policies and provisions relating to esplanade areas and other forms of public access have been developed on this basis. This matter is discussed further in Section 11.3.5 which deals with esplanade area requirements for subdivisions.

6.3.5 Riparian Management

The lakes, rivers, streams and coastal margins in the Kaipara District have significant habitat values for both instream and riparian flora and fauna. It is important to protect these values as much of the indigenous forest or other vegetation surrounding these lakes, rivers, streams and coastal margins has been lost, resulting in major impacts on both the diversity and abundance of native freshwater fish, crustaceans and aquatic insects and plants. Some adjacent land uses have also had a negative impact on these ecosystems, with lowered water quality and habitat degradation from loss of forest cover, water extraction, soil erosion, stock damage and runoff of nutrients.

The Act enables the Council to secure esplanade reserves or esplanade strips along the coastal margin and the edges of rivers, streams and lakes. Esplanade reserves and esplanade strips are important for several reasons. These include provision of public access to and along waterways that are used for recreation, provision of vegetated margins to provide shade and shelter for aquatic species, buffering from non-point

source nutrient and sediment flow and protection of natural character values. The Council has a set of policies and rules relating to esplanade areas which are in Section 11 of the plan. The basis of the policies and rules is explained in Section 11.3.5.

6.3.6 Boating and Other Water Sports Activities

Section 31 of the Act and the associated Second Schedule (Part II) list as one of the matters to be dealt with in district plans "the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes". The main activities carried out on the surface of rivers and lakes in the district are boating, yachting, waterskiing and other water sports. They are confined to a very small number of waterbodies, principally the Kai Iwi lakes and parts of the Northern Wairoa River around Dargaville.

Boating and other water sports activities on the Kai Iwi Lakes, ie. Lakes Kai Iwi, Taharoa and Waikere have been controlled since the early 1970's under the Taharoa Domain Water Control Bylaw. The bylaw was promulgated by the former Hobson County Council in accordance with the provisions in Section 8A of the Harbours Act 1950. Section 424 (3) of the Resource Management Act states that any bylaw made by a public body pursuant to Section 8A of the Harbours Act shall continue in force for a period of two years from the date of commencement of the Act and then expire. This effectively means the bylaw expired on 1 October 1993.

The bylaw covered activities on both the bed and surface of the lakes including:

- navigation and speed of small crafts including:
 - (i) a speed restriction (5 knots) on crafts using Lake Kai Iwi which effectively prohibits powerboating and water-skiing on this lake.
 - (ii) speed restrictions (5 knots) on craft within 100 metres of the shore of Lake Taharoa which effectively prohibits powerboating and water-skiing from the Hauhotoki Bay-Sin Bin area.
 - (iii) speed restrictions (5 knots) on craft within 10 metres of the shore on Lake Waikere, a limit on the number of craft (5) using the lake at any time, all of which are to be navigated in an anti-clockwise direction.
- marking and use of access lanes

- reservation of areas for swimming and other activities (an area is reserved for such activities in the Pine Beach area)
- noise from small craft
- use of wharves, boat ramps and other loading facilities
- removal of sand and other materials from the lake beds
- commercial vessels plying for hire
- appointment and powers of wardens

Under the Resource Management Act the Regional Council is given responsibility for managing the bed of the lake. It is expected to deal with related matters at present covered by the bylaw, such as the removal of material and erection of structures, through its Regional Plans. The bylaw provisions which cover activities on the surface of the lakes are expected to be dealt with by the District Council through its district plan or other appropriate means.

The bylaw provisions which control boating and other activities on the lakes were developed initially for water safety reasons. In this respect some of the provisions, especially those relating to the general use of craft, access lanes, and reserved areas are similar to those in the Water Recreation Regulations which apply to harbour areas. However they differ in several key respects and include particular controls on powerboating and water-skiing on all three lakes, which have an amenity or environmental basis. These controls were introduced in 1986 following public concerns about the effect of such activities on more passive recreational pursuits, such as fishing, as well as the wildlife and water quality values of the lakes. Lake Kai Iwi in particular, is fairly small and sheltered, and has an air of relative tranquillity about it. Its natural values required some protection and as a result specific restrictions were placed on activities on this lake.

Over recent years the Council has become increasingly concerned about the extent of powerboating and water-skiing on Lake Taharoa and their effect on the lake's natural character. It considers these activities are at times overly dominating its use and affecting its attractiveness for fishing, yachting and other more passive

recreational activities. Consideration was given to banning powerboating and waterskiing on Lake Taharoa but this would have placed intolerable pressure on Lake Waikere, the only other lake available which is relatively small. Greater policing of the present rules on the lake will have some effect. The Council is also to investigate restricting powerboating and waterskiing on Lake Taharoa on a specified area and/or time basis as well introduction of a charging system for launching of boats.

Rules have also been incorporated into the plan which prevent all motorised craft from using Lake Kai Iwi. The Council considers this lake should be kept in its largely natural state and its native fisheries and other cultural values protected as sought by Te Iwi O Te Roroa. This may mean the phasing out of trout releases into the lake. The lake shores are reasonably accessible to fly fishermen and the proposed restrictions are unlikely to affect, in the short term, the overall attractiveness of the lakes as trout fisheries. Trolling will still be able to take place on Lake Taharoa.

6.3.7 Management of Lake Catchment Areas

The dune lakes along the west coast vary considerably in size and situation as do the nature of their associated catchment areas. Most of the lakes are located in areas which have been progressively developed for farming and forestry purposes. In this regard concerns have been expressed about nutrient input to them from related land clearing, drainage, top-dressing and stocking activities.

The concerns were first highlighted in relation to Kai Iwi Lakes in the Taharoa Domain Management Plan (1987). As a result some steps were taken to limit grazing and forestry activities, especially in sensitive lakeshore areas. A special Rural K (Kai Iwi Lakes Landscape Protection) zone was also established in the former Hobson County district scheme to cover private farmland which lay within the catchment area of the Kai Iwi Lakes. Whilst its principal purpose was to control building and land subdivision activities in visually sensitive areas it did highlight the significance of the land from a water quality management perspective and the need for careful farming and forestry operations. The lakes are estimated to have a combined surface water catchment area of approximately 390 ha, about two-thirds of which is in private ownership.

The effects of farming and forestry activities on lake water quality were also raised in a more recent water resources report on the Kai Iwi - Pouto Dune Lakes prepared by the Northland Regional Council. The 1991 report looked at various biological

hydrological and water quality related aspects of the lakes including existing abstractions and discharges, land management practices, and the potential for introduction of exotic weeds.

Amongst the findings of the report were the following:-

Kai Iwi Lakes

- The lakes have exceptionally high water quality characteristics. The waters are very clear and not polluted with organic material. Phytoplankton levels are low with no obvious signs of eutrophication.
- Stock have access to all of Shag Lake and some parts of Lakes Kai Iwi, Taharoa and Waikere. Proposals in the Taharoa Domain Management Plan to restrict stock access need to be followed through by the Kaipara District Council. The future of the grazing leases and associated controls on fertiliser application in the domain also need to be reviewed.

Pouto Lakes

- Although no comprehensive water quality investigation has been carried out for the lakes, field inspections have been made indicating some variation in water quality between lakes. Some of the lakes show signs of eutrophication, eg. Lakes Waingata and Rototuna and to a lesser extent Lakes Parawanui, Swan and Kahuparere.
- The extent of eutrophication in the lakes is likely to be related to farming practices in the surrounding catchment areas. Stock access to lake foreshore areas is generally unrestricted with high faecal coliform levels being recorded. Pasture runoff and groundwater inputs are likely to be contributing to nutrient enrichment of the lakes.

The Council intends reviewing the grazing leases and associated application of fertiliser in the Taharoa Domain when it reviews the associated reserve management plan. This review process will involve interested parties including Te Iwi O Te Roroa whose interests in the domain have been recognised by the Waitangi Tribunal as part of its recommendation on the Te Roroa Land Claim.

The issue of uncontrolled stock access to Shag Lake and the lakes on the Pouto Peninsula together with the impact of farming operations in general on lake eutrophication is to be investigated further. It is possible that stock access and farm runoff could be substantially reduced by development of esplanade reserves or strips around the lakes margins. Such reserves or strips would need to be fenced and in turn planted to be effective. Several of the lakes have 'paper' reserves or strips around parts of them and they may be able to be extended by negotiation with the land owners concerned. Alternative water supply systems for stock may be required in some situations.

Any programme of esplanade strip development would be carried out in consultation with affected parties. Such a programme is expected to be more effective than introducing rules on farming operations in lake catchment areas through the district plan. The nature of the programme and more specific management policies for the lakes are proposed to be developed as part of a joint management planning exercise with the Regional Council, landowner, Maori and recreational interest groups. Under the Act there is provision for such a plan to be developed with statutory backing as a joint regional district plan.

The controls on building and land subdivision activities around the Kai Iwi Lakes in the former Rural K zone have been largely incorporated into the new Coastal zone, the general nature of which is outlined in Section 6.3.2. They are aimed at retaining the open farmland nature of the land which lies within the primary visual catchment of the lakes. The land has a distinctive landscape character being in relatively large holdings with a few farm buildings. It has been under some development pressure principally of a residential nature. The boundary of the primary visual catchment has been taken from the Kai Iwi Lakes Landscape Management Plan produced by the Department of Conservation in 1988. A copy of this plan is available for inspection at the Council offices in Dargaville.

6.4 Objectives Policies and Methods of Implementation

6.4.1 Objectives - Coastal Lake and River Management[#]

Objective 1: To protect and where possible enhance the amenity, natural character, public access, Maori cultural and heritage values of the coastal environment, lakes and rivers and their associated margins.

[#] Updated August 2005

Explanation: The coastal environment along with the margins of lakes and rivers need to be protected from intensive developments and their amenity, landscape, public access and Maori cultural and heritage values enhanced in accordance with the principles of the Act. To enable protection to be afforded to culturally and ecologically sensitive areas, some public access restrictions may be necessary. The many mature indigenous pohutukawa growing along the margins of the Coastal Marine Area make a significant contribution to the natural values of the coastal environment. The rules of the plan also restrict the extent to which these trees may be pruned or removed.

6.4.2 Policies and Methods of Implementation

(1) Coastal Management[#]

Policy 1: To recognise the special character of land in the coastal environment and control development activities within it.

Methods of Implementation

- 1 A Coastal zone covering land in the coastal environment which has high biological or scenic qualities or cultural values of special value to tangata whenua.
- 2 Rules which list those land use activities which are likely to detract from the natural character of land in the Coastal zone as either controlled or discretionary activities depending on their effects.
- 3 Rules which limit the circumstances under which land may be subdivided in the Coastal zone in accordance with its purpose.
- 4 Special environmental standards and assessment criteria (rules) relating to the design and location of buildings in the Coastal zone.
- 5 A Coastal Environment Area covering Maori Purposes and Rural zoned land around the Kaipara Harbour having moderate landscape values and within

which special rules on earthworks and indigenous vegetation clearance apply along with building and subdivision assessment criteria.

- 6 Rules providing for the use of financial contributions by way of works and/or land to mitigate the adverse effects of land use activities on riparian margins and water areas.
- 7 Investigate in conjunction with the Northland Regional Council and the Department of Conservation the need for special bylaw or management controls relating to the use of public reserve and other open space areas along the coast.
- 8 Develop and maintain publicity material and signs restricting vehicle movements, stock grazing and other potentially damaging activities on and adjacent to sensitive coastal areas.
- 9 Rules limiting the extent to which pohutukawa trees growing within the coastal environment adjacent to the Coastal Marine Area may be pruned or removed.
- 10 Advice and support given to landcare groups.
11. Support given to community-based initiatives such as Project Crimson.

Explanation: The zoning of land is considered the most effective means of exercising some control over land use and subdivision activities in the coastal environment. Such provisions need to be supported by measures which limit the use of some highly sensitive reserve and other open space which are in public ownership. Because the many mature indigenous pohutukawa growing along the coastline of the district make a significant contribution to the natural values of the coastal environment the provisions of the plan which protect these trees apply to all parts of the coast.

(2) Management of Lake Catchment Areas and River Margins

Policy 1: To limit the impact of land use and subdivision activities in environmentally sensitive lake catchment areas and river margins.

[#] Updated August 2005

Policy 2: To encourage the covenanting of land for conservation purposes within the catchment areas of dune lakes, especially the Kai Iwi Lakes, and associated subdivision proposals which enable this.

Methods of Implementation

1. Rules which include land surrounding the dune lakes in the Kai Iwi, Redhill and Pouto areas in the Coastal zone.
2. Rules controlling the siting of buildings adjacent to lakes rivers and streams.
3. Rules which enable the creation of esplanade areas upon subdivision where they will serve one or more of the purposes of such areas identified in Section 229 of the Act.
4. Rules providing for the use of financial contributions by way of works and/or land to mitigate the adverse effects of land use activities on riparian margins and water areas.
5. Investigate in conjunction with the Northland Regional Council the establishment of protective vegetated strips around the margins of selected dune lakes.
6. Review the extent and nature of farming activities in the Taharoa Domain and associated grazing leases.

Explanation: Zoning provides a basic framework for limiting the impact of development activities in sensitive lake and river areas. Positive measures, particularly the establishment of esplanade reserves or strips around some key lakes which are being affected by adjacent farming activities, also need to be investigated.

(3) Activities on Lakes and Rivers

Policy 1: To control boating and related water sports activities on waterbodies with high natural and recreational values.

Policy 2: Monitor in association with the Northland Regional Council activities on the Kai Iwi Lakes which could introduce exotic aquatic weeds and promote associated control measures.

Methods of Implementation

1. Incorporate rules relating to the use of small craft on the Kai Iwi Lakes into the district plan.

Explanation: Controls on boating and other water sports activities on the Kai Iwi Lakes are required in order to protect their amenity and environmental values and avoid conflicts between activities.

(4) Access to Water Bodies

Policy 1: To plan for and develop a strategic network of public accessways to and alongside key waterbodies.

Methods of Implementation.

1. Undertake a study of coastal lake and river margins to identify land where esplanade reserves and other forms of public access should be sought.
2. Develop walking tracks and other similar public facilities within reserves administered by the Council.
3. Support the Department of Conservation to upgrade and extend its walkway network in the district.
4. Seek rights of way and other forms of public access to waterbodies in appropriate circumstances.

Explanation: Public access to waterbodies needs to be developed on a selective basis taking into account their biological, cultural and recreational values and the nature of existing facilities in the district.

6.5 Rules - Coastal Zone

6.5.1 Coastal Zone - Zone Statement

The Coastal zone covers land along both the east and west coasts and around the Kai Iwi Lakes which has a distinctive landscape character and is sensitive to development. It generally covers land within the coastal environment and lake catchments to which the provisions in Section 6(a) of the Act apply. These provisions require the preservation of the natural character of such land and its protection from inappropriate subdivision use and development.

The inland boundary of the zone generally follows property boundaries and may include some small areas which have little relationship to the coast or lakes. Provision is made for these areas to be utilised for a wider range of land use and subdivision activities. The most environmentally sensitive area adjacent to the coast has been identified on the planning maps and special assessment criteria apply to land use and subdivision activities within it.

The zone is intended to complement similar zones applying to coastal land in the adjoining Far North, Rodney and Whangarei districts. The range of land use and subdivision activities listed is limited to those which are considered compatible with a coastal or lakeside location and enable the relatively open and unfragmented character of the landscape to be maintained. Special provisions apply to the protection of significant bush and wetland areas.

6.5.2 Coastal Zone - Permitted Activities

1. Aquaculture landward of mean high water springs.
2. Conservation areas and reserves.
3. Farming.
4. Forestry.
5. Home occupations.
6. Homestay accommodation.
7. Mineral prospecting provided that a Mineral Prospecting Notice shall be submitted to the Council before prospecting commences.
8. Network utilities including those in existence at the date of public notification of the proposed plan and their maintenance and upgrading where of a minor nature.

9. Plant nurseries.
10. Remote camp sites in compliance with the Camping Ground Regulations 1985.
11. Residential dwellings - one per site except on any site within the Kai Iwi Lakes Primary Visual Catchment Area and provided there is a minimum net site area of 1000m².
12. Soil conservation and River Control Works.
13. Temporary military activities.
14. Walkways.
15. Accessory buildings and uses to any of the above except within the Kai Iwi Lakes Primary Visual Catchment Area.

6.5.3 Coastal Zone - Controlled Activities

1. Accessory buildings within the Kai Iwi Lakes Primary Visual Catchment Area.
2. Airstrips.
3. Borrow pits.
4. Marine farming ancillary facilities.
5. Mineral exploration.
6. Residential dwellings - one per site within the Kai Iwi Lakes Primary Visual Catchment Area.
7. Wharves, jetties and other landing facilities.
8. Accessory buildings and uses to any of the above.

6.5.4 Coastal Zone - Discretionary Activities[#]

1. Camping grounds and visitor accommodation.
2. Cemeteries and urupa
3. Coastal protection works.
4. Depots.
5. Electricity substations, electricity transmission lines (high voltage), telephone exchanges and telecommunications works.
6. Factory farming.
7. Mining and quarrying.
8. Network utilities not being a permitted activity.
9. Refuse recycling facilities and transfer stations.
10. Residential dwellings not listed as a permitted activity and for the following purposes:-

[#] Updated August 2005

- any person employed principally on the site or required for its effective management.
 - homestay accommodation for visitors and located in the immediate vicinity of the principal dwelling on the site.
11. Slipways.
 12. Wharves, jetties and other landing facilities.
 13. Windmills not being a permitted activity.
 14. Accessory buildings to any of the above.
 15. Any activity listed as a permitted or controlled activity which fails to comply with the environmental standards for the zone.

6.5.5 Coastal Zone - Environmental Standards

The following standards shall apply to all permitted activities in the zone, except network utilities.

(1) Buildings and Structures[#]

- (a) Location of Buildings in Relation to Site Boundaries (Yards)
No building shall be erected within the front side or rear yards of a site which are as follows:-
 - Front yards - 10 metres
 - Side and Rear Yards - 3 metres
- (b) Location of Buildings Near Lakes Rivers and the Sea
No building shall be erected within 30 metres of mean high water mark of the coastal marine area, or the banks of any lake whose bed has an area of 8ha or more, or the bank of any river or stream whose bed has an average width of 3 metres or more.
- (c) Distances between Buildings or Enclosures Housing Livestock and Residential Dwellings.

No building or enclosure intended to house livestock shall be erected within 50 metres of any residential dwelling unless that dwelling is occupied by the owner or occupier of the site or their employees.

- (d) Height of Buildings - General
No building shall exceed a height of 10 metres or that equal to 3 metres plus the shortest horizontal distance between that part of the building and any site boundary whichever is the lesser.
 - (e) Relocation of Dwellings
 - (i) Any relocated dwelling intended for use as a dwelling (excluding previously used garages and accessory buildings) must have been previously designed built and used as a dwelling.
 - (ii) A building inspection report shall accompany the application for a building consent. That report is to identify all reinstatement work required to the exterior of the building.
 - (iii) All work required to reinstate the exterior of any relocated building, including the siting of the building on permanent foundations, shall be completed within six months of the building being delivered to the site.
- NB: Relocated dwellings are permitted activities only where they meet the environmental standards above. Where it will take longer than 6 months to carry out the necessary work to meet these standards an application must be made for consent to a discretionary activity. The Council may use its powers under sections 314 and 322 of the Resource Management Act 1991 to apply for an enforcement order or to issue an abatement notice where these standards are not met and/or appropriate consent has not been granted.
- (f) Minimum Floor Levels of Buildings
See N.Z. Building Code (Clause E 1.3.2)
 - (g) Buildings and Structures Near Road and Railway Intersections
See Section 9.5
 - (h) Buildings and Structures Near Electricity Lines
See Electricity Regulations 1993

[#] Updated August 2005

- (i) Buildings and Excavations Near Gas Lines
See Gas Supply Regulations 1984
- (j) Buildings and Structures Near Drains
See Kaipara District Council Land Drainage Bylaw

NB: Compliance with the above standards does not derogate from the Council's powers under section 36 of the Building Act 1991.

(2) Noise Emissions

(a) Noise Limits

All activities shall be conducted so as to ensure that noise from the site shall not exceed the following limits, neither at nor within the boundary of any site zoned Residential, nor within the notional boundary of any dwelling on a site in the Rural, Coastal or Maori Purposes zones.

7.00 am to 7.00 pm Monday to Saturday	50 dBA L10
All other times and on public holidays	40 dBA L10
Any day from 10.00 pm to 7.00 am the following day	70 dBA Lmax

provided that the abovementioned noise limits may be exceeded under the following circumstances:-

- (1) where emergency valves need to be used for a short period of time during emergencies.
- (2) where safety valves are being tested on site. On these occasions public notification of safety valve testing shall be given one week prior by advertisement in the local paper.

(b) Measurement of Noise

Subject to the express provisions of this rule, sound levels shall be measured in accordance with New Zealand Standard NZS 6801:1991 Measurement of Sound and assessed in accordance with NZS 6802:1991 Assessment of Environmental Sound.

(c) Construction Noise

Construction noise shall meet the limits recommended in, and shall be measured and assessed in accordance with, NZS 6803P:1984 The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work.

(d) Noise From Temporary Military Activities

Noise emanating from military activities of a temporary nature shall not exceed the following limits, neither at nor within the boundary of any site zoned Residential nor within the notional boundary of any dwelling on a site in the Rural, Coastal and Maori Purposes zones.

Time (Any Day)	Limits (dBA)		
	L10	L95	Lmax
0630 - 0730	60	45	70
0730 - 1800	75	60	90
1800 - 2000	70	55	85
2000 - 0630	40		

Notwithstanding the above, noise resulting from the use of explosives shall not exceed 122 dBC and shall be limited to daylight hours. The noise measurement shall be taken at or within the boundary of site zoned Residential and within the notional boundary of any dwelling on a site in the Rural, Coastal or Maori Purposes zones.

(3) Use of Explosives and Blasting

All explosives shall be handled stored and used in accordance with the provisions in the Dangerous Goods Regulations 1979 and N.Z. Standard NZS 4403 (1976) "Code of Practice for Storage, Handling and Use of Explosives."

All blasting operations shall be carried out between the following hours:

Monday to Friday 0700 - 1900 hours
and Saturday 0700 - 1300 hours

except in emergency situations where the Council is advised accordingly and provided the following levels are not exceeded:

- a peak overall sound pressure level of 128dBA linear unweighted
- a peak particle velocity ground vibration of 10mm per second measured in the frequency range 3-12 metres as measured from or within 20 metres of any occupied dwelling on any adjacent site.

Records shall be kept of all blasting activities and made available for Council inspection at all times.

(4) Contaminant Discharges

No activity shall be carried out which results in the discharge of any contaminant to the air, onto land or into water in contravention of Section 15 of the Resource Management Act unless provided for by a rule in a Regional Plan or proposed Regional plan or a resource consent. (See Section 4.3.4 for further explanation)

(5) Protection of Heritage and Natural Features See Section 8

(6) Signs See Section 9.

(7) Vehicle Access Loading and Parking See Section 9.

(8) Other Resource Consents

People undertaking a land use listed as a permitted activity, controlled activity or discretionary activity in the zone are advised to contact the Northland Regional Council to determine if any other resource consents are required under the provisions of any Regional Plan. All Regional Plans are available for inspection at the Regional Council offices in Dargaville and Whangarei.

6.6 Rules - Activities On Kai Iwi Lakes

6.6.1 Small Motor Craft Prohibited From Lake Kai Iwi

No person shall at any time propel or navigate a small motor craft on Lake Kai Iwi for any purpose. Such an activity is deemed by this rule to be a prohibited activity in terms of Sections 2 and 76 of the Act.

6.6.2 Navigation and Speed of Small Motor Craft on Lake Taharoa

- (1) No person shall propel or navigate a small motor craft at a proper speed exceeding 5 knots;
 - (a) within 30 metres of any other vessel, craft or person in the water; or
 - (b) within 100 metres of the shore or of any structure
- (2) No person shall propel or navigate a small motor craft at a proper speed exceeding 5 knots, while any person is sitting at or on the fore part or bow of that craft with any portion of his body extending over the fore part, bow or side of that small craft.
- (3) No person in charge of a small motor craft shall use it or allow it to be used on Lake Taharoa so that any water ski, aquaplane, or other similar object, or person towed by the craft is towed, propelled, navigated, or manoeuvred at a proper speed exceeding 5 knots;
 - (a) within 30 metres of any other vessel, raft or person in the water; or
 - (b) within 100 metres of the shore or of any structure.

6.6.3 Navigation and Speed of Small Motor Craft on Lake Waikere

- (1) No person shall propel or navigate a small motor craft on Lake Waikere at a speed exceeding 5 knots;
 - (a) within 30 metres of any other vessel, craft or person in the water; or
 - (b) within 10 metres of the shore.
- (2) No more than 5 small motor craft shall be propelled or navigated on Lake Waikere at any one time.
- (3) All small motor craft shall be propelled or navigated in an anti-clockwise direction on Lake Waikere.
- (4) No person in charge of a small motor craft shall use it or allow it to be used on Lake Waikere so that any water ski, aquaplane, or other similar object, or person towed by the craft is towed, propelled, navigated, or manoeuvred, at a proper speed exceeding 5 knots;

- (a) within 30 metres or any other vessel, craft, or person in the water;
or
- (b) within 10 metres of the shore or of any structure.

6.6.4 Access Lanes

- (1) The Kaipara District Council may from time to time by public notice and upon such terms and conditions and for such period or periods as it thinks fit declare and designate any area or areas as an access lane or access lanes for small motor craft or other vessels for any specific purposes.
- (2) Rules 6.6.2 and 6.6.3 (which impose speed restrictions) shall not apply within any access lane.
- (3) Every access lane shall be indicated by notice boards that are prominently displayed in the vicinity of the access lane, and shall be demarcated by orange posts with horizontal black bands.

6.6.5 Reserved Areas for Particular Activities

- (1) The Kaipara District Council may from time to time by public notice and upon such terms and conditions and for such period or periods as it shall think fit, reserve any specified area for use of small craft generally, or for use of a particular type of small craft, or for use of water skiers, or for use of swimmers, or those using sailboards, or for use of scuba divers or for mooring of small craft within which the provision of any part of the rules specified in the notice shall not apply.

6.7 Rules for Protection of Coastal Indigenous Pohutukawa[#]

6.7.1 General Requirement to Protect Coastal Indigenous Pohutukawa

No person shall damage, destroy, prune or remove any individual specimen of indigenous pohutukawa, including its root system, (*metrosideros excelsa*) located within 100 metres of Mean High Water Springs (measured in a horizontal plane*) having the following dimensions:

- a) a minimum height of 6 metres; and

[#] Updated August 2005

- b) a minimum overall horizontal spread of foliage of 4 metres; and
- c) one or more limbs when measured at 1200 mm above ground level greater than 650 mm in circumference.

This rule does not apply to the following circumstances:

- (i) Pruning of any individual branch having a dimension of less than 200 mm in circumference; or
- (ii) The pruning or removal of trees where it is necessary to maintain the safe operation of a network utility; or
- (iii) The pruning or removal of trees to maintain practicable access within an existing road or an existing internal accessway in a private property; or
- (iv) The pruning or removal of trees where it is necessary to ensure public safety or prevent damage to property.

The following conditions shall apply in respect of the exceptions in clauses (ii) and (iii) above:

- Prior to the pruning or removal of trees a report prepared by a qualified arborist shall be lodged with the Council detailing the reasons for, and the extent of, work to be carried out. This report should include, if necessary, details of on-going maintenance.
- No pruning or removal shall exceed that detailed in the arborist's report referred to above.

* Explanation: As measured on a plan or a map.

6.7.2 Application to Prune Coastal Indigenous Pohutukawa to Secure Views

A land use application for a restricted discretionary activity may be made to carry out an activity which does not comply with rule 6.7.1. where it is necessary to prune pohutukawa to secure a view or vista to the sea from a dwelling or dwellings. Consent will only be granted to such an application where the Council is satisfied that the following criteria can be met:

- The tree or trees significantly obscure views from the dwelling or dwellings.
- The ecological values of the site and tree will not be adversely affected.

- The pruning will have a no more than minor adverse effect on the tree's contribution to amenity and landscape values of the locality.
- The pruning will not create or lead to soil instability.
- The integrity or typical form of the tree is maintained.

The Council will restrict its discretion to the extent of pruning and any mitigation required.

An application will not be notified where the Council is satisfied that the following criteria are met:

- The written approval of all parties who in the opinion of the Council may be affected has been obtained by the applicant; and
- The pruning of an existing tree or trees will not modify their form such that the contribution they make to local amenity and/or landscape values is reduced.

An application made in terms of this rule must be accompanied by a report prepared by a qualified arborist to the satisfaction of the Council. This report shall include the following:

- accurate plans and drawings, or photographs of any trees showing the limbs to be removed or pruned.
- the location of the affected dwelling or dwellings.
- affected sight lines from the dwelling before and after pruning.
- an assessment of those matters referred to above which are relevant to the application.

6.7.3 Non-complying Activities

A land use consent for a non-complying activity shall be obtained for any activity not permitted by rule 6.7.1 or specifically provided for by rule 6.7.2 above.

6.8 Rules - Financial Contributions for Enhancement or Riparian Protection (Land Use Activities)

6.8.1 General Requirements for Financial Contributions for Riparian Protection

The Council may in accordance with the provisions in Section 108 of the Act require a financial contribution towards the protection or enhancement of riparian areas as a condition of land use consent where the public access, habitat or water quality values of these areas or adjoining lakes, rivers or coastal waters are likely to be adversely affected by the activity proposed, and no esplanade area exists.

6.8.2 Form of Financial Contributions

Any financial contribution required for this purpose may be in the form of:-

- i) land adjoining water areas, to be protected by covenant or by vesting in a public body for riparian management purposes; or
- ii) works related to riparian protection and enhancement, including but not limited to fencing and planting.

6.8.3 Maximum Amount of Financial Contributions

No requirement for a financial contributions in land or works for riparian protection as a condition of land use consent, shall exceed the equivalent requirement which would be imposed for esplanade area purposes if the consent was for a subdivision rather than land use activity.

6.8.4 Matters to be Considered When Assessing Financial Contributions

The Council will have regard to the following matters when assessing financial contributions for riparian protection in respect of land use consents:

- the adverse environmental effects of the activity on adjacent lakes, rivers and coastal waters and their margins and any measures proposed to mitigate these effects.
- the importance of protection and enhancement of the riparian margin in relation to the values for which esplanade areas would be required if a subdivision consent, rather than a land use consent, was being sought.

6.9 Rules – Earthworks in Kaipara Harbour Environment Area[#]

6.9.1 General Requirements

In the Kaipara Harbour Environment Area no earthworks on a site shall exceed;

- 1000m² in area in any 12 month period, or
- involve a cut or fill slope greater than 2 metres in height over a distance more than 50 metres.

without land use consent from the District Council unless the following conditions are met:

- (i) The earthworks are ancillary to road and track maintenance, or
- (ii) The earthworks involve the construction of a road, private way, pedestrian walkway, building site or vehicle access to a building site which is the subject of an approved land use or subdivision consent and the earthworks are carried out in accordance with the consent conditions, or
- (iii) The earthworks involve construction of a drain, dam or other man made water feature, or
- (iv) An earthworks management plan is submitted to and approved by the Council prior to commencement of the activities and the earthworks are carried out in accordance with the approved plan.

and

- (a) all bare earth areas, including cut and fill batter faces, are appropriately revegetated within 6 months of the earthworks being completed.
- (b) all revegetated areas are maintained and managed so as to achieve 80% ground cover within 24 months of the earthworks being completed.

An application to carry out earthworks which do not comply with the abovementioned rules shall be considered as a restricted discretionary activity. It will be processed by the Council on a non-notified basis pursuant to the provisions in Sections 94 to 94D of the Act where the environmental effects and affected parties 'tests' in these sections are met. The Council has restricted its discretion to considering the extent and methods of earthworks and avoidance, mitigation and

[#] Updated August 2005

remedial measures necessary to ensure their effects on natural character, landscape, heritage, water quality and ecological values are minor.

It is to be noted that the Northland Regional Council also administers rules on earthworks as part of its Regional Water and Soil Plan. People intending to undertake earthworks around the Kaipara Harbour are advised to contact the Regional Council.

6.9.2 Kaipara Harbour Environment Area – Earthworks Management Plans

Each earthworks management plan is to contain the following information:-

- details of the location and form of earthworks proposed on a site, including volume, area affected and height of any cuts or fills
- a plan showing relevant existing and proposed contours and location of any adjacent bush shrubland and wetland areas, watercourses and the coastal marine area
- an assessment of the site's heritage values, including details on any recorded archaeological sites and registered historic places historic areas and wahi tapu and need for an archaeological-historic places site survey of the area to be developed
- measures directed at mitigating any adverse effects of the earthworks on the ecological, heritage and landscape values of the site adjacent watercourses and the coastal marine area
- a record of the consultation with any property owners or occupiers whose property is within 200 metres of the proposed earthworks.